United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, JUNE 15, 2011 No. 86

Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Gracious God, from whom all blessings flow, we lift our hearts to You in prayer, not because we are perfect but because we are flawed human beings in need of You. Help us to find Your judging truth, Your cleansing pardon, and Your comforting promise.

Today, as the Members of this body listen, study, ponder, and discuss, give them special wisdom to sit and sort and filter the voices so that out of debate and decision may come truth, justice, and righteousness. Lord, use our Senators so that Your will may be done on Earth as it is in heaven. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD J. DURBIN 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 (Mr. TESTER). The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 15, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in morning business until 2 p.m. today. The first hour is equally divided and controlled, with the Republicans controlling the first half and the majority controlling the second half.

We continue to work through amendments on S. 782.

MEDICARE

Mr. REID. Mr. President, Americans have been very clear about where they stand on the Republicans' budget proposal: They reject it soundly, and for many reasons. But the most glaring reason is the effort to change Medicare as we know it. No wonder. It ends a successful program that has saved seniors from illness and poverty for over four decades—millions of them.

Their so-called budget is nothing more than an ideological plan to shift the burden to seniors, who can least afford it, in an effort to put the insurance companies between senior patients and their doctors. With all due respect to the ranking member of the Budget Committee here in the Senate, pointing the finger at Democrats, as he has done, will not erase the fact they plan to end the Medicare Program as we know it and like it.

Democrats, Republicans, and Independents feel the same way, and no amount of political distortions or distractions will change that. Only when Republicans agree to take cuts to Medicare off the table can we have a serious discussion about how we can move forward in our battle to decrease the deficit.

Republicans claim only sacrifices from seniors will balance the budget. We disagree. Yet they protect tax breaks for millionaires and billionaires. They protect the billions of dollars in taxpayer-funded handouts to oil companies making record profits. The Republican plan will put insurance company bureaucrats between seniors and their doctors. It would force each senior, for example, to pay $6,400 more each year for health care.

Breaking our promise to seniors, while wealthy oil companies and billionaires get a pass, is simply too high a price to pay. We need to strengthen Medicare for the millions of seniors who count on it every day, and preserve it for our children and grandchildren, not cut seniors' benefits.

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

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

THE ECONOMY

Mr. MCCONNELL. Mr. President, over the past few weeks, Americans have gotten what seems like a daily

dose of bad news about the state of the economy. Whether it is more joblessness, threats from ratings agencies, the price of gasoline, goods and housing, or a slowdown in manufacturing, people are finding very little reason for optimism, and they are getting little comfort from an administration that seems more interested in deflecting the bad news than facing up to it. Amidst the onslaught of bad news last week, President Obama's message was that we had hit some bumps in the road—we had hit some bumps in the road—and that people need to be patient in the face of what he called economic ''headwinds.'' He even joked about the wildly mistaken predictions he and others at the White House had made a few years back about the job-creating potential of the stimulus.

Well, I don't think the 14 million Americans who are looking for jobs right now find any of this very funny. I don't think the 23 percent of Americans who now owe more on their mortgages than their homes are worth are laughing about their predicament. I don't think recent college graduates, who are burdened with tens of thousands of dollars in student loan debt and who can't find a job, are amused that the stimulus turned out to be a failure.

In fact, I think Americans are deeply troubled by the fact that an administration which claims to be concerned about creating jobs has spent the better part of the past 2½ years—the better part of the last 2½ years—pushing policies that seem as though they were designed to destroy jobs instead. Indeed, I think there is a growing consensus out there that, far from improving the economy, the President has made it worse.

The facts speak for themselves. The day the President took office, 12 million Americans were out of work. Today, nearly 14 million Americans are out of work. That is a 17-percent increase in the unemployment rate under President Obama. So employment is clearly worse.

Gas prices have nearly doubled. When the President came into office, the average price of a gallon of gas in the country was $1.85. Today, it is $3.69. So gas prices have gotten worse.

The national debt has reached crisis levels. In the last 2 years, the debt has gone from $10.6 trillion to $14.3 trillion—a 35-percent increase from when the President was sworn into office. And his own budget projects it will only continue to grow. So the debt is far worse.

Health insurance premiums have gone up. For more than a year, the President devoted what seemed like every waking moment to a health care proposal that he said would lower health insurance premiums by as much as $2,500. Instead, health premiums for working families continue to rise, and the nonpartisan Congressional Budget Office says they will continue to grow by as much as $2,100 per year. So health insurance costs have gotten worse.

Home values continue to plummet too. In my State of Kentucky, home prices have fallen about 7 percent in the last year, while new home construction is down almost 15 percent. I have constituents with excellent credit telling me they can't get a mortgage because of new lending rules that have made it hard even for people who have worked for years and built a stellar credit rating to even get a loan. Nationally, home values have gone down 12 percent since Inauguration Day. So home values have gotten worse too, driving down the equity people have built over many years.

When it comes to policy, the President is fond of dividing the world into two camps. In his view, those who disagree with him are on the wrong side of history. Those who agree are on the right side. Well, at this point, I think most Americans agree if this is the right side of history, they are not interested; they would rather have their jobs back.

At this point, I think it is safe to say the patience of the American people has run out. Administration officials made a lot of promises of a brighter future. They have had their chance to deliver. Americans don't have infinite patience. They do not want to be told to wait a little longer when all the evidence shows that their circumstances and their prospects are only getting worse. They want a change in direction.

One of the liberal think tanks in town recently issued a press release that I think embodies the disconnect between Democrats in Washington and the experience of most people outside of Washington. In the face of all the bad economic news we have been getting, this particular think tank announced it had 10 charts which purported to show that, contrary to the claims of some, the United States is actually a low-tax country.

Never mind the fact that we have the second highest corporate tax rate in the world; never mind the fact that nearly 14 million Americans are out of work; never mind the fact that the time it takes out-of-work Americans to find a new job is now longer than it was during the Great Depression—and that since the housing crisis began, average home values have fallen more dramatically than they did even during the Great Depression. Never mind all that. These guys have 10 charts they want to show you that prove government should take more money out of the hands of taxpayers so they can spend it themselves.

I think this is all you need to know about the Democratic approach to the economy. It never seems to change. Take almost any major economic indicator you want, Americans are worse off than they were in 2009. It is time Democrats wake up to this fact. It is time they do something to solve these problems and help the people right in front of them.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

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

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

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

BUDGET REFORM

Mr. THUNE. Mr. President, these past few weeks I have been coming to the floor to talk about the size and scope of our Nation's fiscal problems. It has been said often that this is the most predictable crisis we have ever faced, and I believe that is true.

I have talked about how the tremendous growth of government has limited the ability of small businesses to create jobs. I have noted the severe and dramatic cuts Medicare and Medicaid and Social Security will face if we do not act now to reform those programs. I have also pointed out how the Draconian cuts would need to be paired with painful, job-crushing tax hikes.

Simultaneously, the interest we pay on that debt will take up an ever-increasing share of our revenue. In fact, it has already been noted that in a few short years the interest on the debt alone would exceed the amount we spend on national security. In other words, we would spend more paying for the amount of money we borrow in the form of interest than we spend defending the country. At some point, bondholders are going to recognize that we don't have an ability to pay out these bonds, and they will demand increasingly higher interest rates. This in turn sends our interest rates even higher in a vicious spiral.

However, what I would like to focus on today is to talk about how none of this is necessary. So how do we prevent this from happening? I believe the solutions we need fall into three broad categories: We need reforms to our budget processes, and that includes, one, a balanced budget amendment to the Constitution; we need caps on overall and discretionary spending; and we need entitlement reform.

In the 1990s, the Senate was within just one vote of passing a balanced budget amendment to the Constitution. I can't help but think just how different our country's fiscal situation would be if that amendment had been approved.

We now have two different balanced budget amendment proposals put forward this year. I cosponsored both of them. I had the opportunity to lead a working group of my fellow Republican Senators to discuss these proposals and to help find the best parts of each. From those discussions and others, we were able to come together with the Hatch-Lee balanced budget amendment, of which every single member of the Republican conference is a cosponsor. This important amendment requires the budget to be balanced every year, except for when there is a declared war. A supermajority would be required to waive this provision. This amendment puts the emphasis on controlling spending, which is the real cause of our debt and deficits. It requires supermajorities to raise taxes, and it prevents spending from exceeding 18 percent of our GDP, 18 percent of our entire national output, which has been the historical level of taxation for our country.

Not only do we need to balance our budget but we need to ensure that every dollar is being spent in the most efficient way possible. We need to be honest about the cost of this spending and to create processes that will prevent wasteful, unnecessary, and excessive spending. In order to do this, we need a number of budget reforms in addition to the balanced budget amendment.

I have introduced the Deficit Reduction and Budget Reform Act, which has a number of reforms to the budget process we use today.

The bill reforms the pay-go rules to prevent the double-counting gimmicks that get used around here all too frequently, and it makes the Federal budget a binding joint resolution signed into law by the President—something that doesn't happen today with our budget.

It moves us into a biennial budget timeline, which leaves more time for oversight. As everybody knows, we are supposed to do a budget at least every year. We haven't done one now for 777 days. So the notion that we do a budget every year may be somewhat an antiquated one, but we are supposed to do a budget every single year. Because of that, we spend an awful lot of time going through the budget process, doing all the appropriations bills, and it doesn't allow very much time for oversight, which is a function that I think we have a responsibility to do. So if we went to a biennial budget—in other words, if we did a budget every other year—if we did the spending, the budget, and the appropriations bills in the odd-numbered years, then in the even-numbered years when people have to go home to run for reelection, we could actually focus on oversight. We could look for ways not to spend money but to save money.

I have been a big advocate of biennial budgeting—doing a budget every other year, 2-year budgeting—for some time. A number of States do it that way. I think it is important we make that reform so we have the appropriate time to do the level of oversight that is required and is so desperately missing around here today, which is why we end up having so many government agencies with so much duplication, so much redundancy, and so much overlap that leads to wasteful spending on behalf of the American taxpayers.

My budget reform would also create a legislative line-item veto. My Governor in South Dakota has that, and I believe the President should too. In fact, I think most Governors across this country have some sort of mechanism that allows them to veto extraneous spending measures. I believe the President ought to have that power, and it needs to be done in a way, of course, that is consistent with the Constitution, and a legislative line-item veto would meet that test. It prevents the abuse of emergency spending designations which have been used to pass hundreds of billions of dollars in deficit spending since the last time we passed a budget resolution.

It creates a new CLASS Act trigger to make sure that program is solvent over the 75-year timeframe.

I think most of my colleagues know that the CLASS Act is a new long-term care entitlement program that was enacted as part of the health care reform bill last year. It, similar to so many other government programs, relies upon premiums that will be paid in the early years, which actually show revenues coming into the Treasury which are then counted and used to pay for other things—in this case, the health care bill. But at some point in the future, when the demands come for those benefits that people have subscribed for, it becomes a liability because the funds, the revenues that have come into that program in the early years have already been spent. Again, it leads to more and more borrowing. That is what the Congressional Budget Office has said would happen with the CLASS Act.

To make sure that program is going to stay on the books—and, by the way, I have a piece of legislation to repeal it because I think it is very bad policy and I think it is going to put our country into an even deeper fiscal hole. But that being said, if it is going to stay on the books, we ought to have a mechanism to ensure the program is solvent over the 75-year timeframe. My legislation would do that.

Likewise, it modifies the Medicare cost containment trigger to have honest accounting with respect to revenues and savings in the new health care bill, and it updates the Credit Reform Act to score the purchases of debt, stock, equity, and capital using a discount rate that incorporates market risk. Whenever the Government gets into the business of acquiring debt, stock equity, those sorts of things—and that hasn't happened, as you know, in the last few years—it needs to be accounted for honestly by using real discount rates that make market risk part of that calculation. Today, that is not necessarily the case when those calculations are made.

It also creates a new standing joint committee of Congress for budget deficit reduction. It might interest my colleagues to know—sometimes we forget about this around here—we have 26 committees and subcommittees in Congress that spend tax dollars. We do not have one that focuses on saving tax dollars. We need a committee that is exclusively committed to reducing the cost of spending, to saving tax dollars as opposed to spending them. With 26 committees and subcommittees around here that spend money, it is time we had one to save money.

The joint committee would be responsible to produce a bill to cut the deficit by at least 10 percent every budget cycle and to do it without raising taxes. It would be a standing committee that would continue to fight government spending, would even issue recommendations to cut spending by at least 10 percent, even in years when the budget is balanced. It has been a long time since we have seen that around here. That probably is not going to happen in the foreseeable future. I certainly hope it does. But in any case, my legislation would require, even in years when the budget is balanced, that we be looking for ways to cut spending.

Importantly, these recommendations would be assured of an up-or-down vote in Congress. This committee would make its recommendation each year, and my legislation would require expedited consideration on the Senate floor; in other words, to ensure it gets an up-or-down vote and doesn't languish somewhere similar to so many reports that come out of various committees. This committee would actually have the authority to put a product out on the floor of the Senate and to ensure it gets a vote.

Finally, what my bill would do is freeze and cap spending, the third action we need to take in order to get spending under control. This bill would institute a 10-year spending freeze at 2008 levels adjusted for inflation. After all, between 2008 and 2010, nondefense discretionary spending increased by 24 percent while inflation in the overall economy was just over 2 percent. The Federal Government, in the last couple years, between 2008 and 2010, was spending literally over 10 times the rate of inflation. How can you go to the American taxpayer with a straight face and explain that? We need to go back to those 2008 levels and freeze it there, cap it there, and then allow for adjustments for inflation. But let's go back and negate this 24-percent increase we have seen just in the last couple years.

The recent continuing resolution that was passed by Congress started to put downward pressure on these accounts, but more needs to be done. My colleagues, Senators CORKER and MCCASKILL, have introduced what they call the CAP Act, which would put our spending on a downward glidepath so we do not spend more than our historical average of 20.6 percent of GDP. For the last 40 years, spending on the Federal Government has averaged 10.6 percent of our total economy. That represents all Federal spending. It doesn't represent State and local government spending, but Federal spending, percentagewise, on average, for the past 40 years has equaled 20.6 percent of our entire economic output.

This year we are in the 24- to 25-percent range. Now we have gone from spending one-fifth of our entire economy on the Federal Government to spending about one-quarter of our entire economy on the Government. That, to me, is something that needs to be reined in. There has been a huge ramp-up of spending in terms of our economy.

What that means is, the private economy, as a percentage of our entire economy, is getting smaller and the government component of that is getting larger. We need to get that back on a more historical and what should be a realistic course.

There are at least three different possible proposals to cap spending: the 18 percent included in the constitutional amendment, the CAP Act, which I just mentioned, and my own proposal to cap discretionary spending. These caps are necessary to signal to the markets we are serious about cutting spending.

Finally, we need entitlement reform. The CAP Act and the 18-percent cap would both force us to deal with entitlements. I am heartened by the budget working group that is being led by Vice President BIDEN, in that they are considering some entitlement reforms. I hope they can produce a product that actually will tackle entitlements. We need, at the end of the day, to have the President leading. As I said, I hope this group that has been put together will produce a result that will take us down a path toward tackling runaway entitlement programs.

At the end of the day, for any of this to be signed or get enacted, we have to have the President stepping in and providing leadership. So far we have not seen that. The President, in his budget he submitted to Congress and a subsequent budget speech he made, has done little, if anything, to deal with the issue of entitlement reform.

Frankly, you cannot deal with the fiscal problems this country faces, the challenges we face or the deep hole we are in when it comes to getting on a more sustainable course for the future without taking on entitlement reform. The President needs to be explaining to Americans the need for entitlement reform and showing us what his plan is to save Social Security, Medicare and Medicaid, not simply getting out and demagoguing Chairman RYAN's budget and kicking the can further down the road.

We know these entitlements already represent $61.6 trillion in unfunded liabilities. There is no more road. We have kicked the can as far as possible. It is now time for us to face the reality that we have to deal with this and we cannot afford the luxury of waiting any longer.

It is clear that action needs to be taken. If the President were to step to the plate, I think we would have a real chance to enact substantial entitlement reforms that could preserve the important role these programs play.

Enacting these three different prongs or these three different approaches—one dealing with budget reforms that includes a balanced budget amendment being the first component, spending caps being the second component on both discretionary and overall spending, and entitlement reform—are not going to be easy to do. We have been on autopilot around here for a long time. What that has gotten us is deeper and deeper into the fiscal hole, to the point today we are at $14 trillion in debt—meaning we are going to have to raise the debt limit in the very near future—and growing by the day. The amount it grows by the day, interestingly, is $4 billion. Between this time and 10:40 tomorrow, we will borrow another $4 billion that we will add to the debt of our children. That represents more than we spend in my home State of South Dakota for an entire year; $4 billion, the amount we borrow every single day at the Federal level exceeds the amount the State of South Dakota spends in an entire year. That is the dimension of the problem we were dealing with.

There are three very important numbers people need to focus on to remind ourselves how critical it is that we act. One is forty-two. That is the cents out of every $1 we borrow. Forty-two cents out of every $1 this government spends today is borrowed. That is a staggering statistic. The other number is 93. Ninety-three is the number now that represents the percentage of our entire economic output that is represented by our gross debt. In other words, our debt to GDP, our debt to total economic output ratio is 93 percent. That is the danger zone. Historical research has demonstrated, when you get a debt-to-GDP ratio that exceeds 90 percent, you are losing 1 percentage point of economic growth every single year. One percentage point of economic growth translates into 1 million lost jobs. So every year we continue on this path of sustaining this level of debt as a percentage of our entire economic output, we are bleeding 1 million jobs in our economy, costing us 1 percentage point of economic growth. That is a very real and immediate impact from the amount of spending and the amount of debt we have.

The final number I think is important for people to understand too, a number I mentioned earlier, is the 777 number. That is the number of days that have passed since Congress passed a budget. I know it is very hard around here, particularly in the present circumstances, to find consensus on a path forward to pass a budget. But we have a responsibility to the American taxpayers, when we are spending literally $3.7 to $3.8 trillion every single year, to at least let them know how we are going to spend their money. We have not done a budget in 777 days.

I serve on the Budget Committee. We have not had a markup. There is no indication we will have a markup. There is no indication we are going to do a budget. We have already blown past all the deadlines the law requires when it comes to doing a budget. We didn't do a budget in the last Congress. I think what that does is it makes it even more complicated to address these issues. If you do not have an overall framework, if you do not have a construct or understanding of what it is going to take to get our books back in order, then it is going to be very difficult.

Sometimes around here we do not have enough teeth in the laws we pass when it comes to budgeting. We do not have enough enforcement mechanisms. I am proposing provisions in the budget reforms to add enforcement mechanisms to cure that. But even with that, you at least have to have a plan. You at least have to have a blueprint, a path for how you are going to spend $3.7 trillion of the American taxpayers' money.

I urge my colleagues, the majority, to put forward a budget. At least let's debate it. Let's talk about priorities. Let's have a debate, debate amendments, but let's do a budget or reform the budget process along the lines I suggested so we get a process in place that enables us to make some headway, to make some progress toward dealing with this runaway debt and these runaway deficits that are going to not only crush our economy in the near term but put an unfair burden on future generations of Americans.

Right now, the things most Americans are worried about are spending, debt, jobs, the economy, and they are all connected. The level of spending and debt is something that needs to be gotten under control to get the economy growing and prospering again, so you don't have the Federal Government out there competing with the private economy when it comes to capital. Small businesses need capital to invest to create jobs. When the government is crowding that out, it makes it more difficult. There are so many adverse economic implications from the debt levels we are sustaining today that are going to make it increasingly difficult, the longer we stay deeper and deeper in the red, for this economy to recover and grow. That is fundamental to all this.

When it comes to jobs and the economy, we also have to have policies that

encourage economic growth. I know the President talks a lot about jobs and the economy. He certainly is rhetorically, at least I believe, saying the right things out there. But you have to have actions that are consistent with the rhetoric. If you look at the President's record, we have not seen that. The reason we have not seen that is because the policies are all adverse to economic growth and job creation, whether it is regulations coming out of agencies, whether it is the new mandates imposed by the health care reform bill, whether it is the out-of-control spending and debt and no attempt to address the long-term challenges we face there, particularly entitlement reform, whether it is the new taxes that have been imposed through the legislation that has been enacted since this President has come into office. But if you look at the economic record, if you look at unemployed Americans since this President took office, we have almost 2 million more unemployed Americans. The unemployment rate has gone up 17 percent. Fuel prices, which impact everybody's pocketbook in this country, since this President took office, have gone up by over 100 percent, over a 100-percent increase in the price per gallon of gasoline since this President took office. The debt has gone up 35 percent. The debt per person in this country has gone up $11,000 per person. That is the amount the debt has increased since this President took office. Food stamp recipients are up 39 percent. Health insurance premiums—despite the promises of what health care reform would do to lower insurance premiums—health insurance premiums have gone up 19 percent since this President took office. The only thing that has gone down since he took office is home values. Home values are down 12 percent. That is the economic record. That is the composite record. Of course, we can all say things, but we have to be judged by what we do. We cannot judge people by what they say. We have to judge them by what they do.

I hope the President will decide it is time for him and for his administration and for his leadership to focus on policies that will be conducive to economic growth, that will enable that, rather than make it more expensive and more difficult to create jobs, which are the policies that are being employed by this administration. That applies to so many areas. It is developing domestic energy resources, so we can get more American supply of energy and start driving that price down. So many areas are off-limits. Even more have gone off-limits since this President took office. It means getting trade bills enacted. We have heard now for several years the President talk about how we need to pass the Colombia, Panama, and South Korea Free Trade Agreements. Yet they languish. They have not been submitted to us. We are ready to act. We have said repeatedly these are important to our economy.

I have used this example on the floor before, but just one brief data point for agriculture. I represent an agricultural State, so we are always looking for opportunities to export. In wheat, corn, and soybeans exports, we had an 81-percent share of the Colombia market in 2008. In 2010, that had dropped to 27 percent. We have literally been locked out of that market because this free-trade agreement has languished in Congress and, as a consequence, other countries have stepped in to fill the void. Now you have the Canadians, the Europeans, the Australians stepping in and picking up the slack and we continue to lose more and more market share, which means more and more lost jobs in the American economy. So it is about trade policies, tax policies, energy policies, regulatory policies and spending and debt. Those are the things, in my view, that will get this economy back on track, start creating jobs, create a better and brighter and more prosperous future for future generations of Americans. Unfortunately, the policies being employed by this administration are making it worse, and at least according to this economic record, much worse. We can do better. We should do better by the American people, and I hope we will find the political will to do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

MEDICARE REFORM

Mr. LIEBERMAN. Mr. President, I rise to speak about the fiscal crisis facing our country and specifically the dire financial situation of Medicare, which is a program that matters so much to tens of millions of senior Americans but also adds so much to our national debt. I wish to talk about some ideas I have about how we might effectively deal with this problem in Medicare, particularly, without doing away with the Medicare Program because I believe in it.

If I can start on a broader level, briefly. It is hard to find anybody in Congress in any party who does not acknowledge that our Federal Government is hurtling toward the edge of a financial cliff. We are now running deficits in this year of over $1 trillion. That means we are spending $1 trillion more than we are taking in so we have to borrow that money, and at some point we are going to reach a level of borrowing that is unsustainable. It will send our economy hurtling down, will bring us into another great recession, will compromise our ability to provide the security and services to the people of our country that it is our responsibility to provide. To avoid that horrific result, we have to show some responsibility and work across party lines to get some things done. None of this is easy.

Almost everybody will say we have a terrible financial problem in the Government, debt, deficit, but when you get to the solutions, there has been an outbreak of what I call Federal Government NIMBYism. Everybody talks about NIMBY at the State and local level—Not In My Back Yard; this is a great program, but I do not want it in my neighborhood. The Federal Government budget crisis we are in, NIMBYism seems to be not my program or not my favorite tax credit. You can cut other stuff but not what I am in favor of.

We have one group saying no tax increases whatsoever, even indirect through the elimination of tax credits, which is spending money, and tax credits can be as wasteful an expenditure of the taxpayers' money as a wasteful spending program can be. On the other side, we have people saying: Not my program. You cannot touch it. You cannot even try to make it more efficient. It is just too good or it is too politically popular or whatever. If we keep going down that road, we are not going to get anything done.

The main hope of our result in the next couple months is the small bipartisan, bicameral leadership group that is being presided over by Vice President BIDEN. I think anytime any of us comes out and says: No, we cannot do this, we cannot have a tax increase of any kind, we cannot even eliminate wasteful tax credits, and on the other side people say, we cannot touch Medicare, for instance, it, one, shackles the hands of Vice President BIDEN as he tries to solve this problem, and it also means, more generally, that we are not fulfilling our responsibility. That is the case with Medicare. The fact is, those who say you cannot do anything with Medicare, just will not support it, are not doing a favor to the Medicare Program.

Congressman PAUL RYAN, in the House, put forth his own budget, including a Medicare reform program. I said when he did it, I want to look at it in more detail, but I gave him credit to put something so comprehensive out because it is going to take that kind of guts by all of us to save our great country from going over the edge of the cliff, from going into permanent decline, from making it impossible for our children and grandchildren and beyond to have the opportunities we have had.

When I looked at the Ryan plan, particularly on Medicare, I decided I was not for it. When it came to the Senate, I voted against it. That was the case, generally, when it came up in the Senate and the vote on the Ryan budget. But one cannot just stop there and say no, which is a popular vote on a Medicare reform proposal. I think any of us responsibly have to then come forward with our own ideas. That is why, last week, I indicated in a newspaper op-ed column that I would be putting some proposals forward that will save Medicare, that will protect Medicare as a Government program of health insurance for senior Americans but will change the program. Anybody who

tells you PAUL RYAN is going to kill Medicare as we know it, there is another way to kill Medicare as we know it, which is to do nothing to try to save it.

We cannot save Medicare as it exists today. There are a couple of statistics. In 2010, the Medicare Program cost $523 billion. The estimates I have seen are consensus, not extreme estimates, that within the next 10 years that number will double to over $1 trillion for Medicare. Where are we going to get the money to pay for that? That is going to add to the national deficit and the national debt. Part of what is happening is the baby boomers are coming of age and Medicare eligibility—15 million in the coming years coming into this program.

I will give you another general statistic. All the studies I have seen show—most people do not appreciate this, if I can say, the average Medicare participant over their lifetime will actually cost the system in benefits three times what we put in through premiums, withdrawals, et cetera. So this program is on an unsustainable course. I think if you want to save Medicare, you have to be willing to change it. You cannot say do not touch Medicare. I must say I am disappointed when I hear people say that.

Here are some of the ideas I am working on legislation to propose. The plan I outlined last week, and I am putting into legislation, I think will extend the solvency of the Medicare Part A, a big program for hospital care. It will lower the Federal Government's financial commitments to the Part B Program for doctor services and, most importantly, it will keep the Medicare Program alive and serving America's senior citizens for at least 20 years and when we get it estimated, probably by a lot more.

A lot of the proposals I made—and I have five key parts of it—are similar to ones that have been made earlier and the Congressional Budget Office has made estimates on. My guess, applying existing CBO estimates to the ideas I put forward, is they will save $250 billion in the first 10 years and extend the life of the program by at least 20 years, which is 20 more years in which American seniors can depend on Medicare to help them pay their health care bills in their senior years.

Here is some of what I am proposing. It is controversial. They are all controversial. We cannot save Medicare without doing some things that make people unhappy. I am proposing to raise the eligibility age of Medicare from 65 to 67, beginning in 2014, by 2 months every year until it reaches 67 years in 2025. That would put it on the same course Social Security is on now, to go up to 67, which means if you turn 65 in 2014, you are going to have to wait an additional 60 days before you become eligible for Medicare. In my opinion, that is a small price to pay for the guarantee that you are going to have Medicare to take care of your health costs for the rest of your senior years.

The reason for this change being necessary is factual. When the Medicare Program began in the mid-1960s, the average lifespan of an American was a little less than 70 years. Today, the average lifespan is 78. Thank God. That means people are obviously living longer. Part of why they are living longer is they are getting better health care, but that wonderful fact explains why the average recipient takes three times as much out of the Medicare system as they put in.

I will give you another number that says this in a different way. In 1965, there were about 4.6 active workers for every Medicare enrollee in the program as a senior. In 2005, that went down to 3.8 active workers. The Medicare actuaries tell us, by 2050, that will drop to 2.2 workers for everybody on Medicare at that time, and that means the burden on those 2.2 workers is going to be too high. The current math, therefore, is unsustainable, and it is why we have to change the eligibility age.

According to the Congressional Budget Office, doing so, 65 to 67, will save $125 billion over 10 years. That is a substantial savings, which will contribute to keeping the program viable and paying bills for seniors.

The other thing to say is that for those who fear what will happen to those seniors between 65 and 67 as they wait—some will have their own health insurance—but we did pass health care reform, and that is going to be there to cover those people through the health care exchanges.

Second, I am proposing that we reform the complex Medicare benefit structure, which is wasteful, misunderstood, particularly by the beneficiaries and a lot of the providers, and prone to overutilization and fraud. That is, prescribing more health services because someone doesn't pay for it, Medicare does—but we all pay for it. The Medicare benefit structure is so confusing and so maligned with various deductibles, copays, cost sharing, caps, fees, forms, and limits that one would be hard-pressed to find a Medicare enrollee who really understands how their insurance coverage works. As a result, there is enormous waste and excess utilization, with services being paid for by the Medicare Program that are really not needed for the health of the individual. That, again, means more costs for the taxpayers.

I think we can fix these problems by implementing a single, combined Part A and B deductible requiring a copay on all Medicare services and, if we choose, we can also do something new, which is create a maximum, out-of-pocket benefit that will give seniors peace of mind. In other words, they would only be required to pay up to a certain amount out of their pockets every year. So it guarantees them that if they have a serious illness requiring long-term hospitalization, they are not going to be forced into poverty or bankruptcy. This proposal was part of the Bowles-Simpson report, and it is a good one.

Third, I think it is time to reform the premium structure. When Medicare was implemented, the premiums paid by the beneficiaries supported 50 percent of the cost of the program. In fact, when President Johnson signed Medicare into law, he noted that this equal contribution—50 percent from government, 50 percent from the insured—was a critical part of the program. He said:

> And under a separate plan, when you are 65 you may be covered for medical and surgical fees whether you are in or out of the hospital. You will pay $3 per month after you are 65 and your government will contribute an equal amount.

Fifty-fifty.

Unfortunately, today, as a result of acts of Congress of various kinds—well-intentioned—Medicare enrollee premiums support only 25 percent of the cost of the program—half of what they were intended to when President Johnson signed this extraordinarily progressive and beneficial law into effect. We make up the difference from funds taken out of our Federal budget—general revenues. That is part of why Medicare contributes to the exploding national deficits and long-term debt.

So I am going to propose that we raise premiums for all new enrollees in Part B, which is the part that covers doctor expenses, starting in 2014, so they pay for 35 percent of the program costs instead of 25 percent. That will result in around a $40 increase in premiums. The fact is there is some indexing based on income in the Part B and Part D Programs, and, therefore, under the current law, the increase from 25 percent to 35 percent will be paid by more people of higher income. I know asking anybody to pay more money for anything is not popular, but it is needed if we are to address the stranglehold Medicare puts on our annual budget and if we are to avoid something even more unpopular, which is the demise of the Medicare Program as we know it.

Fourth, I think we need to reform the way Medigap policies work. Medigap policies are insurance policies that cover the gaps in a senior's Medicare coverage. They are designed to pay an enrollee's copays and deductibles so he or she would not be liable for a big hospital bill if they ever get sick. But study after study has found that the Medicare enrollees who have a comprehensive Medigap plan that pays all of the deductible and all of the copays, so the individual doesn't pay anything, use as much as 25 percent more services than those with the traditional Medicare Program, and that is because they don't have any impact on themselves for the utilization of services. Again, who pays for that extra utilization of services? Not the individual Medicare enrollee, the taxpayer, and it is not fair.

Fifth, I think we have to increase revenues into the Medicare Program. We just can't save it by adjusting benefits and making changes in the premium structure. So I am going to propose that higher income Americans—in

this case defining it as people making over $250,000 a year—contribute an additional 1 percent of every dollar of income over $250,000 to save Medicare as we know it.

That is the outline of my plan. I wanted to come and describe it to my colleagues: We raise the eligibility age; charge a more financially sound premium; address overutilization and waste and fraud; and develop a more reliable funding stream so we can save Medicare, which is a great program, and which we would not save unless we make some tough decisions.

I said earlier I think this proposal will save at least $250 billion in the first decade and keep the program alive for 20 years. I was encouraged that the very respected Committee for a Responsible Federal Budget said, after I disclosed this plan last week, that they believed it would save as much as $325 billion over the next decade and reduce spending even more in the following decades.

I offer these ideas as a starting point in a discussion we have to have about how we can both extend the solvency and life of Medicare for the seniors who depend on it and reduce our national deficit and debt, which we will not do unless we reduce the drain on our National Treasury that the Medicare Program now represents. I am going to be drafting this as legislation, and I will circulate it to my colleagues. I hope it is of some assistance to Vice President BIDEN and the leadership group that is working with him as they prepare proposals to get America's ship of state back into fiscal balance.

I know all of these are full of political risk, but the refusal of different parties of Congress to either cut spending on the one hand or raise taxes on the other is exactly why we are in the fiscal mess we are in now, and the more we wait to deal with it the harder it is going to be. At some point, there is going to be such a disaster that we are going to have to both impose Draconian cuts in spending and tax increases, and none of us want to do that. The way to avoid that moment is to do it now in a methodical and sequenced, longer term way.

The fact is, unless we take risks together, the great losers—and those risks have to be across party lines. This has to be a moment when we say to each other across party lines: These are tough votes. I can demagogue this vote, I can go after you in the next election based on this vote, but I am pleading with you to cast this vote, and I will cast one that is risky, too, politically, so we can do something good for the country because, if we don't turn away from partisanship and turn toward shared responsibility, the big losers are going to be our great country and the wonderful people who elected us and sent us here to lead. I thank the Chair.

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

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

(The remarks of Mr. SANDERS pertaining to the introduction of S. 1200 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO GERRY COUNIHAN

Mr. HARKIN. Mr. President, when Gerry Counihan leaves the Senate employment in the next couple of days, we will lose one of the most respected and beloved members of our Senate family. During his nearly two decades of service with the Senate, he has epitomized the professionalism, dedication, loyalty, and the incredible work ethic of the best staff members on Capitol Hill. So we are saying farewell not just to a wonderful Senate employee but also to a very good friend.

Mr. President, Gerry Counihan first came to Capitol Hill in 1991 as a member of JOHN MCCAIN's staff. He later left the Senate for a brief time, but returned in 1997 as a tour guide in the Capitol Building, where he truly excelled. In fact, Gerry made a bit of history himself. He gave the first public tour following the fatal shooting of two Capitol police officers in 1998. When the Capitol reopened to visitors following the attacks of September 11, 2001, Gerry again led the first tour of the Capitol.

Four years ago, sadly, Gerry was the victim of a violent crime and sustained very grave injuries. He spent over 4 weeks at the National Rehabilitation Hospital. It was a long and courageous struggle to learn to walk and speak again. But he persevered and succeeded.

Unfortunately, Gerry was not able to return to his job as a tour guide because of his injuries, but he was hired by the Sergeant at Arms to work as one of our elevator operators. That is where I and so many other Senators have had the pleasure of meeting him and enjoying his company in recent years.

I can't tell you how many times during late night sessions he has brightened our lives with a kind word or bright smile. I can't tell you how many times he has shepherded us into the sanctuary of his elevator while fending off intrusive reporters or lobbyists. We have always been grateful to him for that.

No question about it, Gerry Counihan has been one of those very special people who make the Senate a great place to work.

Gerry is moving on to a new career with new responsibilities and new opportunities at the Department of Health and Human Services out in Rockville, MD. With his departure, we are saying goodbye to a standout Senate staffer, a great friend, and someone who always brightens our day. We will miss him very much.

There are not many things that Republicans and Democrats agree on in this body these days, but our love for Gerry Counihan is bipartisan and—indeed, I can say this without any fear of contradiction—unanimous. The Senate family joins together in wishing Gerry happiness and success in his new career.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The Senator from Minnesota.

Mr. FRANKEN. I thank the Chair.

Madam President, I rise today to discuss what I think is one of the clearest threats to Americans' digital privacy and to discuss legislation I think will go a long way toward addressing this problem.

Americans have valued and sought to protect their right to privacy for a long time, and so have the representatives they have elected to be a part of this Chamber. But in the past few decades, there has been a fundamental shift in the nature of our right to privacy and the privacy threats we face. Because when I was young, when people talked about their right to privacy, they talked about protecting themselves from the government—from government intrusion. They asked: Is the government keeping tabs on my political beliefs? Is it staying out of my family business?

Today, we still need to worry about protecting our privacy from the government, but we also need to protect our privacy from private entities—from corporations that are obtaining and aggregating increasingly large amounts of our personal information. Nowhere is that need clearer and more urgent than on the Internet. Within the Internet ecosystem, I would argue that some of the most sensitive information out there comes from our phones.

Smartphones are the future of the Internet and can actually be more powerful than desktop computers from a decade ago. There will be more smartphones sold in 2012 than laptops and desktops combined. There is a reason for that. These are incredible devices. Using a smartphone, a mother or

father can see his or her child, wish him or her goodnight, even if that child is half a world away. A smartphone can give a driver directions and can tell that driver where the nearest gas station is. Smartphones also enable emergency responders to find and respond to an accident in a matter of seconds.

But the same technology that allows these wonderful benefits also raises very clear privacy concerns. Our smartphones know where we are all the time. Unfortunately, the last 6 months has shown that our legal framework hasn't kept up with technology and isn't protecting our privacy when we use these devices.

Last December, an investigation by the Wall Street Journal revealed that of 101 top applications for Apple iPhones and Google Android devices, 47 disclosed information about a user's location to third parties, without asking consent from the user.

In April, security researchers discovered that for almost a year, Apple iPhone devices have been creating a detailed log of the different places a user had visited—and stored that log on both the phone and on every computer a user synched his or her device to in an unencrypted manner. That same month, Americans learned that both iPhones and Androids were automatically transmitting location information back to Apple and Google. In the case of the iPhones, the user had no clear way of knowing this was happening. In many cases, they actually had no way to stop it.

In February, I became chairman of the Judiciary Committee's new Subcommittee on Privacy, Technology, and the Law. I decided to use my new role to dig down and find out more about smartphone privacy. When I learned of the events in April, I wrote Apple about what was going on, and in May, I held our first subcommittee hearing on the issue. We took testimony from the Department of Justice, the Federal Trade Commission, privacy advocates, technologists, representatives from app developers, and we took testimony from Apple and from Google. I will tell you, the more I learned about this problem, the more I became worried for consumers.

I learned that an app on your phone can access an incredible amount of information on you. It can monitor your Web browsing habits. It can access and read your address book. And, of course, it can access your location. But in most cases, a user has no way of knowing that all of this information can be freely sent to third parties that the user has never heard of. A recent study of the top 340 free applications found that only 19 percent provide users with a link to a privacy policy. That is less than one in five apps.

I also learned that our Federal laws on this subject are a confusing hodgepodge full of gaps and loopholes, and that in many cases our current Federal laws explicitly allow wireless companies and companies such as Apple and Google to disclose our location information to whomever they want.

Let me give you an example. If I use my smartphone to make a phone call, my wireless company cannot go out and give my location to third parties without getting my express consent. But if I use that same smartphone to search the Internet, my wireless company can disclose my information to almost anyone they want.

Here is another example. If I use a mapping application on my smartphone to find out where I am or to find the nearest supermarket, Apple and Google would have to ask my consent before telling third parties where I am. But if my same phone automatically transmits my location to one of these companies without my knowing it, then, arguably, under current Federal law, again, these companies would likely be free to disclose my information to almost anyone they want.

You do not have to take my word for it. Over the past several months, I have asked privacy experts and officials from the Department of Justice and the Department of Commerce about these issues, and they have confirmed that this is, in fact, the case. This does not make sense. In fact, it is kind of a problem.

But the most alarming thing I heard is that there are real-life consequences when we do not do enough to protect location information on our smartphones. The very first group that contacted me after I wrote my letter to Apple in April was the Minnesota Battered Women's Coalition. They told me they have seen time and time again how smartphone location technology can be abused by batterers and stalkers.

I asked the Minnesota Battered Women's Coalition to submit testimony for my hearing. Two stories from their testimony jumped out at me. One was of a woman from St. Louis County, MN. The Presiding Officer knows St. Louis County very well. It extends from Duluth all the way up to the Canadian border. It is a huge county, actually.

Recently, this woman had gone to a domestic violence program located in a county building. Within 5 minutes of entering the building, her abuser sent her a text message and asked her: Why are you in the county building? Soon after that, an advocate helped her get an order of protection against her abuser. To get that, she needed to go to the local courthouse. Soon after she filed the order of protection, the abuser texted her again. This time he asked: Why did you go the courthouse? Did you file for an order of protection against me? The advocates later concluded that this woman's abuser was tracking her via a location tracking service on her phone.

Another woman in Minnesota had a similar experience when she secretly entered a domestic violence shelter and her abuser started sending her text messages asking her: Why are you at a shelter? In fact, he started calling taxicabs to wait for her outside the shelter at all hours of the day. Again, in this case, advocates realized that this woman's abuser was tracking her through an app on her phone.

My goal with the Privacy Subcommittee is to try to find a balance between the wonderful benefits of modern technology and our need to protect our privacy. Right now, when it comes to smartphone location technology, we have an imbalance, because we are getting all the wonderful benefits, but we are not keeping our privacy. I think we can get both.

This problem is not going to fix itself. Let me tell you why I say that. After the hearing with Apple and Google, I asked representatives from each of those companies a simple question: Will you require that the apps you sell have privacy policies? In fact, I also asked them this: Even if you do not require that all the apps you sell have privacy policies, will you at least require privacy policies for just the apps that can get your location?

Well, by last week, both companies had answered my questions. Let me summarize their answers: No.

I think Congress needs to act. That is why today I am introducing the Location Privacy Protection Act of 2011. This piece of legislation is founded on a simple principle: that consumers have a right to know what information is being collected about them and how it is being used, and that they have a right to decide who will get that information, and with whom they can share it.

This bill will fill gaps and loopholes in current Federal law to give consumers four simple protections.

First, the bill says that anytime your wireless company or a company such as Google or Apple or an app developer wants to get your location from your smartphone, they need to get your permission first.

Second, if they want to give your information to a third party, they also need to get your permission. This does not mean that our smartphones are going to be clogged with permission screens. No. This can be done with one simple screen. My bill does not require a new permission screen from every subsequent company that gets your location. That would be impractical. It would not be smart.

The third thing it does is require companies that collect and aggregate the location information from thousands of consumers to take reasonable measures to protect that information from foreseeable threats.

Finally, if a consumer writes one of these companies and asks: Hey, do you have my location information, that company has to answer that user yes or no. And if the user asks for his or her information to be deleted, the company has to honor that request.

When I wrote the bill, I looked at the way other current digital privacy laws were being enforced. Most of them have

what is called a private right of action that allows a consumer to get their day in court if their rights are violated. I know that many entrepreneurs find these burdensome, so I wrote the private right of action clause such that it would only kick in if no Federal or State authority decides to act.

I also included exceptions in the bill to make it easier for parents to keep track of their children, for companies to protect against fraud and use location information that is anonymous, and for emergency responders to get to the scene of an accident without any redtape.

In fact, this bill does not cover law enforcement at all. It governs only what private companies do with our information, and what companies they share it with.

I am proud to have worked on this bill with my friend from Connecticut, Senator BLUMENTHAL. I am equally proud the bill has the support of the Center for Democracy and Technology, Consumers Union, Consumer Action, the National Association of Consumer Advocates, the National Consumers League, the National Women's Law Center, the National Center for Victims of Crime, the National Network to End Domestic Violence, and the Minnesota Public Interest Research Group.

This bill will bring us back to a better balance between the benefits of smartphone technology—and they are wonderful—and our right to privacy, which is basic. It was written with input from consumer advocates and industry alike. But even after today, I will continue to work with these groups to make sure our bill is getting that balance right. I look forward to those conversations.

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

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.

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

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

EXTENSION OF MORNING BUSINESS

Ms. LANDRIEU. Madam President, I ask unanimous consent that the period of morning business be extended until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

FEMA

Ms. LANDRIEU. Madam President, I rise to bring to the Senate's and the Congress's attention a great challenge that we have before us relative to the budget of the Department of Homeland Security and, frankly, it is a challenge facing the entire budget of the United States. That challenge is to make sure we have enough funding in the disaster emergency account to cover the multitude of disasters that have taken place this year since January, as well as those we are still recovering from in the past.

I will put up a chart to show, in dramatic fashion, that this is an unprecedented situation we are facing. Since January of this year, 36 States have had disasters declared. This may be the largest number of States in the shortest period of time, at least in recent memory, and potentially in history. This is a challenge to the budget because, as you know, under our law the Federal Government is by law—it attempts to be every day—a reliable and trustworthy partner for cities, towns, and States that have been devastated by tornadoes, wildfires, hurricanes, et cetera.

Most recently, our minds, our eyes, and our hearts have been focused on Missouri, with the terrible devastation to several of their cities—most notably Joplin. But we remember a few weeks ago the tornadoes that ripped through the southern part of the United States—in Alabama particularly, in Georgia, and in some parts of Arkansas; and there was flooding in other parts of the country as well.

This is what Mother Nature has brought to us. We cannot control that. But what we can control is how we respond to it. That is what I want to speak to today. I want to begin with a quote from David Maxwell from the Arkansas Department of Emergency Management. He said this in the Washington Post on April 30:

> Anything that we've asked for, they've gotten us.

He was referring to FEMA.

Gregg Flynn, a spokesman with the Mississippi Emergency Management Agency, said Fugate and FEMA ''are unbelievably proactive towards the states. They don't wait for things to happen. By the time the storm is out of the way, they want to know what we need.''

This is very good testimony, because many of us, including the occupant of the chair, have worked hard to make a better, stronger, more proactive FEMA. In large measure, we have accomplished that, although there are still challenges for that agency. The biggest challenge right now is that unless the Senate, the House, and the President do something differently, we are not going to have the money we need to take care of these disasters.

So for people on the ground, like David Maxwell in Arkansas, and Gregg Flynn in Mississippi, and whether it is Paul Rainwater, a CEO from my State who is still struggling in the aftermath of Katrina and Rita 6 years ago, we are going to literally run out of money in the disaster emergency relief fund in January of this year.

Let me put up a chart to show the challenge that is before us. The President requested $1.8 billion, which is a reasonable request based on past averages of disasters, which we are prepared to budget in the base budget of Homeland Security. Unfortunately, the estimate of the low end of these disasters—again, there were 36 since January 1, and disasters happen in all 50 States—the estimate is that we need $3.8 billion at the low end, and at the high end it is $6.6 billion. So between $3.5 billion and $6.5 billion is required. But we have budgeted only $1.8 billion in the base of Homeland Security.

As chair of this committee, I can tell you that our committee cannot absorb in its base the entire weight and cost of these disasters. The Homeland Security budget has never in its history absorbed 100 percent. We do a rough and good-faith estimate of what it might be, but these are exceeding even our expectations of what the disasters would be. Of course, no one is in a position to be able to foretell the future. Our Secretary of Homeland Security brought a great deal of skill and expertise as a former Governor, an excellent manager, and all the prerequisite academic credentials, but she didn't show up on this job with a magic wand and a fortune teller's globe. She doesn't have those tools available to her to be able to see into the future every disaster and what kinds of disasters are going to happen to the country. All we can come forward with is a good-faith estimate, which we did, at $1.8 billion.

The reason I come here today is to say there is a gap that must be filled. I am strongly recommending that this Congress fund this off budget in an emergency line item, which is what we have done 95 percent of the time in the last 40 years. Since 1992, $110 billion of the $130 billion appropriated to the DRF has been emergency spending. These events are unpredictable. You cannot plan for it. We must respond by law. If we don't, then projects all over this country will shut down.

I remind everyone that they are projects that create jobs—not only do they restore hope and rebuild communities, but the projects create jobs. To list a few of them, there are the repairs for two very important roads in Hawaii, which could potentially be stopped; sewer line repairs at a pump station replacement in Gary, IN; the townhall in the village of Gulfport, which hasn't been rebuilt since the storm, for 6 years, which is under construction—that could be halted. That is a dozen or more jobs in that small town of Gulfport. Those are not big numbers nationally, but that is important to that city. There is an elementary safe room being built in Kansas now. That is a few jobs there, but it is important to the couple of hundred schoolchildren who were terrorized by tornadoes sweeping through that area. I can go on and on. In Missouri, the Polk County bridge collapsed, which is very inconvenient for people having to cross that every day. I am not personally familiar with it, but I can imagine

the difficulty families are going through who were used to having access to the river.

I can list hundreds of projects that literally stop in their tracks if we don't figure this out. My strong recommendation is that we do what we have always done, which is appropriate and fund real emergencies. It is not appropriate to do off budget things you should have budgeted for but failed to do it. That is not an emergency; that is bad planning.

I think I am a pretty good chairman of this committee. I know Secretary Napolitano is an excellent Administrator of Homeland Security. There is nothing we can give her to make it humanly possible to predict disasters and the magnitude of their destruction. That is impossible. Again, we have to figure out a way to budget for this that is responsible and, I say, put a good-faith effort, or average in your budget, and then anything that occurs, do it in addition to that off budget, in an emergency.

Another reasonable suggestion that has met with resistance—and I can understand why—would be to take a percentage decrease against all the budgets of the Federal Government and say we wanted to spend this money but we had these disasters and we absorb it governmentwide.

I can promise you that the last and worst thing—and one that can happen because I will oppose it vigorously, and so will many others—is taking the entire amount of the DRF, the disaster relief fund, out of the Homeland Security budget, because then you put the country in a position where you are underfunding planning for the future, lowering your defenses against real terrorist attacks that could potentially happen to the country, because you are funding for disaster levels that we were unable to plan for—for obvious reasons.

We cannot undermine the security of our Nation or weaken the entire Homeland Security Department budget because of an unusual natural occurrence over which we have no control and no foreknowledge of. There may be other solutions that I haven't thought of.

Another would be very helpful if the President himself, knowing these numbers—they come from his own executive agencies, which are tabulating these numbers—were to send us an emergency supplemental. I have sent him several letters requesting that he send to the Congress an emergency supplemental to cover this gap. If he doesn't do that, Congress has the power to act, and I will be making a recommendation in the Appropriations Committee to fill this gap.

What is not acceptable is to try to absorb this entire gap in the Homeland Security budget, which will leave our country in a very weakened position in terms of preparing for future disasters and potential terrorist attacks.

Might I remind everyone that hurricane season just started on June 1. It is now June 15. We are 15 days into the hurricane season. We don't know what the season will bring.

There may be other alternatives to closing this gap, but it is very, very important. I am going to start work on this vigorously with my ranking member, Senator COATS, to see what we can recommend, potentially jointly, I would hope.

Again, I would like to put up this chart because this reflects just about every Senator's State, from Washington to Texas, to Nebraska, to North Carolina, to Florida, to Georgia, Arizona. Montana will be green shortly, and so will Vermont because there are disasters underway. So put your thinking caps on. We need to come up with a way to fund these disasters, and it is going to be a big challenge as we start our appropriations process.

I am going to submit more technical information for the RECORD, but, again, we don't have magic wands and crystal balls in the Department of Homeland Security. We have a lot of tools there to protect our country and to build after disasters, but magic wands and crystal balls are not available. So we have to come up with a way to close this gap that makes sense. I trust that over the next couple of weeks and months we will be able to do that.

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

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I ask that the order for the quorum call be rescinded.

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

UNEMPLOYMENT

Mr. DURBIN. Mr. President, 2 weeks ago there was an economic disclosure about the number of people gaining jobs in America. The good news is it was on the positive side of the ledger, more jobs being created. The bad news is it was not nearly enough and not fast enough. Even though these jobs are being created in the private sector, we still know too many Americans are out of work.

There are 13.9 million Americans unemployed. That is a little over 9 percent of all Americans actively seeking work. Worse, nearly 25 million Americans are underemployed. People working part time when they want to work full time are taking a job that pays a fraction of what they earned in previous employment. That is 15.8 percent of all Americans who would like to work full time but cannot do it. That is not a problem for these families, it is a crisis, and every minute we ignore it is a minute not spent well by this body.

A year ago it became increasingly clear there was little appetite in Washington moving toward job creation. When the President was elected, he was greeted on the day he was sworn in by news that that month—and the following month—we had lost some 700,000 jobs in America. What we had had 8 years before, a surplus and booming economy, had hit the skids and people were losing jobs, businesses were failing, and people felt it in their savings accounts and IRAs all across America. The President tackled that, and I joined him, with many others, to try to infuse in this economy the kind of spending that would build things, create jobs, and turn this economy around.

We believe it was successful but only partially successful. Then at the end of last year, the President joined on a bipartisan basis with Members of Congress to extend the tax cuts in an effort to try to infuse that money into the economy so people would have more to spend.

Now, many of us took exception with the menu of tax cuts because they included tax cuts for the wealthiest people in America at a time when we are facing record deficits. It is hard to understand, let alone justify, a tax cut for a wealthy person as necessary for economic growth. Most of the people who receive those tax cuts would not turn around and spend them on goods and services. They might invest or bank them—invest overseas, for that matter. But that was the recipe. We went through spending and economic stimulus. Then, last year, we went into tax cuts as a stimulus and, still, we are not moving forward as quickly or as wholesomely as we would like.

THE DEFICIT

I spent the past year focusing on one aspect of this; that is, our Nation's deficit. I was appointed to the President's commission—the Bowles-Simpson commission—which took a look at this deficit, and for 10 months we studied it. It is a daunting challenge. It reflects patterns of spending and taxing which now have us in a terrible state, with a lot of red ink. Roughly 14 percent of our gross domestic product is generated each year at the Federal level in revenue—taxes. We spend 24 percent of the gross domestic product of our country in Federal spending. That difference—14 percent of revenue, 24 percent of spending, a 10-percent difference—represents the annual deficit we face in the United States of America.

The Commission sat down and said there is only one way to tackle this—and I agree with the premise. We need to do it together, Democrats and Republicans, which reflects the political reality of the Congress, but we need to do something that isn't altogether politically popular. We need to put everything on the table. So we did.

The Bowles-Simpson commission suggested every aspect of government spending be brought to the table. That is a much more balanced approach than the debate we went through a few months ago over the continuing resolution—that short-term spending bill. That debate focused on 12 percent of our budget. There is only so far we can

take that conversation. We can't balance our budget with a tiny slice of it. We have to take a look at the entire budget. The Bowles-Simpson commission did that. It brought to the table all domestic discretionary spending on both the defense and nondefense side and, I might add, entitlement programs.

That is an area where a lot of people get nervous because we are talking about Social Security, Medicare, and Medicaid, to mention the major elements of entitlement programs. The reason why many Americans have concerns over this debate is that many of them are very vulnerable. They know they have worked hard, and if they still have a job, they realize that even working hard, they are falling behind; wages aren't keeping up with the cost of living. So even hard-working families look at their bank accounts and their future and say: No matter how hard we work, it doesn't seem as though we are able to keep up with the increased cost of living. They realize their vulnerabilities. We all do. When it comes to health insurance, if you don't have good health insurance, you could be one diagnosis or one accident away from having all your savings wiped out or being denied the quality care every one of us wants for ourselves and members of our family, particularly our seniors. Those who are retiring before Medicare and those even on Medicare want to make sure they have adequate health care coverage. So when politicians in Washington start talking about the future of Medicare, many people get nervous. They wonder if it is going to be there when they need it.

The House Republican budget proposed by Congressman PAUL RYAN a few weeks back tackled the Medicare issue. I respect PAUL RYAN, but I respectfully disagree with PAUL RYAN when it comes to his conclusion. At the end of the day, the House Republican budget would have doubled the out-of-pocket expenditures of senior citizens for Medicare. Currently, that is estimated to be in the range of $500 a month. What the Ryan budget proposed was to double that: an additional $6,000 in premiums individuals would have to pay once qualifying for Medicare. These are people, by and large, who are retired. To have an additional $6,000 in out-of-pocket expenditures naturally raises an alarm. They are alarmed at the prospect that they would not have the money to pay for Medicare. He also took the program from where it has been for the last almost 50 years and turned it into a basic private insurance program. I think most people in America who are honest will tell us that putting our health fate in the hands of the tender mercies of health insurance companies doesn't give people a lot of confidence.

So the House Republican budget proposal met with an icy, if not angry, reception across America.

That is not to say we can ignore Medicare. Medicare, if not attended to, will not meet its obligations indefinitely. We have to look to ways to make it fiscally solvent. I think we can. I think we can do it without endangering the basic promise of Medicare, without increasing the costs beyond the reach of seniors. That is what we need to do.

The same thing holds true for Social Security. Many people are skeptical about Social Security, but here is the fact. Untouched, without Congress doing a thing, Social Security will make every payment that has been promised, with a cost of living adjustment every single year, for the next 25 years. We can't say that about many Federal programs. We can say it about Social Security. But the reality is, in the 26th year, it falls off the cliff. We would have to cut benefits by over 20 percent if we don't do something between now and then. I believe, and the Bowles-Simpson commission believed, the changes we make today, 25 years in front—small changes—can play out to buy longer solvency for Social Security.

Haven't we all been forewarned by what has happened over the last decade; that we shouldn't privatize Social Security, we shouldn't jeopardize Social Security? In the end, we don't know if that pension we worked our lives for in a corporation is going to be there or whether the corporation is going to be there. We don't know if our savings will be of the same value that they are today when we want to retire. Social Security is the one constant. It is hardly enough to live on, but a good, solid bedrock for many people to build their retirement. So we owe it to Social Security to make sure it is solvent for years to come.

So here we stand in a situation where we are facing a crisis and the crisis is one with a deadline and the deadline is August 2. Here is what it is: Each year, as the deficit on our budget increases, we need to borrow more money as a nation. In other words, the mortgage of the United States goes up by the amount of the deficit. So each year we have to negotiate a new mortgage. We call it extending the debt ceiling of the United States. We need to do it this year. The Treasury Secretary said we have to do it by August 2. That is the deadline. Failing to do that, we will be in a default position. In other words, the full faith and credit of the United States, which has never been questioned, will be questioned. People will say, if the United States is not borrowing the money it needs to meet its current expenditures, then we can't trust them to make payments in the future.

So what is likely to occur? If the Congress fails to extend the debt ceiling before August 2—if we get into a political debate and that becomes the major element of debate and discussion—if we fail to extend it, what will happen instantly is that interest rates will start going up. Interest rates that affect families, individuals, and businesses across America will start to go up. In the midst of a recession, that is exactly the wrong thing. Interest rates going up at that moment in time will discourage people from buying cars and homes and businesses from borrowing so they can expand their payrolls and put more people to work. So it would be reckless for us not to extend the debt ceiling.

I know it is a political football. People like to say—and I probably have made these speeches in my own political career—this debt ceiling is a reflection that the United States doesn't have its act together. We are not dealing with the deficit honestly. There is truth to that. But at the end of the day, we have a responsibility to extend this debt ceiling. If we end up watching interest rates going up and this recession getting worse, let me tell my colleagues, there are no political winners in the House or Senate if that occurs.

What we need to do—clearly, what we need to do—is to extend the debt ceiling as well as have an honest, comprehensive approach to deal with our deficit. It will involve spending cuts, make no mistake. That has to be done. It will also involve taking a look at entitlement programs and making sure we have found all the health care savings we can so we don't have these programs going bankrupt, and it will include revenue. There are people who can afford to pay—people who are well off in America, blessed to live in this country who have done quite well. Asking sacrifice from them at this moment in time is not unfair. I think it is the right thing to do. Bringing those together, we can come up with a bipartisan agreement and I hope we can do it and do it soon.

Let's not make the mistake of defaulting on America's debt. Let's not make the mistake of jeopardizing the full faith and credit of this country. Let's not run up interest rates at a time when we need to recover from this recession and put Americans back to work. Let's not create a new burden on small businesses when they try to borrow to continue expanding their operations and employment. Let's make sure we are doing the responsible thing here in Washington. I think we can.

I have been meeting with a group that was originally a group of six, and then it became a group of five. Then it kind of expanded to 10 and 15 and 20 and 25. It is kind of a moving card game. But I will tell my colleagues that I am encouraged by the people who come into the room, Democrats and Republicans on the Senate side, who listened to the basic outline of what we have been talking about. Although they may not agree with it and its particulars, they certainly agree with this premise: What we need to do must be bipartisan. What we need to do must include everything—meaning putting everything on the table—and what we must do is come up with a credible, honest plan that will reduce our deficit by more than $4 trillion over the next

10 years. That amount doesn't solve our problem. We will still have a national debt, but it will finally turn the corner. It will finally bring that cost curve down, and it will show to the world, at a time when people are skeptical about the economies of Greece and Portugal and Ireland and other countries, that the United States can stand and work together in a responsible fashion to deal with the deficit. I think it is time to move forward in this bipartisan manner. I hope my colleagues in the Senate who are aware of this effort, who feel this is the right thing to do, will join in putting together something. It is going to be tough. It will not be easy, and there will be compromise needed on both sides. But if that compromise is forthcoming, we can meet our obligation. I don't know who will win politically if we do this. I don't think most people in America care who wins politically. They do care about having a job tomorrow, making enough money so they can have a nice home and a future for their children, and the belief that America's best days are still ahead. We can do that. It is going to be hard politically, but it is something that is absolutely essential.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the period for morning business be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. MERKLEY). Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

FISCAL DISCIPLINE

Mr. CORKER. Mr. President, I am actually glad to have come to the floor after my colleague from Illinois has just spoken. I was in Illinois this week talking with a number of people there in the business community as part of what I do on the Banking Committee. I wish to say that in talking to many of the great civic and business leaders who exist in Illinois, one of the biggest concerns they have is, in fact, this debt ceiling issue and the reduction of debt. I appreciate the work of the Senator from Illinois in trying to reach a compromise. As a matter of fact, I salute anybody who is trying to work to solve this problem.

I wish to say, from my standpoint, I know the debt ceiling is a major issue, and for me to be able to support it, we need to have dramatic changes in the way spending is taking place in this country. I think there are numbers of people on both sides of the aisle who feel that way. I have offered the only, to my knowledge, concrete proposal that has bipartisan support in both the Senate and in the House. I wish to mention there are a number of discussions about the Medicare proposal PAUL RYAN has put forth, and certainly it is not perfect.

I would love to see a proposal made from the other side since everyone knows Medicare is going to be insolvent in the year 2024. The worst thing we can do, of course, is not pay attention. I hope at some point in the near future we will actually hear a concrete proposal from the other side of the aisle regarding Medicare.

But let me go back to the State of Illinois and the state of our country and certainly the people in Tennessee. There is tremendous uncertainty out there in the business community. As a matter of fact, in talking to one of our leading economists last night, corporate balance sheets today are flush with cash, but companies are unwilling to invest that cash in long-term assets because they are concerned about what we are going to do here in Washington. They are concerned about whether we as a country are going to actually deal with our debt ceiling, deal with our indebtedness in a way that makes progress. So there is tremendous uncertainty.

That is, in my opinion, one of the leading causes of the economic issues we are dealing with, the high unemployment. It has been 777 days since this body even passed a budget. If you can imagine having a country such as ours with 535 people in the House and Senate spending money without a budget for that long, obviously it is a display of an incredible lack of discipline and certainly sends the wrong signal to the business community.

So I do think our country is suffering, suffering economically. Every person I talk to is concerned about the uncertainty of whether we as a country are going to be able to deal with our indebtedness, the tremendous amount of debt this country is piling up because we are spending money we do not have.

I do look at this August 2 deadline as a line in the sand for us as a country. There is plenty of time for us between now—June 15—and August 2 to actually come to an agreement on these big issues. One of the things I hope will be a part of anything we do is something like the fiscal straitjacket that the CAP Act outlines. I do not think there is anybody in this body who disagrees with the fact that we as a country are spending money we do not have and more money than we should. As a country, we have spent about 20.6 percent of our country's gross domestic product for the last 40 years. That is the post-entitlement period. Today as a country we are spending almost 25 percent of our country's economic output on the Federal Government, and that number is rising geometrically.

So we put forth a bill. It is called the CAP Act. Again, it has bipartisan support in the Senate, bipartisan support in the House, that would take us, over a 10-year period, down to the 40-year average and save our country about $7.6 trillion over what is called the alternative fiscal scenario as printed by CBO.

There is no doubt in my mind—I do not think there is anybody in this body who would disagree with this—that the signals we are sending to the country and the world about our inability to come to a conclusion about our spending is affecting the economy. I cannot imagine there is anybody who would disagree with that. We have had people come in, economists telling us what will happen if we do not raise the debt ceiling, what will happen if we do and we do not do those things that are necessary to lower the amount of spending that is taking place here in Washington.

Again, I have offered something that is practical. People on both sides of the aisle have joined. I know there are discussions that are taking place. They are called the Blair House negotiations between the Vice President and Members of this body, and I am understanding that a fiscal straitjacket is part of that discussion; in other words, making sure that over the next 10 years whatever costs we cut are actually locked in, and more cuts are gotten through the imposition, if you will, of a declining fiscal straitjacket, where we, in essence, get back to the norm as it relates to spending and our economy in this country.

I want to say I think one of the greatest things we can do to actually spur the economy—as much as people care about spending in this country today; and there are a lot of people who do—believe it or not, they care, as they should, even more right now about the economy and their own family's situation. I think these two are intertwined. I think if we as a body were to show fiscal discipline, show some certainty into the future, show the business community and the world community we have the ability to have discipline, to act responsibly, I believe it would unleash tremendous amounts of investment.

Again, a leading economist last night says he has never seen a situation where this much cash resides on corporate balance sheets, but corporations are unwilling to invest them in long-term assets. What that means, what that translates into is they are not building plants, they are not expanding because they are concerned about policies in Washington, one of which is: Can we control our spending?

So I do think that August 2 is a seminal moment in our country's history. There is nothing happening here in the Senate. Let's face it. We are voting on judges we do not even need to vote on. We could pass them out of here by unanimous consent. We have bills on the floor that mean nothing, that are never going to become law, just to fill up time. We know that. It has to be the most boring time in the world for a Presiding Officer. Nothing is happening. The oxygen is taken out of the

room over this debt issue, and we are debating things that are never going to happen. It is almost a farce in many ways.

So there is plenty of time—it is June 15—for us to negotiate something that is meaningful as it relates to cuts, and certainly plenty of time to act, to put something in place such as the CAP Act as part of the overall need to reform our entitlements and make sure they are here for future generations.

Let me state one more time that I feel as if, in many ways, what we are reading in the media about these negotiations is almost a walking down of expectations. In other words, most of us want to see something big happen for this country. We see this as a true seminal moment for our country. But from what I read of the various snippets that are coming out of these discussions, it is almost intended each day to tamp down what our expectations are.

I want to say to everybody in this body, unless I see dramatic changes in spending as a result of these negotiations, I absolutely will not vote for this debt ceiling increase. If we are going to have a calamity in this country—and there are economists who say we are going to have a calamity either way: in other words, if we do not act responsibly and pass a debt ceiling, we are going to send a signal to world markets that we do not have the ability to control spending; if we do not raise the debt ceiling, there are those who will say there is going to be a calamity.

Here is what I would say. I am 58 years old. I came to this body because I wanted to solve our county's problems or be a part of that working with others. I want to say—I want to go on the record—that I would rather us have a calamity this summer on my watch while I am here so I can deal with it than I would to pass a debt ceiling and not do something that dramatically alters our fiscal situation in this country and pass it along to someone else who may come behind me. I think there is a lot of sentiment in that regard. I hope there is a lot of sentiment in that regard: that all of us—all of us—would rather bear the brunt of irresponsibility while we are here than pass it on down the road.

So I am here to talk about a component of a solution which is the CAP Act. There may be some variation of this that makes more sense. Certainly, I have no monopoly on wisdom. But I hope something like this, if it is not exactly the CAP Act as written, is a component of the negotiations. I know during these negotiations this is actually being discussed: meaning, how we cap spending and actually put Congress in a fiscal straitjacket, for lack of a better word.

This is a seminal moment. I hope we will not water down expectations. I hope we will rise to the occasion and, as the Senator from Illinois mentioned, deal with this in a responsible way. I hope very soon we will actually have a debate on this floor about what it is that has actually been arrived at, what the deal is, so we can actually talk about it in a responsible way and do those things we all know are very important to our country, very important to our country's solvency, and certainly very important to all those Americans out there who are uncertain as to whether the heads of households, who provide such great opportunities for those people coming under them, have the opportunity for good-paying jobs.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

JOBS

Mr. ENZI. Mr. President, I thank the Senator from Tennessee for his comments and for the way he delves into any issue we work on and comes up with some unique ideas from his past business experience. I hope people will look at his resume, the information in his biography, to see the fantastic things he has done that show he has the capability to solve problems such as this.

I particularly appreciate the solution the Senator has come up with. Some people say it does not go far enough. You could make it go further than that, but it is timing that is important and actually getting a debate that is important, and I appreciate the way the Senator put it out in a reasonable way where we ought to be able to do it. We need to do it right now so we do not keep passing this debt down, so we get in a responsible position.

I am going to talk about something very similar today. We are in a jobs crisis in this country. I come to the floor this afternoon to talk about jobs. There is not any more important issue for American families today than jobs.

For 3 long years, we have been waiting for the economy to get back in gear and start creating the jobs necessary to keep America strong. I am afraid that Congress and this administration have not done their part to foster the healthy job-creating economy we need. We have heard plenty of talk about job creation, but the rhetoric simply does not match up with any action. So today I will speak about the headwinds we face, as well as some of the simple solutions to help spur job creation.

This week the President's Council on Jobs and Competitiveness presented President Obama with five steps to create job growth. I agree with most of the suggestions. Some of them are steps I have been urging for some time, such as streamlining job training programs and speeding up the government permitting processes. But, unfortunately, for the most part, these are just baby steps. The truth is, the most significant step the Federal Government could take to allow greater job growth is even easier than a baby step. Washington government just needs to get out of the way. Washington keeps putting up roadblocks.

Last month's dismal job numbers paint a very clear picture. Unemployment rose to 9.1 percent—far above the 8 percent level promised by the administration at the time of the passage of the stimulus bill. Nearly 14 million Americans remain unemployed and actively looking for work, and more than half of them are long-term unemployed. With only 54,000 jobs created last month, and 3 million job openings, the problem is clear.

These numbers also reveal some solutions that could go into effect if government would step out of the way. For example, 7,000 of the jobs created last month were in the mining industry. Those of us from mining States know that the mining and domestic energy production industries offer good jobs with good pay and good benefits. Yet the administration has made it incredibly difficult for this industry to continue creating jobs. It has slowed the permitting process for existing mine plans, let alone new mining and drilling activities. Let me say that again. It has slowed the permitting process to a crawl and directed EPA to regulate greenhouse gases under the Clean Air Act.

Simply stated, the President's policies are making things worse. How bad is this permitting process? Fourteen different mines have asked for an extension so their mine plans could continue in a logical way. There was a big announcement 6 weeks ago: The administration is going to allow 758 million tons of coal to come up for bid. That is 4 of 14 applications: 758 million tons. In my county alone, there are a million tons of coal shipped a day—a million tons a day. The amount permitted for bid is a 2-year supply, and it is going to take 6 years to permit it. And we cannot get the other 10 of them to be put out for bid and to go through that same delayed process. That is affecting jobs and it is also causing resources to be left in the ground that could be effectively used in our economy, which raises the costs.

The broadest result of this misguided energy policy will be increased prices for Americans. That will only dig our economic hole deeper. American families are already coping with the terrible job market and a struggling housing market. Increasing reliance on foreign energy sources and ignoring the sources we could harvest here at home makes no sense.

In certain regions of the country, the result of this misguided energy policy is lost jobs and bankrupted American companies. On the gulf coast, many of the thousands of jobs that were supported by the offshore drilling industry are simply gone due to the moratorium, permit, and bureaucratic delays on offshore drilling in the gulf. Also, when skilled people are out of a job, they go somewhere else to get a job. They go to other countries to get a job and it reduces the number of people

who can do the work here. It is another way of sending jobs overseas.

Some of the production has moved to Brazil and other countries that are not impeding their domestic energy production. And we are their customers. We are the ones buying it at extra-high prices.

Ironically, one of the largest discoveries of oil in the Gulf of Mexico was just announced last week. This discovery proves there are still massive amounts of domestic energy available to help alleviate the high prices if the government would simply get out of the way.

Unfortunately, the slowdown in exploratory drilling as a result of last year's moratorium is expected to lead to a 20-percent production decline next year. And things don't happen overnight. Permitting takes up to 6 years as well.

I do not know if the public is aware, but there is a Middle East cartel that helps set the price of oil. Years ago, they used to able to set prices much easier. They could cut back the supply and increase the cost or they could increase the supply and decrease the cost. Twice I watched them drop the price of a barrel of oil down to $8 and put the American oil industry out of business. They put it out of business long enough so that the people who were qualified to do the work got jobs in other countries. When they brought the price back up, it took years for us to bring the production back up.

Now, they have said Saudi Arabia has run out of energy, that they are just about to use up their supplies. Well, last week they announced they are going to have this huge increase in production. How did that happen? Well, there are new techniques. There are new technologies that are being used for drilling. It is helping to bring up more oil.

We ought to be doing that right here in the United States. We ought to be increasing our supply of oil. There are fields where only 20 percent of the oil was producible at the time it was drilled. New technologies, one of which is to put carbon dioxide, or CO_2, down the hole and force the oil up—that is good for another 10 or 20 percent of the oil, and it captures the carbon. Why aren't we talking about capturing carbon? We ought to be encouraging that, not discouraging that.

We also have a company in my state that would like to convert low-sulfur coal to low-sulfur diesel fuel. Low-sulfur diesel is one of the things we really want. With these fluctuations in prices we have seen over the years, they said: We have the money to build this $2 billion plant and get it operational. But what happens if Saudi Arabia and the Middle East cartels decide to drive the price down again? What if that price got down to a point where our production was unproductive, if they put us out of business, if they bankrupted us?

Well, several years ago, Congress said: We can take care of that. We are going to pass loan guarantees. We will provide loan guarantees for you. We are not going to give you the money, but if that price were to drop dramatically, then we would have some responsibility in the situation.

Of course, the chances of it ever dropping to that point are pretty negligible.

We allocated I think about $8 billion for loan guarantees for these types of projects—that is no cost to the Federal Government—out there for this company to go ahead and make low-sulfur diesel and even jet fuel. Our military needs jet fuel. But out of that $8 billion, none of it has been allocated—none of it. At the same time, we did programs for solar and wind in the amount of $20 billion. Which do you think can produce the most energy? But it is OK with me that we have the solar and the wind. I think it is a good idea, and we are developing a lot of that in Wyoming too. But how come we can't turn a loan guarantee loose so that we can change coal into diesel with carbon sequestration? It is because of this adverse opinion on coal that creates a lot of problems.

So it is not just a problem in that area, this slowing down of the process; this is also affecting things such as medical devices.

We are interested in the health care of the American people, and we have an agency that watches out for our safety and should watch out for our safety, and we help ensure that time after time. We did a food safety bill, which is a part of that FDA plan.

But in 2003 it was obvious to the companies that make the medical devices that the agency did not have enough people, enough resources to expedite, to get their evaluation done in a timely manner, and the industry agreed to put up money—not to have any benefit to their particular company but for the whole industry—to get things streamlined, with more people looking at it so they could get the approvals, so they could get these health devices out to people so that they could be used.

Well, since 2003 when they put in the first amount of money, the resources for the FDA have doubled, the fees have tripled, and the production has been cut in half. It is taking too long.

Now, how do I gauge what is too long? Well, Europe does the safety process too. Europe approves these medical devices 2 years before we do. Two years before people in the United States are able to use these things, they are using them in Europe. And you are not hearing about any calamities with the medical devices in Europe. They are doing an adequate job of checking the safety and making sure what they are putting out produces the desired result. But not in the United States. We are slowing that process down—putting more money in, but slowing the process down.

There are things out there that people could really use. Before I came to the Senate, I had a heart valve tear. At that time, they had to do open heart surgery and go in and stitch it up, put a special ring in there, which fortunately for me has held very well. It repaired my heart, and it is in as good or better shape than it was before that time.

But there is a medical device, and now they can come in just like they go in with a stent and put that into that part on the heart, pop this little umbrella open, and I would be fixed. I wouldn't have to have that invasive heart surgery. That has already been available in Europe for 2 years. It still hasn't been approved in this country.

That is a process which is bogged down, which is costing jobs. So what do the companies do about it? They said: Well, let's see, why don't we build our stuff over in Europe? Now, if you build a plant, you are probably looking at 10, 20, 30 years of production before you are in a position to move that plant somewhere else, like back to the United States should we cure our problems. So we have to cure that problem now before we drive all of that overseas and all of those jobs overseas. The people who do the manufacturing on those rings get good pay, they have skilled jobs, but they do them in the country where the plant is, they don't do them in the United States. That is just one more example.

Well, I have another one. Right now, they are in the process of doing a rule and regulation about how long you can drive a truck, how long you can idle a truck, what kind of medical inspection the driver should have to have. One of the groups that brought that to my attention is the owner-operators of trucking companies, and they say the people who are drafting this rule have never driven a truck.

That is one of the problems with a lot of these rules and regulations: the people who are making the rules have never owned a business. And there is this tendency in government to be afraid that at some point something might go wrong, and it might come back. They have never had anybody come back on them for saying no or for slowing something down. Well, actually, they have never had anybody come back on them for saying yes. I wish they would realize that. The outfit with the liability in this is the company, not the one who approve the rule. They just need a good process they can move through and we can have a lot more jobs in this country.

Another way we can assist the jobs, as I have been saying, is by simply getting out of the way and by reducing the regulatory burden the Federal Government places on employers.

The first step here would be to repeal the health care law that is already driving up costs and paralyzing employers who are uncertain of their future obligations. Unfortunately, the President and his supporters in Congress are fighting this effort every step of the way. Although the President issued an Executive Order on January

18 of this year directing agencies to reevaluate the regulatory requirements they impose to be sure they are tailored to impose the least burden, less prescriptive, and justified cost-benefit analysis, we have yet to see any regulatory relief from any agency.

Speeches will not save America, action will. The President can say he wants to get things done, and if nobody does them, we are in worse shape than we were before, not better shape.

I had hoped the entire administration would take this directive on looking at all of the regulations seriously, particularly because regulatory burden falls most heavily on small businesses whose hiring will pull us out of this ongoing recession. Small businesses represent 99.7 of all employer firms. They employ over half of all private sector employees. They pay 44 percent of the U.S. private payroll. They generated 64 percent of the net new jobs in this country over the past 15 years.

I owned and operated a small business. I can tell you that if I had thousands of pages of regulations from a health care law hanging over my head, I would hesitate before creating any new position that increased my exposure. The key is to stay under 50 employees. There is less regulation under 50. I know of some companies that already were at 52, 54, 56. They said: Do you know what we are going to do? We are going to reorganize so that we are under 50 employees.

Although reorganization is always good—we should take a little dose of that here in the Federal Government, but we don't. Everything is based on what we had before plus inflation—no reinventing, no doing things differently. I am seeing that in Wyoming as they are trying to close down some of the small post offices without any new ideas for them, without even covering the costs. But that is another story, and I will cover that later.

As the Senator from Tennessee said earlier, we are here and we are not getting anything done. I think that is part of the strategy. There was no budget—647 days with no budget and bills left undone. We get to this process here where, to keep us from doing amendments on this side, we just keep the floor open like this for days. Then we have a cloture vote, and because we have not had an opportunity to put any of our amendments in, we vote against cloture, and that keeps cloture from happening, and the leader then pulls the bill, and that ends the process. We go to another bill on which we are also going to do the same thing. Some of these are good ideas and ought to be passed, but we don't make it to that point. I am sure that is for the next election, saying: Those darn Republicans just held up everything. That is not how we ought to be operating.

Reducing the regulatory burden that is imposed by the Federal Government would be an important step, but we also need to make sure the administration's independent boards and agencies get the message. So far, it is clear they have not.

An extraordinary effort is underway at the National Labor Relations Board to deter Boeing from expanding into a right-to-work State, where it would create work for over 1,000 employees. Those thousand employees have already rejected a union, but they have the right to do that. Now, this would be 1,000 more people employed in a billion-dollar-investment facility.

So what has happened in Washington State that might have the people there upset? Well, I am not sure. Boeing has also hired 2,000 additional employees out there, so it obviously has not hurt their employment. There will be seven of the planes built in Washington State and three of them built in South Carolina per month. But the case has drawn a great deal of attention not because Boeing is a big company but because the agency's fact-twisting and publicity-seeking reveals a strongly biased agenda. Our economy cannot recover when this administration's policies result in exporting jobs rather than airplanes.

The wisdom of the National Labor Relations Act is to defend the right of employees to collectively bargain when they choose to do so, not stepping in to limit employees' ability to exercise their right not to form or join a union.

At the National Mediation Board, we have seen rulemaking to change the way election results are counted in order to favor organized labor.

When that did not work and the majority of employees still voted against the union, the agency launched multiple investigations trying to smear the employer. These government-sponsored efforts to increase union density have done nothing to create jobs. In some cases, the Federal Government has been counterproductive to that goal and should get out of the way.

Pending before the Senate and being held hostage under political pressure are three free-trade agreements—South Korea, Colombia, and Panama. These pacts have been negotiated for years, and they will open markets to our producers. Yet this administration has failed to submit these agreements to Congress and is refusing to consider a reasonable compromise. That is wrong and it is hurting over $1 billion worth of U.S. beef exports to Korea which would help ranchers all across the United States, including my home state of Wyoming. The Korea agreement not only helps grow U.S. agricultural exports but would also open the door for future trade with China which is an even larger market for U.S. farm products. And that is just one industry. The Korea agreement, as well as the Columbia and Panama deals would also help our service manufacturing and finance industries just to name a few.

In the committee on which I now serve as ranking member, the majority scheduled three hearings on the middle class and job growth. I am concerned about the middle class. The first hearing asked the question of whether the American dream is slipping out of reach. I made the point then that I am repeating today. The American dream starts with a job. The focus on pay, benefits, and organizing does nothing to create a job. We are going to have another one of those hearings next week. I am not sure where it is going. We have not proposed any legislation yet to deal with these issues. We are just getting press. That doesn't get jobs. Stalling the growth of the domestic energy production industry or increasing the regulatory burden on American businesses doesn't increase jobs either and neither does blocking free-trade agreements with our partners around the globe. An unelected, unconfirmed general counsel at a small agency is getting in the way of business management decisions that create jobs.

The American dream is not out of reach, but it is suffering from needless hand-slapping threats. Those should be changed to hand-clapping progress. But this administration has to stop getting in the way of job creation so Americans can have jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

MEDICARE

Mr. CORNYN. Mr. President, last month, the Medicare trustees warned that Medicare will go bankrupt in 13 years, which is 5 years earlier than they had previously calculated. You heard me right. One of the most important programs that the government actually runs—the Medicare Program—designed to provide health care to seniors, is going to run out of money in 13 years, 5 years earlier than projected just last year.

The Medicare trustees noted that Medicare's unfunded liabilities—that is the number it is responsible for—are more than $24 trillion, but that is also growing. Stated another way, this is a $24 trillion gap between Medicare's future benefit costs and the future taxes of premiums that are expected to be collected to pay for it.

Today, I am, along with nearly all my Republican colleagues, sending a letter to the President of the United States, insisting he comply with the law. What law would that be? Well, the law that was passed in 2003 that, under these circumstances, requires the President to propose a plan to deal with this funding crisis for Medicare. President Obama has said he is willing to make some tough decisions. Yet he refuses to provide concrete, constructive, and meaningful proposals to deal with this impending insolvency of one of our most important government programs.

The Medicare trustees have issued a Medicare funding warning in their annual report every year since 2006. They are required to do so under the Medicare Prescription Drug, Improvement,

and Modernization Act of 2003. In response to this warning, as I said, the President is required by Federal law to submit to Congress proposed legislation that would address this funding crisis. President Bush, in 2008, in response to the 2007 Medicare trustees' warning, did exactly what the law requires. He submitted legislation to address this funding crisis. Both the House and the Senate, in compliance with the law, introduced legislation, but, unfortunately, it never went anywhere—kicking the can down the road once again.

The Medicare trustees have, in fact, issued a funding warning every year since 2006, as I mentioned, including all 3 years President Obama has been in office. However, for 3 years now, President Obama and his administration have failed to comply with the mandatory requirement of the law. Congress has never received a proposal from President Obama's administration to address this funding crisis. This failure I wish I could tell you was the result of an oversight but apparently not.

On Tuesday, in an e-mail to The Hill newspaper, on behalf of the administration, they said they believed this law was ''advisory and not binding.''

The law itself states—passed by both Houses of Congress, signed into law—that the President ''shall'' submit legislation to Congress, not that he ''might,'' or ''if it is convenient,'' or ''if he finds time,'' or ''if it advances his political posture leading up to the next election.'' It says he ''shall'' submit legislation.

Thank goodness we live in a country where no one is above the law. We are a nation of laws, where the law applies to the President of the United States and it applies to the most humble members of our society.

Medicare is going bankrupt. Unfortunately, the voices of reform—people are stepping forward to try to solve this problem and make meaningful suggestions so we can actually do what we are supposed to do in Congress, which is debate ideas and come up with solutions, where we can have a vote and we can send legislation to the President and he can sign it or not. That is the way the process is designed to work, but so far the voices missing from the reform debate are those of our friends on the other side of the aisle.

There is no House Democratic plan to save Medicare. There is no Senate Democratic plan to save Medicare. There is no plan for President Obama to save Medicare. Unfortunately, their plan appears to be not to step up and do what the law requires, to offer a proposal to save Medicare but, rather, to try to take a cynical political advantage leading up to the next election by attacking the very people who are making constructive proposals.

No one suggests that any single proposal is perfect. The Ryan plan is not perfect. The Domenici-Rivlin plan offers a different approach. The President's own fiscal commission's report is entitled ''Moment of Truth.'' They reported back in December 2010. It was a bipartisan commission appointed by the President himself. It makes constructive suggestions on how to solve our spending crisis and to address the unsustainability of our entitlement program. But it appears that rather than embrace any of these constructive ideas, rather than do his duty, as the law requires, the President seems content to scare seniors into opposing responsible reforms, while watching the program go bankrupt over the next few years.

By refusing to propose needed reforms to this important program, President Obama is not only abdicating his responsibility to lead as a President of the United States, he is violating Federal law.

Mr. President, I ask unanimous consent that a copy of the letter I referred to earlier be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 15, 2011.

President BARACK H. OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: We write to urge you to submit a legislative proposal to Congress in response to the Medicare funding warning issued in the 2010 Medicare Trustees' Report. Such a proposal would help prevent the bankruptcy of this vital program for America's seniors and keep the federal government from going further into debt. Furthermore, such a proposal would put your Administration back in compliance with federal law.

Your Administration is currently in violation of section 802 of P.L. 108–173, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA). The MMA required the Medicare Trustees to include in their annual report an estimate of whether general fund revenues will finance more than 45 percent of total Medicare expenditures in any of the following six years. If the Trustees estimate in two consecutive years that the 45-percent limit will be breached within a seven year timeframe, the Administration is then required to submit a legislative proposal that would address the funding crisis within 15 days of submitting its annual budget proposal to Congress.

The Medicare Trustees have complied with federal law and have issued funding warnings every year since 2007. In 2008, the Bush Administration, in compliance with Section 802 of the MMA, submitted a legislative proposal to Congress, which was never acted upon. Your Administration, however, has failed to submit such a proposal for the last three years.

This not only defies federal law but also abdicates your Administration's responsibility to lead. As you know, mandatory spending is currently projected to grow at an average of 5.4 percent per year over the next 10 years, growing from $2 trillion in 2012 to $3.3 trillion by 2021. The largest claim on the budget over the next 75 years is Medicare, estimated at $35 trillion.

We ask you to comply with the law and submit to Congress the Administration's legislative proposal addressing the Medicare funding warning included in the 2010 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds.

Sincerely,

John Cornyn; Mark Kirk; John Thune; Lindsey Graham; John Barrasso; Roy Blunt; Lisa Murkowski; Mitch McConnell; Daniel Coats; Lamar Alexander; Kelly Ayotte; Michael B. Enzi; Richard Burr; James Inhofe; Pat Roberts; Jerry Moran; Rob Portman; Marco Rubio; Ron Johnson; Rand Paul; Saxby Chambliss.

Mike Crapo; Bob Corker; Tom Coburn; Chuck Grassley; Johnny Isakson; John Hoeven; Jeff Sessions; Michael E. Enzi; Patrick J. Toomey; James E. Risch; Kay Bailey Hutchison; Mike Johanns; Jim DeMint; John McCain; Orrin Hatch; Jon Kyl; Dean Hellers; Richard C. Shelby; Thad Cochran; Richard G. Lugar; Roger F. Wicker.

The PRESIDING OFFICER. The Senator from Georgia.

THE ECONOMY

Mr. ISAKSON. Mr. President, last night, between 6 and 7 o'clock, I did a telephone townhall meeting in Georgia. We had a little over 3,000 people on the call, and I was able to handle 16 questions. As I listened to the answers I was giving to the questions, I was struck by what a real problem we have in Washington. Washington is making things worse. Georgians are frightened for their jobs, the value of their homes, and the education of their children. They are uncertain about everything. As you give answers about what is happening in Washington, you realize Washington is making it worse.

I wish to give a couple of examples based on my experience. First of all, let's talk about legislation for a second. We have high unemployment—9.1 percent. We have people without jobs or underemployed. We have a law called the Workforce Investment Act or WIA. I am on the subcommittee that overseas it and the Education Committee. We have basically had an agreement on expansion of the reauthorization for the Workforce Investment Act for months, but it still languishes in committee because there are arguments over labor provisions that some want to be added to it.

Here we are, a nation in trouble, and we cannot pass the Workforce Investment Act, which is intended to help the very problem we have.

Secondly, I am on the Health, Education, Labor, and Pension Committee, which does the reauthorization of the Elementary and Secondary Education Act—the fundamental foundation of training and improving our kids for the jobs of the 21st century. It has gone 4 years without reauthorization, and it languishes in committee because of a lack of willingness to bring it forward. Our children remain educated and taught and motivated under a law now expired for 5 years. That is not right, when we should be educating our children and training workers.

We in Washington are doing nothing. On the Commerce Committee, on which I serve, we are over the FAA

committee and reauthorization of the Federal Aviation Administration, which is critical to economic development. That conference committee continues to languish. What are the arguments? They are about changes in labor law.

We need to get the job done in Washington and go to work. We need to understand that the American people are in trouble and are hurting. Our job is to provide answers, not to make it worse.

I wish to talk about a second feature—about regulation for a second—or strangulation, if you will. I have told this story before on the Senator floor, and I will tell it again. On January 3 of this year, I was in a cafe for breakfast and to meet with some businessmen. I walked in the front door and Steve Hennessy of Hennessy Cadillac and Land Rover in Atlanta called to me and came running across the floor. I thought he was going to give me a bear hug, but he said: JOHNNY, yesterday, I fired a salesman and hired two compliance officers. This financial regulation in the Dodd-Frank bill is strangling my productivity and raising my cost of doing business.

We have to recognize that regulation has consequences. It is not our job to eliminate risk in the marketplace. It is our job to mitigate risk so people will take risks, in terms of seeking rewards, which is what the capitalistic system is based on.

I will talk about a few other regulations that are causing significant problems in our recovery. The qualified residential mortgage rule that is being promulgated now by the six regulators will, if it goes into effect on August 1—and they have put the effective date off now—probably constrict the real estate market, which is already suppressed by 70 percent, by another 40 percent. It is going to take capital and risk capital and credit away from the Americans who are, in fact, buying homes today. In fact, in order to mitigate risk and try to eliminate it, it requires lenders to hold a 5-percent risk retention until the loan matures. It says you cannot loan anybody less than 80 percent—more than 80 percent, and if you have anything more than that, you cannot even have a private mortgage insurance policy to guarantee the money. So you are going to flood every buyer left to where? Through FHA, which is exempt from the Dodd-Frank bill, or Fannie Mae and Freddie Mac, which are going out of business, which means you will shift more of the burden of mortgage financing on people who are already overstressed.

Regulatory intent should not do that. My dairy farmers in Georgia are looking at a rule where milk is being categorized where it is going to have to be contained in tanks and reservoirs that now meet the standards of petroleum. That is higher investment and no additional profit for the country. That is protracted. Water—the EPA wants to take ''navigable'' from in front of the word ''water,'' in terms of the Clean Water Act, so the government doesn't regulate just navigable waters but every water.

Credit. Credit is becoming nonexistent for Main Street. I am a small business guy. I was in a small business in Georgia for 33 years. A lot of small businesspeople use their credit cards to manage their cash flow over time. Because of the credit bill passed a couple years ago, they don't have the flexibility to do that anymore. Bank credit is suspended primarily because banks are being run by the FDIC under cease and desist orders or, if they are extending credit alone, they are extending it to the extent that a borrower can put that much money in the bank. When you constrict credit, you suppress small business. When you suppress small business, you suppress 72 percent of the employment in the United States.

I commend Senator CORKER for his remarks about an hour ago on the floor of the Senate because he focused on the big problem we have; that is, debt and deficits. It is kind of disappointing to me we have spent more time on the SBA act, which has been pulled now—it was on the floor the beginning of last month—than we have spent on all the appropriations bills in the last 3 years of this Congress. We debated amendments, we protracted the debate but still nothing happened. We ought to be talking about debt reduction, about deficit reduction, and a long-term plan, over time, to amortize the debt of this country to a reasonable level.

We have a debt ceiling vote that is confronting us, and I have heard the political statements made by people in both parties that there is a game of chicken being played right now, with some saying we are going to push it right up to August 2 and force a vote. If we don't get it, we will run the risk of America's credit going up in cost and uncertainty happening. Others are saying we are not going to do anything on a debt ceiling increase period until we have to at the last minute.

That is not the way to run a business. That is not the way to expand credit. That is not the way to run a country. We ought to be sitting down at the kitchen table of Washington, DC, in the Senate reprioritizing the way we spend money to begin to rein in our expenditures, lower our deficit and lower our debt.

I bet in the last couple of years every family in America, as every family in Georgia, has had to sit around their kitchen table and reprioritize their expenditures. Things have changed. Their nest egg may have shrunk. Their equity may be suppressed. Their job may be in trouble. We have all had to do it. I have had to do it. Almost everybody in America has had to do that. Why doesn't the government do it? At a crisis moment of $14 trillion in debt, with no ceiling above it; with a deficit of $1.5 trillion, $300 billion more than discretionary spending, why aren't we sitting around that kitchen table?

The questions I heard last night during my tele-townhall meeting made it clear to me Washington is making things worse. The American people want to be confident that we will address the debt and the deficit problem; that we are working on it and not that we are putting it off to a drop-dead date and then play chicken politics in the Senate.

People don't mind regulation that is fair, but they do mind regulation that is suppressive and that suppresses jobs. They don't mind having legislation debated in Washington on the floor of the Senate, one way or another depending on your position, but to leave it languishing in committees and not even bringing it up is not right. So my challenge—for me and for every Member of the Senate, and for this administration and for the President—is for us to lead.

We have a clock winding down on a debt ceiling increase that will be important for this country. But without substantial reform of the way we do our business and a game plan for a downpayment on our debt and deficit, and without an indication we are going to work together and have shared sacrifice, there is nothing at all we can do in this government except cause things to be worse. I don't want to be a part of that.

My last comment is this: I was 39 years old in 1983. A report was put out by the board of the Social Security Administration saying it was going broke in 2004. President Reagan and Tip O'Neill got together and said: We can't let that happen.

President Reagan said: I don't want it to go broke, but I am not going to raise the tax.

Tip O'Neill said: I don't want it to go broke, but I am not going to cut the benefit.

They went to the actuaries and said: What do we do?

The actuaries said: Put out the eligibility.

So they changed the law and said if you are an American born after 1943 you can't get Social Security at 65; you have to wait until you are 66. I am 66. They put my Social Security off a year. I didn't miss it. They also made Social Security actuarially sound until 2050. Only in the last 2 years has that date come down, and it has come down because of unemployed Americans at age 62 taking discounted early Social Security and putting more pressure on the system.

We could fix Social Security tomorrow just like they did in 1983 and not take a penny away from anybody. We could move the eligibility out to be more reflective of life expectancy. I know Medicare is the big political football and everyone wants to say the Republicans are trying to kill Medicare, and the Democrats love to say they are trying to protect it. Heck, I want to protect it. I have nine grandchildren. The rest of my life is about those grandchildren. I want to see to it they have a country that is as free, as productive, and safe, and that the benefits

are there for them that have been there for me. It is important we save Medicare, but we can't save it by looking the other way or by taking it off the table. We can't demonize a Democrat or a Republican for making a constructive decision to save Medicare.

Instead of trying to make it the political issue of the 2012 election, we should make it the personal issue of each Senator. We should sit around that kitchen table, work together, and try to find a meaningful solution to a problem that saves Medicare for future generations, and also doesn't cause an escalation in our debt and deficit. We are capable of doing it, but we have not demonstrated a will to do it.

I challenge my colleagues to do the same thing, and I challenge my colleagues to do one other thing—to hold a tele-townhall in the next couple of weeks. Talk to 3,500 of the citizens in your State and listen to the questions they are asking. They are scared, they are worried, and they feel threatened, and Washington is making it worse.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

NATO

Mrs. HUTCHISON. Madam President, I rise today to voice concern about the current state of the North Atlantic Treaty Organization. In 1949, more than 60 years ago, the United States joined with 11 other nations to create the North Atlantic Treaty Organization, NATO, in order to ensure the mutual security of the member nations. From the beginning, the United States has served as NATO's backbone and provided a major share of the cost in manpower and resources. We have consistently answered the call of our NATO allies when they needed us, even when there was no clear United States interest involved.

For example, in 1993 the U.S. military answered the call to participate in the NATO air action to enforce a U.N. ban on all unauthorized military flights over Bosnia and Herzegovina. After the Dayton Peace Accords in 1995, the United States stationed over 10,000 personnel in support of peacekeeping missions in Bosnia. For the following 9 years we continued to retain a large number of forces there.

In 1999 the United States again stepped up and provided a major share of the military resources for operations in Kosovo. At that time I argued that we were assuming too many commitments in areas of the world where our own interests were vague. When President Clinton announced that he intended to send 4,000 U.S. troops for peacekeeping in Kosovo, I said:

If we think the United States has the responsibility to go into all these civil conflicts, we are going to dissipate our resources and we're going to place a heavy burden on our taxpayers.

Today, after years of involvement with NATO-led operations in the Balkans, our forces are still a major component of the NATO Kosovo force, and we are still contributing approximately 800 troops to that effort.

In fact, of the 22 nations now in NATO contributing troops in Kosovo, the United States military makes up approximately 13 percent of the total force. As far as cost is concerned, the U.S. taxpayer is still footing a very large bill for our presence in Kosovo. In fiscal year 2010, the President asked for $252 million to pay for operations in Kosovo. In fiscal year 2011 it was $312 million. Now as part of the fiscal year 2012 Overseas Contingency Operations Transfer Fund, the President is asking for $254 million.

With this example in mind, I am now deeply concerned that we appear to be in the same position again, this time with NATO in Libya. On March 31, NATO assumed command and control of operation Unified Protector, and was thereafter responsible for enforcing the no-fly zone over Libya. With this transfer of authority and responsibility from the United States to NATO, there was also an implicit understanding that all of NATO member states would be expected to dedicate the necessary resources to adequately enforce U.N. Resolutions 1970 and 1973. However, almost immediately after taking command, NATO requested a 48-hour extension of support from American fighter aircraft. This request for continued support from American air assets seemed to be at odds with the President's statement that coalition forces would be able to keep up the pressure on Qadhafi's forces. So, once again, our Nation is called upon to provide a large share of the resources and funding for another NATO mission that is not in the vital security interests of the United States.

Indeed, Secretary of Defense Roberts Gates stated on April 21 at a DOD press conference that ''while it is not a vital interest for us, our allies considered it is a vital interest. And just as they have helped us in Afghanistan, we thought it important, the President thought it was important, to help them in Libya.''

We are now on track to spend more than $800 million of U.S. taxpayer money this fiscal year on operations involving Libya. I ask, with significant concern, how are these operations going to be paid for? Where is DOD planning to get the extra almost $1 billion to spend on this operation? What programs will need to be cut to fund this third operation in which we are now involved: Iraq, Afghanistan, and Libya? Will the President be submitting a supplemental appropriations bill on Libya?

With the example of Libya in our minds, let us be clear as to exactly what our allies are contributing to the efforts in Afghanistan. As part of the International Security Assistance Force, which is the command in charge of operations in Afghanistan, the United States is contributing 70 percent of the total force, with 46 nations contributing the remaining 30 percent.

As we review the landscape of American military commitments overseas, let me emphasize that with U.S. forces deployed in Iraq and Afghanistan we should not also be participating in such a major way in an open-ended conflict in Libya, where we have no clear, vital national security interests. Moreover, I believe our NATO allies who do have a vital interest in Libya should be willing to play a lead role in terms of funding as well as military resources. The fact is, NATO and the Arab League should be shouldering the brunt of the military and financial burdens associated with Operation Unified Protector, just as we are doing in Afghanistan, and have been doing in Iraq.

If we had all members of NATO contributing proportionately to the mission in Libya and also had the Arab League providing comparable financial and military assistance, the overwhelming commitment of our own U.S. forces would be lessened to a manageable degree. I am frustrated that our NATO allies continue to contribute such a small amount of resources for operations that are in the vital interest of many NATO member states. In Libya, I believe if the U.S. military were to stop providing to our allies our unique military capabilities, NATO operations for both the no-fly zone as well as the civilian protection mission would be seriously degraded and could terminate.

How have we arrived at this unfortunate state of affairs? Why is it that NATO nations are unwilling and unable to effectively operate against a weak and isolated nation such as Libya without significant military contributions from the United States? One reason we are in this position is because many NATO members are not contributing enough of their gross domestic product to defense. Instead, many NATO members simply look to the United States and the American taxpayer to pay for any gaps in defense capabilities. Because many NATO nations do not invest strategically in their military capabilities, they are heavily dependent on the United States to pay for advanced equipment such as intelligence, reconnaissance, and surveillance platforms to support their NATO operations.

I agree with Secretary Gates' recent assessment, that NATO is turning into a two-tiered alliance in which very few members except for the United States take on the hard power combat assignments. Instead, the majority of the NATO partners limit themselves to soft power work such as delivering humanitarian aid. Indeed, of the 28 NATO members, only 5—the United States, the United Kingdom, France, Greece,

and Albania—exceed the agreed-upon ratio of 2 percent of gross domestic product to be spent on defense.

Two decades after the collapse of the Berlin Wall, the U.S. share of NATO defense spending has now risen astoundingly to more than 75 percent. Secretary Gates put all of our efforts under NATO alliance operations together at 75 percent. We are all aware that the United States is facing very hard and real serious fiscal constraints. Hence it is clear that we can no longer continue to pay for the vast majority of NATO operations that are not in the vital security interests of our Nation. It is time for the United States to ask our allies to step up and keep the agreement they made when they became part of NATO, or for the United States to consider reducing our spending level that we now provide to NATO and also move to redeploy a large portion of our military presence in Europe back to the United States.

I have spoken on the floor many times about my concerns for maintaining such a large military presence in Europe and I will continue to fight for spending cuts to a largely unnecessary and expensive U.S. military presence on the European continent. It was decided in the last administration to cut back to two brigade combat teams in Europe, in Germany. We have now had the two be expanded to four. The other two are now in limbo. So there are now four brigade combat teams in Europe. Two were supposed to move back to the United States and the military construction to house at least one of those has been done at a cost of over 400 million taxpayer dollars. So we have the capability to bring home troops, taxpayers have spent $400 million in pursuit of that, the barracks sit empty, and we still have four brigade combat teams in Europe, in Germany.

Unfortunately, here is the message we are sending to our European allies by that military presence, and by our operations in support of NATO, that American taxpayers are willing and able to shoulder the burden for their defense, and that there are apparently no consequences if the Europeans fail to do their fair share.

We need to change that message. We need to make our Nation's current financial difficulties a priority. Our message should be that NATO has been a valuable alliance for 60 years, and it can be in the future, with a concerted effort by our allies to share the burden. That means truly sharing. The United States should lead when and where our capabilities are essential. We do have vast capabilities. When they are essential we have shown we will always be there. But others can lead where they have the capability to do so, and they need to do it with personnel and with the appropriate level of funding.

The complacency of our allies is increasingly a threat to our national security for we are shouldering more and more of the burden, even where our involvement is not in the vital interests of the United States. The American taxpayer can no longer afford to write endless checks for NATO operations. It is time for our allies to shoulder their responsibilities and reduce their dependence on U.S. military forces.

We want to maintain our military strength. We have the greatest military in the world. There is no doubt about that. But to keep our military strong, we cannot over-deploy our forces. I have talked to people who have been to Afghanistan six times on rotations—six times. Most of our people who have gone to Afghanistan have gone more than once, and that is following all of the time they have been to Iraq as well. We must keep our military strong by not overburdening them because our allies are not doing their share and supplying the troops they agreed to provide when they became members of NATO. For us to keep the strength we have, or to handle the big operations where we have the unique capabilities, we must be smarter about allocating and sharing the responsibilities. We can continue to lead and take the biggest share, but not 75 percent of the share and continue to remain strong, especially with the financial constraints we have today.

We are in the midst of negotiating how we can lower our deficit so we don't hit that $14 trillion debt ceiling without a plan for bringing down the deficit so we will never have to lift that debt ceiling again. So it is in everyone's interests for our allies to step up to the plate. They made agreements. It used to be a 3-percent gross domestic product commitment that was required for NATO. Now we are talking 2 percent, and only five countries—only five countries—meet that test. That is not a sustainable alliance. If we allow them to drag down their strongest member, it will not be in the interests of anyone if something big happens that requires an immediate and robust response.

So I appreciate that Secretary Gates, in his final days in office has talked very straight to our NATO allies. I hope they are listening, and I hope they are prepared to act. Yes, they have financial constraints too; we understand that. But it is time the burden be shared. It is time we have a real alliance in which we remain strong so we maintain the strength to respond to the big emergencies when we are called. Being dragged down by smaller contingencies that can be handled by others, whether it is Kosovo or Libya—and, certainly, we also are concerned about the situation in Syria and Yemen—we can let others be in the lead in those areas so that when the big things happen—such as Afghanistan which will continue to require our commitment—those major efforts can be led by the United States with our unique capabilities and our commitment.

Our military remains the best in the world. Our equipment is the best in the world. Our training is the best in the world. We need to maintain that strength with an alliance that accepts its responsibility for burden sharing. Where we are required to lead and are uniquely capable we will do so but we cannot allow ourselves to be continually placed in the position where these contingencies drag down our capabilities for the future.

So I applaud Secretary Gates for starting this dialogue in earnest. We have talked about it for a long time—for years, actually. We have talked to our NATO allies about stepping up to the plate. Even in good financial times that didn't happen but for a few. I will say that Great Britain has always been there, and we have had other strong alliances, including Australia—not in NATO but certainly a strong ally. Canada is also a strong ally, but it is time for us to reassess our contributions in NATO to preserve our strength so that we are there and prepared for major operations, which is in all of our interests.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the period for morning business be extended until 6 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HAGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 782

Mr. INHOFE. Mr. President, I am going to wait until the Senator from Illinois arrives before making a motion, but I wish to explain what I am going to do. I am going to make a motion when he does arrive.

I have an amendment. First of all, being the ranking member of the Environment and Public Works Committee, I have more than just a passive interest in this EDA bill. But one of the things I have been trying to do is get people to understand we have all these

amendments, and a lot of these amendments have nothing to do with the Economic Development Administration. They have to do with everything else that is out there. In fact, I am guilty of the same thing. I have, I think, five unrelated amendments. They are all good stuff, things I wish to get through, and that seems to be what this bill is all about.

But under all these amendments there is a bill and there is a reason for introducing it. It is a foregone conclusion—I think we all understand if we were to pass the EDA bill out of here in any form similar to the way it was introduced, it would never pass the House, and that would be a done deal.

What I am going to attempt to do is—I am going to attempt today and tomorrow and however long it takes—to get an amendment in there that is going to provide oversight authority by the GAO. Through the audits and assessments, the GAO can ensure that the EDA grants are distributed, and put some spending discipline in there, such as through a competitive award process—it is all drafted in the amendment; by the way, the amendment is No. 459—and in accordance with the EDA criteria and requirements.

Additionally, the GAO would submit a report every year to the Senate Environment and Public Works Committee and the House T&I Committee, Transportation and Infrastructure Committee, to have efficiency assured.

What we are doing here is, instead of having a jump ball and saying we are going to do any kind of an EDA program that we can sell through the administration, we will actually have discipline in there so it will have to be, first of all, gone over with the Government Accountability Office. Then, after that, it is not over because it has to come back to both committees in the House and the Senate. And, of course, I am the ranking member, and by the time that gets started, I may end up being the chairman, if it is after the next election. But you never know those things. So we would be able to look at it again.

The purpose of the amendment is to make certain that grant recipients are determined based on competitive procedures and to create more accountability for the EDA. Overall, I think Washington bureaucrats should not be picking winners and losers but, instead, rely on a formula and strict rules to determine where agency dollars flow.

I know we are not on the bill now. We are still in morning business. I understand we are going to go back on the bill at 6 o'clock this evening. But I have to get a request in that my amendment be—at that time, I am going to ask that the pending amendment be set aside for consideration of amendment No. 459, which I have just described.

I think the chief complaint about some of the EDA process—by the way, I have to say about the EDA process, it has done so well in my State of Oklahoma. We had one project in Elgin, OK—a very small community adjacent to the live range at Fort Sill—for a $2.25 million EDA grant. They ended up planning to construct a 150,000-square foot building that would employ—the numbers were almost the entire population of Elgin, OK. It is something that would revive that part of the State. The southern part of the State of Oklahoma and the south central part have historically been an area that is somewhat impoverished, and through these EDA grants we have done a good job.

The good thing about EDA grants is they require a lot of local participation. Generally, it is through the city funds, the State funds, and the county funds, and then an equal amount or a greater amount from the private sector.

In my State of Oklahoma, the grants are usually about one to nine in terms of public participation. So the program is good. I am the first one to admit, however, it may not work the same way in every State. I can only say what our experience has been in Oklahoma.

What I am going to suggest with this amendment is something we are doing anyway in Oklahoma. We are going through a competitive award process. That is a process that everyone understands. It is one that is all outlined in our rules. We know what they have to go through for competition. Then it is in accordance with the criteria.

The criteria is very important. One of these days we are going to get around to a transportation reauthorization bill that will come out of my same committee. The last one we had was in 2005. Since then, that has run out, and we are going kind of month to month. We have a dire need for infrastructure in America with the roads, highways, and bridges. It is something we have fallen behind on, and we are going to be getting to that.

The reason our 2005 bill was so successful in infrastructure for transportation in the reauthorization bill is because we had a formula. The formula took into consideration money to be spent on bridges and roads and highways, State by State, with such factors as to the fatalities in that State, the number of road lanes, miles, and all this criteria. When we got through establishing the criteria in 2005, it must have been good because nobody liked it. If it was something that upset everyone, then, obviously, it was one that was pretty good, and we passed it. That was a $284.6 billion reauthorization bill. We should be able to do something comparable now.

You might say, everyone is goosey about spending money nowadays. And that is understandable with the deficits. President Obama's three budgets have suggested and have put into effect $5 trillion of deficit—not debt but deficit.

This last budget was around a little over $2.5 trillion. And I can remember back in 1995, back when President Clinton was in office, going down to the floor and complaining because he had a budget to run the entire country of $1.5 trillion. Well, the deficit alone in the last budget we have had here, as prescribed by the President, has exceeded the amount it took to run the country during that period of time.

I see the Senator from Illinois is here. I would say to my good friend from Illinois, what I am doing here is I am going to attempt now—and it will be objected to, and I understand that because we are not on the bill yet—I am going to continue to attempt to have an accountability amendment that takes the EDA process and subjects it to a competitive award process, along with oversight by the GAO and by our committee and by the T&I Committee in the House of Representatives. I think it is something that would make—frankly, if we do not do it, in my opinion, there would be no way in the world that the House of Representatives would pass it. This offers discipline to it. I will go so far as to say that if we are not able to pass this amendment, to have accountability, I will probably end up voting against the bill if it comes up for a vote.

So with that in mind, I ask unanimous consent that it be in order to resume consideration of S. 782 so that I can call up my amendment No. 459 which is at the desk.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, reserving the right to object, what I am about to say is no reflection on the Senator from Oklahoma nor the merits of his amendment. We have almost 100 amendments filed and 17 pending, and the majority leader has asked that we at least reflect on those filed and set our schedule accordingly. I am not saying this will not be considered, but at the moment we are going to object to the offering of additional amendments. So I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. 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.

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

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

TRADE AGREEMENTS

Mr. BROWN of Ohio. Mr. President, while it is important to address the Federal budget deficit, too many Washington politicians have turned a blind eye to the U.S. trade deficit. Working families in Ohio and our Nation's manufacturers haven't forgotten about the devastating effects of our ballooning trade deficit.

How much bigger does our trade deficit need to get before Washington

wakes up and realizes we need a very different direction in trade? Let's put American workers and American businesses first for a change. Let's focus on enforcing existing trade laws and helping workers retrain for new jobs. Let's not pursue more of the same style of trade agreements that have wreaked havoc on our economy. That is really what the debate over the Korea trade agreement and the Panama and the Colombia Free Trade Agreements is all about.

Two weeks ago, Senator CASEY and I wrote a letter to the President, which 43 other Senators signed—in fact, it was signed by the Presiding Officer, the Senator from Rhode Island—affirming his decision to pass trade adjustment assistance for workers before proceeding to the trade agreements with Colombia, Panama, and South Korea. Our position on TAA has been consistent since we asked unanimous consent to pass TAA in late 2010. We need a long-term reauthorization regardless of what we do on these free-trade agreements.

Senator CASEY and I stood on this floor time after time, starting in December and into January and February, asking all of our colleagues to reauthorize, to extend trade adjustment assistance to those workers who lose their jobs through no fault of their own; they lose their jobs because of trade agreements this Congress passes and because of a trade policy this administration and Congress has followed. We are likely facing a situation in which TAA, unfortunately, is being linked with the free-trade agreements.

If and when a deal is reached, we will examine both its contents and the process in moving it forward. But when it comes to American workers, we want at least a 5-year reauthorization of TAA, one that includes the 2009 reforms and provides for an 80 percent health coverage tax credit.

Time and time again a Republican Member stood up and objected to our moving forward in helping American workers. I just don't understand, how people here want to pass these trade agreements knowing that workers will be dislocated, that plants will close down, people will lose jobs, and communities will be devastated because of the actions of this body in passing trade agreements. Yet they say, no, they don't want to do anything to help those workers.

That is why we believe TAA should be separate from the free-trade agreements. I ask my colleagues—especially those who call the free-trade agreements with Korea and Panama and Colombia, the same people who called NAFTA and CAFTA and PNTR with China job creators—if that is the case, what sort of message does it send about these trade agreements if they must be linked to assistance for displaced workers? They are saying the only way they want to do TAA is to connect it to Korea or connect it to Colombia or connect it to Panama. They are acknowledging, then, that when we pass these trade agreements, it is costing us jobs. Why would we do that?

Because of that, Senator CASEY and I want a clean vote on TAA and a trade enforcement package, and we want to work with our colleagues to shape this package.

For the Korea Free Trade Agreement, I have two concerns. The first is jobs—always jobs in these trade agreements. Ever since I have been in either the House or the Senate, every time there is a trade agreement—whether it is the North American Free Trade Agreement in 1993, PNTR with China—although not a trade agreement but allowing China into the World Trade Organization—or 2004 or 2005, if I remember right, when the Central American Free Trade Agreement passed the Congress, and now with Korea—the people behind these trade agreements have talked about all the jobs they will create. They tell us: Well, we are going to close our trade deficit because of these trade agreements. Never does that happen.

When we passed NAFTA, we had a trade surplus with Mexico. Today, as Senator CASEY pointed out, we have a $90 billion trade deficit with Mexico. When PNTR passed, my recollection from 12 years ago was that we had about a $10 billion or $12 billion trade deficit with China. Now our annual trade deficit with China is $273 billion—last year. This year, in 1 month it was $21 billion.

So, it is pretty clear the promises made with regard to these trade agreements and the reality that exists are different things. They do not create jobs, they do not close our trade deficit, yet the promises continue. So my first problem with the Korea Free Trade Agreement is jobs.

The ITC—the International Trade Commission—projects the Korea FTA will increase the trade deficit, especially in auto parts, transportation equipment, metal and iron, and textiles and apparel. The economy is still facing extreme challenges. Since President Obama took office—when we were losing 700,000 jobs a month in January and February of 2009—we have seen some job growth. In the last 14 months, we have seen manufacturing job growth for the first time since 1998. So things are starting to turn around. But the last thing we do when the economy is facing extreme challenges—the last thing we should do—is pass a trade agreement of this magnitude with its short-term and long-term effects on jobs.

Finally, we have an administration that is being a little more truthful when it comes to promises about these trade agreements. As I said, during the NAFTA timeframe, we had President George H.W. Bush, and then President Clinton, who said it would provide all these jobs—200,000 jobs, I think one of them said. But this time, at least, the administration is not saying they expect this is going to create jobs. They say: This agreement is expected to support—whatever that means—70,000 jobs.

But let's do the math. The Congressional Budget Office said the cost of this trade agreement—yes, this trade agreement costs money because we lose a lot of money in tariffs—is $7 billion over 10 years. That means if we are going to support—not create but support—70,000 jobs, and spend $7 billion to do it, the agreement costs about $100,000 for every job supported—again, not created but every job supported.

This trade pact has unusually low rules of origin, allowing goods from Korea that are made with up to 65 percent of their parts from China or other countries. When the European Union negotiated their Korea Free Trade Agreement, they had domestic content rules of 55 percent, meaning that 55 percent of the components in a product had to come from South Korea.

The Obama administration improved this over the Bush agreement, but only marginally, by saying only 35 percent has to come from Korea. That means 65 percent or two-thirds of the added value of the components of these products shipped from Korea, with basically no tariffs coming to the United States, can come from China or can come from a low-wage country with low or weak environmental laws and low worker standards and all of that. So it allows a back door for countries such as China to gain even more access to the American market.

We all recognize that we live in a world with global supply chains. But this low domestic content threshold of 35 percent will clearly hurt American manufacturers over the long term. So let's be clear. This is not just a Korea Free Trade Agreement, it is effectively a global free-trade agreement.

Second, the Korea FTA causes me concern because it includes what is called the ''investor-state'' enforcement in which a corporation is empowered to directly challenge laws as violations of a trade pact. Before the North American Free Trade Agreement, there was no such thing as investor-state relations. That meant that a company could not sue another foreign government. For instance, if the Canadians were unhappy with some U.S. law, the Canadian Government could sue the U.S. Government, but a Canadian company couldn't sue the U.S. Government. So what these investor-state provisions do is to undermine sovereignty. It undermines what we have done in this body.

We fight in this body for strong clean air laws and strong environmental rules and strong pure food laws and strong consumer protections. Under the investor-state relations, a company in Korea could sue the U.S. Government for those kinds of strong environmental workforce safety or food safety laws. We don't want to give a company in another country the standing to undermine our sovereignty on laws that were democratically attained in this country.

This mechanism is not necessary for a pact between two countries with well-established rules of law. We didn't do that in the U.S.-Australia Free Trade Agreement. It did not include these investor-state provisions. Why would we do it now with Korea, which is also a country that operates under a rule of law?

One more reason this Korea Free Trade Agreement undermines our sovereignty, weakens our environmental laws, weakens our food safety laws, and dilutes what we stand for in the American values we hold so dear is about jobs, and it is about these investor-state provisions which undermine our sovereignty.

Before pursuing more of the same style of trade agreements that caused our trade deficit to balloon to more than $600 billion, why not focus on enforcing existing trade laws? We know some things we ought to be doing before we look at passing new trade agreements. We need to better enforce trade laws. We have done that.

President Obama, to his credit—and again, I don't agree with him on these trade agreements. I think he is wrong. But to his credit, more than any President I think in at least 25 years, President Obama has begun to enforce some trade rules. He enforced on oil country tubular steel. His decision created hundreds of jobs in Youngstown and Lorain, OH. His decision on Chinese tires created hundreds of jobs in Findlay, OH, and other places around the State in tire-building. His and the Commerce Department's decision on the Chinese gaming the system on coated paper, an industry that still exists in this country—not what it used to be, but it meant jobs in southwest Ohio and all over my State and all over States where paper is still manufactured in this country.

Another thing we should do before a new trade agreement is we should consider reintroducing Super 301 so that we have the tools to fight back when countries such as China game the system.

I am working with the Republican Senator from Ohio, the Republican Senator from Missouri, the Democratic Senator from Missouri, and the Democratic Senator from Oregon, Chairman WYDEN of the Finance Committee's subcommittee, to begin to enforce customs duties and make sure companies in countries that evade these customs duties can no longer evade them. That will make a huge difference in job creation.

Those are the kinds of things we should be doing.

Paul Krugman, who has been a free-trader most of his life, a columnist for the New York Times, back in December said:

> If you want a trade policy that helps employment, it has to be a policy that induces other countries to run bigger deficits or smaller surpluses. A countervailing duty of Chinese exporting would be job creating here; a deal with South Korea, not.

This comes from a Nobel Prize-winning economist, somebody who has in the past been supportive of these free-trade agreements, believing that they have created jobs. He realizes Korea won't create jobs. Beginning to enforce our trade laws is the way to go.

I will close with this. Some years ago, President Bush said that for every billion-dollar trade surplus or every billion-dollar trade deficit a country has, it translates into 13,000 jobs. In other words, if we have a trade deficit with China of $1 billion, that would mean we are selling to them $1 billion less than we are buying from them, and the manufacture of those products we buy versus the ones we manufacture and sell is a net loss to the United States of 13,000 jobs. So for every $1 billion trade surplus or trade deficit, it translates into 13,000 jobs for that country.

The trade deficit with China last year was $273 billion. The trade deficit we have with the entire world, the so-called multilateral trade deficit, was $634 billion.

Mr. President, travel my State. Travel this country. See the kinds of manufacturing job loss we have had. We have lost manufacturing jobs from 1998, the last 2 years of the Clinton administration, all 8 years of the Bush administration, and the first year and a half of the Obama administration. We were losing manufacturing jobs through that whole process. Now we are starting to gain manufacturing jobs, but we can't continue to gain manufacturing jobs when we pass free-trade agreements that clearly cause more companies to shut down in our country and more of those companies to move abroad.

The Korea Free Trade Agreement is a bad idea. It is imperative that we do what the President has said we should do and what so many of my colleagues have asked us to do; that is, pass trade adjustment assistance with a health coverage tax credit for those workers who have already lost jobs from trade agreements and from trade policy. It is the right thing to do. It is good for our country, it is good for our economy, and it is especially good for workers.

EXTENSION OF MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:30 p.m., with Senators permitted to speak for up to 10 minutes each.

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

FOOD SAFETY ACCOUNTABILITY ACT

Mr. LEAHY. Mr. President, in April, the Senate unanimously passed the Food Safety Accountability Act. If enacted, this important bill will hold criminals who poison our food supply accountable for their crimes. Now more than ever, it is critical that the House pass this noncontroversial legislation.

A recent E. coli outbreak in Germany—identified by scientists as a new, deadly strain of the bacteria—has killed at least 35 people and spread to 10 countries. Thankfully, this particular outbreak has not yet hit the United States, but this tragedy, on the heels of several major outbreaks in the United States in recent years, highlights the importance of ensuring that we take every step to protect our food supply. The Food Safety Accountability Act promotes more accountability for food suppliers by increasing the sentences that prosecutors can seek for people who violate our food safety laws in those cases where there is conscious or reckless disregard of a risk of death or serious bodily injury.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. Knowingly distributing adulterated food is already illegal, but it is in most cases merely a misdemeanor right now, and the Sentencing Commission has found that it generally does not result in jail time. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our American citizens in pursuit of profits view such fines or recalls as merely the cost of doing business.

Last summer, a salmonella outbreak caused hundreds of people to fall ill and triggered a national egg recall. Salmonella poisoning is all too common and sometimes results from inexcusable, knowing conduct like that carefully targeted by the Food Safety Accountability Act. The company responsible for the eggs at the root of the last summer's salmonella crisis had a long history of environmental, immigration, labor, and food safety violations. It is clear that fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. This bill will significantly increase the chances that those who commit serious food safety crimes will face jail time, rather than merely a slap on the wrist.

Food safety received considerable attention last year, and I was pleased that Congress finally passed comprehensive food safety reforms, but our work is not done. A provision almost identical to the Food Safety Accountability Act was passed by the House with strong, bipartisan support but failed to make it into the final legislation that ultimately passed because of Republican objections in the Senate. Now that the Senate has unanimously passed this bill, it is again time for the House to act.

The American people should be confident that the food they buy for their families is safe. The uncertainty and fear caused by the current E. coli outbreak in Europe only reinforces the

need to pass the common sense Food Safety Accountability Act to protect our own food supply. I urge the House to quickly pass the Senate bill and join us in taking this important step toward protecting our food supply.

WORLD DAY AGAINST CHILD LABOR

Mr. HARKIN. Mr. President, I have come to the floor today to acknowledge and celebrate the World Day Against Child Labor, which was commemorated earlier this week.

An estimated 215 million children across the world are still trapped in the worst forms of child labor. A report issued by the International Labor Organization, ILO, in May 2010 offered some good news in the fight against child labor. There is a decline in the number of girls trapped in child labor. There are fewer children doing hazardous work. We are closer than ever to universal ratification of ILO Convention 182, which prohibits the worst forms of child labor. Mr. President, 173 out of 192 participating nations have ratified this convention.

However, due to the economic crisis, there also have been setbacks. Child labor has been increasing among boys and in young people between the ages of 15 and 17. Progress in reducing child labor in Sub-Saharan Africa has stalled. While some people may point to the global economic crisis as a cause of these setbacks, we cannot use this as an excuse for complacency.

One can look at the country of Uzbekistan to see the dire need for more action. According to School of Oriental and African Studies at the University of London, over 2 million children are forcibly pulled from school by government officials to work in cotton fields. Uzbek cotton is listed as a good produced by forced labor and child labor by the Department of Labor. It is listed on the Tier 2 Watch List in the State Department's Trafficking in Persons Report. Yet despite this clear, compelling, and thoroughly documented evidence of Uzbekistan's abject failure to live up to its international commitments under ILO Convention 182, business goes on as usual. Uzbekistan has received no sanction and continues to receive trade benefits from the United States under the Generalized System of Preference.

The work performed by these children, stooped over to pick cotton under a hot Sun, also falls under the category of hazardous work. Hazardous work is by its very nature likely to harm the health and safety of children. Hazardous work exposes children to physical, emotional, or even sexual abuse. It includes children working underground in mines, underwater, at dangerous heights, or in confined spaces. Children work with dangerous machinery, equipment, and tools. They may work in in unhealthy environments, exposed to hazardous substances like nicotine in tobacco fields or to extreme temperatures, noise levels, or vibrations that can damage growing bodies. Some children are even forced to work such long hours that they are up for entire nights or are not allowed to return to their own home at the end of the day.

The ILO estimates that 115 million children perform hazardous work. Forty-one million of these are girls and 74 million are boys. Sixty-two million are between the ages of 15 and 17, and 53 million are 14 years old or younger.

It is vitally important to get children out of the worst forms of child labor, including hazardous work, so they may attend school, do well in their studies, and gain the knowledge and skills necessary to build a decent life. To this end, the U.S. Government needs to approach the scourge of child labor in a holistic manner. We need to address the underlying poverty that forces so many children to forgo schooling in order to meet even their most basic needs.

Fortunately, through the Department of Labor, the United States has undertaken projects to do just that. In Ghana, DOL is working with the ILO and the Government of Ghana to implement a new, holistic program to reduce child labor in the cocoa sector by 70 percent by 2020. This effort has gone hand-in-hand with a renewed effort by the international cocoa industry, which has pledged $7 million in new funding to this fight. I have been personally involved in this effort with my good friend and colleague in the House of Representatives, Congressman ELIOT ENGEL of New York.

In fact, this unified effort of the U.S. Government, the Ghanaian Government, and the cocoa industry recently reviewed innovative programs proposed by the cocoa industry in support of its $7 million pledge. It is my hope that this approach, governments working hand-in-hand with industry and implementing partners, can become a model to combat the worst forms of child labor worldwide.

This is just one example of many Department of Labor programs that are in progress all over the world. Another such program, in Guatemala, takes at-risk children and provides them after-school activities that reinforce their education, giving them an opportunity for recreation and personal growth in stark contrast to the stunted prospects that follow from being forced to work long hours. Another program, in Lahore, Pakistan, has redesigned the looms people use to weave carpets, eliminating hazards such as back injuries and bone deformities that have plagued children. These and other Department of Labor projects form the backbone of U.S. efforts to combat the worst forms of child labor.

It is not enough to do this just at the Department of Labor though. In Afghanistan, a 2006 UNICEF report estimated that one in four children between the ages of 7 and 14 is subject to the worst forms of child labor. As the Department of Defense and other departments are spending huge amounts of U.S. taxpayer dollars in Afghanistan, it is vitally important to require child labor protections in our various programs and contracts in that country.

Starting this year, a Department of Defense contract to provide market access to Afghan carpet makers will work hand-in-hand with the proven GoodWeave certification system to assure that the carpets made under this taxpayer-funded program are not made with the worst forms of child labor.

So while there has been much progress made, and our efforts abroad are continuing to build success, we must remain vigilant, even here at home. Regrettably, there are some States here in the United States that are trying to undermine the fundamental protections we have afforded to children for generations. For example, the Republican-controlled legislature of Maine decided to pass a bill stripping State-level child labor protections. Maine's Republican Governor decided it would be better for his State to take a step backward because he personally went to work at age 11, and, as he put it, ''It's not a big deal. Work doesn't hurt anybody.''

Well, I would like to tell you how putting a job before children's education can set them back. At a time when it seems that most new jobs require high skill levels, great harm is done by denying these children a chance to acquire these skills. We need to be educating the next generation of doctors, engineers, and scientists. However, the OECD shows that the United States has slipped to the 23rd best country at science education and 31st at math.

We are not going to catch up to other countries if our children are spending too much time working at McDonald's or Burger King. I agree that having a part-time job after school or on weekends can be beneficial. However, studies have shown that teenagers working more than 20 hours a week have a greater tendency toward academic and behavioral problems, as well as higher dropout rates. The United States should aspire to being the country that outbuilds, outeducates and outinnovates. If we continue undermining our child labor laws and neglecting education, we will be the country that outgrills, outflips and outfries!

There are even some Members of the Senate who have questioned whether child labor laws are constitutional. Apparently the protection of our most vulnerable children from exploitation isn't part of protecting the general welfare. Apparently the Supreme Court was incorrect when it unanimously upheld the Fair Labor Standards Act 70 years ago.

It is for all of these reasons that I continue the fight against the worst forms of child labor. It is also why I have come to the floor today to salute

the World Day Against Child Labor. But 1 day is not enough. We should be focused on the needs of these children not only on June 12 each year but 365 days a year.

SOUTHEASTERN DISASTER TAX RELIEF ACT

Mr. INHOFE. Mr. President, I rise today to express my support for Senator SHELBY's recently introduced bill, the Southeastern Disaster Tax Relief Act, of which I am an original cosponsor.

As an Oklahoma native, I have seen and experienced just how devastating severe weather can be. Since 1950, there have been approximately 3,300 tornadoes that have killed nearly 500 people in Oklahoma alone. Scores more have been injured. According to the National Oceanic and Atmospheric Administration, tornadoes cause $1.1 billion of damage on average per year, and this does not account for the unquantifiable cost of the loss of a loved one, a home, or a business.

You may recall the F5 tornado that swept through Oklahoma on May 3, 1999. This storm alone caused $1.9 billion in damages, killed 48 people, and destroyed the town of Moore, OK. Survivors of this storm described being trapped under the debris of their homes, the panicked rescue effort to find neighbors, and the overwhelming sadness accompanied by loss. When I visited Tushka, OK, on April 15 of this year, following its devastating storms, I witnessed firsthand the same type of devastation.

It is estimated that the damage caused by tornadoes in Oklahoma on May 24 of this year will cost between $200 and $300 million. In addition, the storms in Joplin, MO, may have caused an additional $3 billion in losses. Clearly, these areas are in need of assistance, particularly since insurance payments will not remove out-of-pocket expenses families and businesses will have to pay as they rebuild their lives.

Under the current Tax Code, there is some relief available to families and businesses that experience damage in hard hit areas. In addition to being able to deduct most losses from the disaster on their taxes, individuals who receive disaster mitigation assistance, such as a FEMA grant, do not have to report the assistance as income. Additionally, Congress has, in the past, passed a number of temporary provisions to provide additional relief to victims of severe natural disasters, such as the Heartland Relief Act, the Katrina Emergency Tax Relief Act, and the Gulf Opportunity Zone Act.

Senator SHELBY's Southeastern Disaster Tax Relief Act does the same thing and provides targeted, temporary tax relief to folks who have been hit by strong storms in recent months. The provisions of his bill have been selected from a number of the previous emergency tax relief acts enacted in past years. This is beneficial and worth mentioning because the IRS has already drafted guidance documents for all of the relief provisions, making it easier for taxpayers to take advantage of the relief. We also know the provisions in this bill will actually help people recover. The relief has worked in the past, and it will work again today.

Any individual or business located in a county that has been declared a major disaster area by the president is eligible for the relief provided by this bill if those counties are eligible for either ''individual'' or ''individual and public'' assistance through FEMA.

These assistance designations are allowed only to the hardest hit areas. In my State of Oklahoma, the qualifying counties include Canadian, Delaware, Grady, Kingfisher, Logan, McClain, and Atoka. These are the areas around Piedmont, Tushka, and Grove, Oklahoma. Public assistance funds are generally made available to States and localities to help pay for the removal of debris and to repair, replace, and restore disaster-damaged publicly owned facilities. Individual assistance, provided through FEMA and the SBA consists of grants and loans made directly to individuals. These grants are need-based, and can be issued to provide temporary housing or to help repair or replace a family's home if their insurance coverage falls short. In the most severe cases, additional assistance is provided.

While it is good FEMA provides this assistance, many individuals and businesses will not qualify despite being hit hard by the storms. And while permanent tax provisions do help individuals and businesses account for their losses and insurance payments, they do little beyond that to help folks get back on their feet. This underscores the need for the Southeastern Disaster Tax Relief Act.

Under the act, individuals would be allowed, among other things, to make early withdrawals from their tax-preferred retirement plans without having to pay tax penalties. Current tax law discourages early withdrawals by imposing a 10 percent tax penalty on most early withdrawals from accounts like Roth IRAs. This is fine under normal circumstances, but as individuals recover from disasters like this, they should be able to tap into their own resources without being penalized. This will likely help many families avoid going into debt or relying on government grants to repair their homes and property.

Individuals will also be able to deduct an unlimited amount of cash charitable contributions to nonprofit entities when the donations are allocated toward disaster relief efforts in the affected areas. Current policy limits the amount of income that can be deducted from charitable giving. This bill would temporarily suspend this provision.

Businesses will be allowed to immediately expense 50 percent of the cost of demolishing and/or cleaning up damaged property. This will allow them to recognize their losses more quickly than current policy, which requires them to capitalize cleanup costs into the construction or repair of their property.

Small businesses will also be provided with a tax credit for 40 percent of wages up to $23,400 paid to employees retained while a business is inoperable because of the storm. With unemployment hovering around 9 percent, this provision will help struggling employers retain and continue paying employees despite the fact that their business have been destroyed by the storm and remaining closed for business.

Public utility companies in Oklahoma and other states will be allowed to carry back the disaster losses to their property for 5 years. This will allow them to quickly realize their losses from a tax perspective, and the consequent savings will be available for them to more swiftly rebuild their infrastructure so that service can be returned to their customers.

Lastly, States will be allowed to float additional private activity bonds beyond the caps presently set by statute. The amount will be limited by the number of people whose primary residence is located in the areas affected by the disasters.

The provisions I mentioned are only a sample of what is provided in this bill. I must underscore, however, that this bill is highly targeted and temporary. It is also deficit neutral. Most of the provisions in the bill only last for the next year or so; others expire at the end of 2013 and 2014. In total, this bill is expected to provide over $5 billion in tax relief.

This bill has been designated an emergency—as I believe it should be. It is targeted, temporary relief in response to an unpredictable disaster. Usually we do not require ourselves to find immediate savings to offset the cost of emergency provisions, but in our present age of trillion dollar deficits, we need to offset deficits wherever possible. Senator SHELBY has offset the cost of this bill by rescinding $12 billion in unobligated appropriations that remain unexpired. This provision applies to all Departments except the Departments of Defense and Veterans Affairs.

In short, this bill is a necessary and commonsense tax proposal to help tornado victims. It is also fully paid for, making it fiscally responsible. I urge swift consideration and passage of this act.

TRIBUTE TO DOROTHY BOGER

Mr. CRAPO. Mr. President, I rise today to honor one of my longtime staff members, who has decided for the second time to leave my employ. Dorothy Boger's service as part of my staff started on the first day I became a Member of Congress; she was the veteran staffer, the only one with any Hill experience, on my first day in office in 1993. While her job title was scheduler,

she did so much more. She came to my office with several years of experience working for her home State Congressman, the Honorable Clyde C. Holloway of Louisiana, and the training that she received there served me very well over the next 18 years. On that first day, my office was one of the few that had staplers, copy paper, and wastepaper baskets—all because Dorothy already knew what to expect coming into a brand-new office. During my 6 years in the U.S. House of Representatives, Dorothy oversaw my office operation and my schedule; she kept us running, paid attention to the details and made sure that everyone from Idaho got a dose of Southern charm. We often say that she is from southern Idaho, way southern Idaho.

When I was elected to the Senate in 1998, Dorothy came with me to start up another office on the other side of the Hill. But, by that time, her family priorities had shifted and after a few months, she realized that she needed to be home with her young son and soon after she had another on the way. It was hard to say good-bye the first time, and it was terrific when an opportunity presented itself that was perfect to bring her back to the office. She has contributed in the second go-round in the communications field, and it is difficult to recognize that she means it this time when she says she is retiring.

Dorothy's priorities have always been very clear. She and her husband Bill have a young family, and she has been able to arrange her schedule to be with them as much as possible. But this year has been very trying for her as she has faced the loss of her beloved mother and eldest sister. She says that it has brought those priorities into even sharper focus, and I cannot argue with her desire to spend time at home, have the opportunity to visit family who live far away and enjoy more freedom to accomplish all that makes her most happy.

We will miss her deeply, and for far more reasons than the delicious double chocolate Ghirardelli brownies that she frequently brings to the office to share. Her positive spirit and support have left an indelible mark, and I wish her all the best.

ADDITIONAL STATEMENTS

USGS ALBUQUERQUE SEISMOLOGICAL LABORATORY

● Mr. BINGAMAN. Mr. President, I wish to honor the USGS Albuquerque Seismological Laboratory, ASL, on the occasion of its 50th anniversary. I would like to congratulate the ASL for 50 years of distinguished service to the State of New Mexico.

From its quiet location just outside of Albuquerque on the Isleta Pueblo, ASL has become an indispensable hub for seismological research over the past 50 years. Today, it is at the center of several globe-spanning networks that facilitate the sharing and analysis of seismological data. ASL researchers help design and deploy the Global Seismograph Network, which now connects over 150 monitoring stations around the world. The authoritative research conducted there contributes immeasurably to the field of seismology.

The real importance of ASL's research cannot be overstated. ASL's role in the emerging fields of earthquake and tsunami monitoring is invaluable for developing tools to save lives when natural disasters occur. Additionally, ASL provides vital data used to help monitor and detect nuclear tests by the Comprehensive Test Ban Treaty Organization, CTBTO.

I thank the ASL for its important contributions to both the scientific community and the public good and wish it success in the next 50 years and more.●

TRIBUTE TO JESSIE RUTH WALTON AND FRANCIS JAMES WALTON

● Mrs. MURRAY. Mr. President, it is crucial that we never forget to honor our veterans for their service and dedication to this nation. As the chairman of the Senate Veterans' Affairs Committee, I would like to recognize and applaud the service of Mr. Francis James Walton and Mrs. Jessie Ruth Walton, both of whom served our Nation during World War II and turn 90 years old this year.

Mrs. Jessie Ruth Walton was born in Exeter, VA, on May 31, 1921. Heeding the call to service, she enlisted in the Navy WAVES in 1943 and went on to serve her country during World War II as a pharmacist, dispensing needed medicine for the troops in Washington, DC, and in Long Beach, CA.

Mr. James Walton, Jessie's husband, was born in Cadillac, MI, on July 14, 1921. He enlisted in the U.S. Marines in 1941. He served in Carlson's Raiders of the 2d Marine Battalion, an elite unit that was among the first U.S. special operations forces to see combat in World War II. Jim's time in the Marines included deployment to the South Pacific, where he fought in Bougainville and Guadalcanal Island, contributing to a strategic victory that turned the tide for the Allied forces in the Pacific. A valiant warrior, he spent 30 days fighting behind enemy lines, 30 days that must have felt a lifetime.

Following World War II, Jim returned to Michigan, where he obtained a college degree and married Jessie Ruth Meade. After his time in the service, Jim began teaching and ultimately found a rewarding career at General Motors, where he worked for 30 years before retiring. Together, Jim and Jessie raised a family of four children—James, Susan, Julie, and Jane—who have picked up the mantle of their parents in service to their communities in a range of capacities. In particular, I am delighted to note that their son Jim serves as president of Centralia College in my home State of Washington. Mr. and Mrs. Walton are also fortunate to have 10 grandchildren and 6 great-grandchildren.

I am delighted to extend birthday wishes and gratitude to the Waltons on this joyous occasion. I wish them and their family all the best as they celebrate this wonderful milestone.●

TRIBUTE TO STEPHANIE WHEELER

● Mrs. SHAHEEN. Mr. President, today I wish to offer my sincere congratulations to an exceptional teacher from New Hampshire.

Stephanie Wheeler has been chosen to receive the Presidential Award for Excellence in Mathematics and Science Teaching. This award honors teachers who have made exceptional contributions to their students and to their profession. I congratulate Ms. Wheeler for her outstanding accomplishments and commitment to New Hampshire's students.

Our country's competitiveness in the global economy requires us to foster the development of our students in math and science. Educators like Stephanie are essential to this effort because they are able to engage students and help them develop a love for these important subjects. I am pleased to see Stephanie honored for her work.

Stephanie has been the title I mathematics supervisor and coach at Wilson Elementary School in Manchester for the last 4 years. In this position, Stephanie oversees all title I mathematics certified instructors and monitors the implementation of the mathematics curriculum for teachers in kindergarten through fifth grade. She also teaches mathematics daily to second, third, and fifth graders.

Prior to her time at Wilson Elementary School, Stephanie spent 5 years as the district title I math coach for the Manchester School District. She also served as a middle school math teacher for both the Bedford and Laconia school districts for 9 years.

In addition to her responsibilities as an educator and title I supervisor, Stephanie has presented workshops at local, state, and national mathematics conferences. She also serves as the elementary representative on the New Hampshire Teachers of Mathematics Board of Directors. Her dedication to improving mathematics education in New Hampshire and throughout the country by sharing her knowledge with other educators is truly commendable.

The Presidential Award for Excellence in Mathematics and Science Teaching is the most prestigious honor awarded to mathematics and science teachers in the country. As a former teacher myself, I am especially proud of the role that Stephanie plays in educating the next generation of Americans. I am honored to recognize Stephanie Wheeler's exceptional dedication to her students and her subject and to congratulate her for her commitment to excellence in teaching.●

MESSAGE FROM THE HOUSE

At 11:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2055. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 276H, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. MACK of Florida, Mr. NUNES of California, Mr. BILBRAY of California, and Mr. CANSECO of Texas.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2055. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations.

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–2128. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–034, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–2129. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Synchronized Predeployment and Operational Tracker (SPOT) ((RIN0750–AH26) (DFARS Case 2011–D030)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Armed Services.

EC–2130. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Global Hawk program; to the Committee on Armed Services.

EC–2131. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Assembled Chemical Weapons Alternatives (ACWA) program; to the Committee on Armed Services.

EC–2132. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''C9 Rich Aromatic Hydrocarbons, C10–11 Rich Aromatic Hydrocarbons, and C11–12 Rich Aromatic Hydrocarbons; Exemption from the Requirement of a Tolerance'' (FRL No. 8876–2) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2133. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diethylene Glycol MonoEthyl Ether (DEGEE); Exemption from the Requirement of a Tolerance '' (FRL No. 8877–1) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2134. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the realistic survivability testing of the Mobile Landing Platform; to the Committee on Armed Services.

EC–2135. 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 ''Foreign Assets Control Regulations; Transaction Control Regulations (Regulations Prohibiting Transactions Involving the Shipment of Certain Merchandise Between Foreign Countries'' (31 CFR Part 500 and 505) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2136. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Stationary Compression Ignition and Spark Ignition Internal Combustion Engines'' (FRL No. 9319–5) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Environment and Public Works.

EC–2137. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Plating and Polishing'' (FRL No. 9320–6) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Environment and Public Works.

EC–2138. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Review of New Sources and Modifications in Indian Country'' (FRL No. 9320–2) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Environment and Public Works.

EC–2139. A communication from the Chair of the Medicaid and CHIP Payment Access Commission, transmitting the commission's ''Report to the Congress: The Evolution of Managed Care in Medicaid''; to the Committee on Finance.

EC–2140. A communication from the Assistant Secretary of the Department of the Treasury, transmitting, pursuant to law, a report relative to Executive Order 11269 and International Monetary and Financial Policies; to the Committee on Foreign Relations.

EC–2141. A communication from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities and Selection Criterion; National Institute on Disability and Rehabilitation Research (NIDRR)—Spinal Cord Injury Model Systems (SCIMS) Centers and SCIMS Multi-Site Collaborative Research Projects'' (CFDA Nos. 84.133N–1 and 84.133A–15) received in the Office of the President of the Senate on June 14, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–2142. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priority; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability Rehabilitation Research Project (DRRP)—Disability in the Family'' (CFDA No. 84.133A–09) received in the Office of the President of the Senate on June 14, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–2143. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

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. COATS (for himself and Mr. LUGAR):

S. 1197. A bill to provide for a feasibility study before carrying out any Federal action relating to the Chicago Area Water System; to the Committee on Environment and Public Works.

By Mr. KERRY:

S. 1198. A bill to reauthorize the Essex National Heritage Area; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mr. LEAHY):

S. 1199. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS (for himself, Mr. NELSON of Florida, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. FRANKEN, and Mr. WHITEHOUSE):

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; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself, Mr. CRAPO, Mr. TESTER, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. WHITEHOUSE, Mr. BEGICH, Mr. CARDIN, and Mr. UDALL of Colorado):

S. 1201. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes; to the Committee on Environment and Public Works.

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

S. 1202. A bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. ISAKSON, Ms. KLOBUCHAR, and Mr. INOUYE):

S. 1203. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

By Mr. UDALL of Colorado:

S. 1204. A bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes; to the Committee on Armed Services.

By Mr. SHELBY (for himself, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Mrs. HAGAN, Mr. INHOFE, Mr. ISAKSON, Mrs. MCCASKILL, Mr. PRYOR, and Mr. SESSIONS):

S. 1205. A bill to provide temporary tax relief for areas damaged by 2011 Southeastern severe storms, tornados, and flooding, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mrs. BOXER, Mr. FRANKEN, and Mr. MERKLEY):

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; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. ROCKEFELLER):

S. 1207. A bill to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach; to the Committee on Commerce, Science, and Transportation.

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

S. 1208. A bill to provide an election to terminate certain capital construction funds without penalties; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEE):

S. 1209. A bill to clarify authority granted under the Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes''; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself and Mr. MERKLEY):

S. 1210. A bill to improve domestic procurement policies by providing rules and guidance, waiver notices, and departmental and agency actions applicable to the domestic content standards of Federal grants administered by the Department of Transportation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. REED, and Mrs. BOXER):

S. 1211. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN:

S. 1212. A bill to amend title 18, United States Code, to specify the circumstances in which a person may acquire geolocation information and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERRY (for himself, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. WEBB):

S. Res. 208. A resolution expressing the sense of the Senate regarding Mongolian President Tsakhiagiin Elbegdorj's visit to Washington, D.C., and its support for the growing partnership between the United States and Mongolia; considered and agreed to.

ADDITIONAL COSPONSORS ON JUNE 14, 2011

S. 48

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 48, a bill to amend the Public Health Service Act to provide for the participation of pharmacists in National Health Services Corps programs, and for other purposes.

S. 80

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 80, a bill to provide a permanent deduction for State and local general sales taxes.

S. 89

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 89, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 201

At the request of Mr. MCCAIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Delaware (Mr. COONS) were added as cosponsors 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. 227

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor 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. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 394

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 395

At the request of Mr. ENZI, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 395, a bill to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 510

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

S. 652

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 652, a bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative minimum tax treatment for certain tax-exempt bonds, and for other purposes.

S. 665

At the request of Mr. BROWN of Ohio, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 672

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

S. 687

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 687, a bill to amend the Internal

Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 726

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 726, a bill to rescind $45 billion of unobligated discretionary appropriations, and for other purposes.

S. 834

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 906

At the request of Mr. WICKER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) 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. 958

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 964

At the request of Mr. ALEXANDER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 964, a bill to amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

S. 972

At the request of Mr. CARPER, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 972, a bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes.

S. 975

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 975, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 982

At the request of Ms. AYOTTE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 982, a bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1023

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN) 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.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1056, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 1105

At the request of Mrs. MURRAY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1105, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1125

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1125, a bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1185

At the request of Mr. THUNE, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Pennsylvania (Mr. CASEY) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1185, a bill to amend the Internal Revenue Code of 1986 to provide for a variable VEETC rate based on the price of crude oil, and for other purposes.

S. RES. 80

At the request of Mr. KIRK, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors 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. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 185

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 185, supra.

At the request of Mr. CARDIN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 185, supra.

S. RES. 199

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 199, a resolution supporting the goals and ideals of ''Crohn's and Colitis Awareness Week''.

S. RES. 202

At the request of Mr. CONRAD, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 202, a resolution designating June 27, 2011, as ''National Post-Traumatic Stress Disorder Awareness Day''.

AMENDMENT NO. 389

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 389 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.

AMENDMENT NO. 405

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Alaska (Mr. BEGICH), the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 405 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.

AMENDMENT NO. 423

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 423 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.

AMENDMENT NO. 436

At the request of Mr. COBURN, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 436 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.

AMENDMENT NO. 460

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 460 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.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 89

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 89, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 229

At the request of Mr. BEGICH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 229, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish.

S. 230

At the request of Mr. BEGICH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 230, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically-engineered fish.

S. 251

At the request of Mr. VITTER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 251, a bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Hawaii (Mr. AKAKA) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 482

At the request of Mr. INHOFE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 482, a bill to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.

S. 483

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 483, a bill to amend title XVIII of the Social Security Act to provide for the treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 570

At the request of Mr. TESTER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 740

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 755

At the request of Mr. WYDEN, the names of the Senator from Washington

(Mrs. MURRAY) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 855

At the request of Ms. STABENOW, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of nonemergency personnel and the curtailment of Government activities and services.

S. 958

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Indiana (Mr. COATS), the Senator from Arkansas (Mr. PRYOR), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1098

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1098, a bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1145, a bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes.

S. 1169

At the request of Mr. NELSON of Nebraska, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1169, a bill to provide for benchmarks to evaluate progress being made toward the goal of transitioning security responsibilities in Afghanistan to the Government of Afghanistan.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1196

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1196, a bill to expand the use of E-Verify, to hold employers accountable, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S.J. Res. 17, supra.

S.J. RES. 19

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from Wyoming (Mr. ENZI) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 22

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 22, a concurrent resolution expressing the sense of Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and heroic significance of Jack Johnson and unduly tarnished his reputation.

S. CON. RES. 23

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 23, a concurrent resolution declaring that it is the policy of the United States to support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SHELBY), the Senator from North Carolina (Mrs. HAGAN) and the Senator from Indiana (Mr. COATS) 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. 202

At the request of Mr. CONRAD, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 202, a resolution designating June 27, 2011, as ''National Post-Traumatic Stress Disorder Awareness Day''.

AMENDMENT NO. 405

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 405 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.

AMENDMENT NO. 433

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor

of amendment No. 433 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.

AMENDMENT NO. 460

At the request of Mr. DEMINT, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of amendment No. 460 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.

AMENDMENT NO. 467

At the request of Ms. AYOTTE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 467 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 Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mr. LEAHY):

S. 1199. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, together with Senator SNOWE, legislation today to protect one of Americans' most valuable but vulnerable assets: Social Security numbers.

The Protecting the Privacy of Social Security Numbers Act would protect personal privacy and reduce identity theft by eliminating the unnecessary use and display of Social Security numbers.

Since the 106th Congress, I have worked to safeguard Social Security numbers. I believe that the widespread display and use of these numbers poses a significant, and entirely preventable, threat to Americans' personal privacy.

In 1935, Congress authorized the Social Security Administration to issue Social Security numbers as part of the Social Security program. Since that time, Social Security numbers have become the best known and easiest way to identify individuals in the United States.

Use of these numbers has expanded well beyond their original purpose. Social Security numbers are now used for everything from credit checks to rental agreements to employment verifications, among other purposes. They can be found in privately held databases and on public records, including marriage licenses, professional certifications, and countless other public documents, many of which are available on the Internet.

Once accessed, the numbers act like keys, allowing thieves to open credit card and bank accounts and even begin applying for government benefits.

According to the Federal Trade Commission, between 8 and 10 million Americans have their identities stolen by such thieves each year, at a combined cost of billions of dollars.

What's worse, victims often do not realize that a theft has occurred until much later, when they learn that their credit has been destroyed by unpaid debt on fraudulently opened accounts.

One thief stole a retired Army Captain's military identification card and used his Social Security number, listed on the card, to go on a 6-month, $260,000 shopping spree. By the time the Army Captain realized what had happened, the thief had opened more than 60 fraudulent accounts.

A single mother of two went to file her taxes and learned that a fraudulent return had already been filed in her name by someone else, a thief who wanted her refund check.

A former pro-football player received a phone call notifying him that a $1 million home mortgage loan had been approved in his name even though he had never applied for such a loan.

Identity theft is serious. Once an individual's identity is stolen, people are often subjected to countless hours and costs attempting to regain their good name and credit. In 2004, victims spent an average of 300 hours recovering from the crime. The crime disrupts lives and can destroy finances.

It also hurts American businesses. A 2006 online survey by the Business Software Alliance and Harris Interactive found that nearly 30 percent of adults decided to shop online less or not at all during the holiday season because of fears about identity theft.

When people's identities are stolen, they often do not know how the thieves obtained their personal information. Social security numbers and other key identifying data are displayed and used in such a widespread manner that individuals could not successfully restrict access themselves.

Limitations on the display of Social Security numbers are critically needed.

In the last Congress, Senator Judd Gregg of New Hampshire and I worked together to pass a bill to prevent Federal, State, and local entities from printing social security numbers on government checks and to prohibit government entities from employing prisoners in jobs like data entry that gave them access to people's social security numbers.

But comprehensive legislation is still needed.

The U.S. Government Accountability Office conducted studies of this problem in 2002 and 2007. Both times—in studies entitled Social Security Numbers Are Widely Used by Government and Could Be Better Protected and Social Security numbers: Use Is Widespread and Could Be Improved, the GAO concluded that current protections are insufficient and that serious vulnerabilities remain.

The Protecting the Privacy of Social Security Numbers Act would require government agencies and businesses to do more to protect Americans' Social Security numbers. The bill would stop the sale or display of a person's Social Security number without his or her express consent; prevent Federal, State, and local governments from displaying Social Security numbers on public records posted on the Internet; limit the circumstances in which businesses could ask a customer for his or her Social Security number; commission a study by the Attorney General regarding the current uses of Social Security numbers and the impact on privacy and data security; and institute criminal and civil penalties for misuse of Social Security numbers.

I believe this legislation could play a critical role in halting the growing epidemic of identity theft that has been plaguing America and its citizens.

As President George W. Bush's Identity Theft Task Force reported to us now three years ago, ''[i]dentity theft depends on access to . . . data. Reducing the opportunities for thieves to get the data is critical to fighting the crime.''

Every agency to study this problem has agreed that the problem will continue to grow over time and that action is needed.

I urge my colleagues to support the Protecting the Privacy of Social Security Numbers Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting the Privacy of Social Security Numbers Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of Social Security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used Social Security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a Social Security number in order to pay taxes, to qualify for Social Security benefits, or to seek employment. An unintended consequence of these requirements is that Social Security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of Social Security numbers.

(4) The display, sale, or purchase of Social Security numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of Social Security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this Act provides each individual that has been assigned a Social Security number some degree of protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 3. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028A the following:

"§ 1028B. Prohibition of the display, sale, or purchase of Social Security numbers

''(a) DEFINITIONS.—In this section:

''(1) DISPLAY.—The term 'display' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's Social Security number.

''(2) PERSON.—The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

''(3) PURCHASE.—The term 'purchase' means providing directly or indirectly, anything of value in exchange for a Social Security number.

''(4) SALE.—The term 'sale' means obtaining, directly or indirectly, anything of value in exchange for a Social Security number.

''(5) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

''(b) LIMITATION ON DISPLAY.—Except as provided in section 1028C, no person may display any individual's Social Security number to the general public without the affirmatively expressed consent of the individual.

''(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's Social Security number without the affirmatively expressed consent of the individual.

''(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's Social Security number shall—

''(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

''(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

''(e) EXCEPTIONS.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a Social Security number—

''(1) required, authorized, or excepted under any Federal law;

''(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

''(3) for a national security purpose;

''(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

''(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

''(A) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

''(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

''(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private nonprofit organizations; or

''(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

''(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

''(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a Social Security number to the general public.

''(f) LIMITATION.—Nothing in this section shall prohibit or limit the display, sale, or purchase of Social Security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make Social Security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

''1028B. Prohibition of the display, sale, or purchase of Social Security numbers.''.

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Attorney General shall conduct a study and prepare a report on all of the uses of Social Security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act, the impact of such uses on privacy and data security, and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

SEC. 4. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(a) PUBLIC RECORDS EXCEPTION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code (as amended by section 3(a)(1)), is amended by inserting after section 1028B the following:

"§ 1028C. Display, sale, or purchase of public records containing Social Security numbers

''(a) DEFINITION.—In this section, the term 'public record' means any governmental record that is made available to the general public.

''(b) IN GENERAL.—Except as provided in subsections (c), (d), and (e), section 1028B shall not apply to a public record.

''(c) PUBLIC RECORDS ON THE INTERNET OR IN AN ELECTRONIC MEDIUM.—

''(1) IN GENERAL.—Section 1028B shall apply to any public record first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity after the date of enactment of this section, except as limited by the Attorney General in accordance with paragraph (2).

''(2) EXCEPTION FOR GOVERNMENT ENTITIES ALREADY PLACING PUBLIC RECORDS ON THE INTERNET OR IN ELECTRONIC FORM.—Not later than 60 days after the date of enactment of this section, the Attorney General shall issue regulations regarding the applicability of section 1028B to any record of a category of public records first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity prior to the date of enactment of this section. The regulations will determine which individual records within categories of records of these government entities, if any, may continue to be posted on the Internet or in electronic form after the effective date of this section. In promulgating these regulations, the Attorney General may include in the regulations a set of procedures for implementing the regulations and shall consider the following:

''(A) The cost and availability of technology available to a governmental entity to redact Social Security numbers from public records first provided in electronic form after the effective date of this section.

''(B) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028B with respect to such records.

''(C) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028B should apply to such records.

Nothing in the regulation shall permit a public entity to post a category of public records on the Internet or in electronic form after the effective date of this section if such category had not been placed on the Internet or in electronic form prior to such effective date.

''(d) HARVESTED SOCIAL SECURITY NUMBERS.—Section 1028B shall apply to any public record of a government entity which contains Social Security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

''(e) ATTORNEY GENERAL RULEMAKING ON PAPER RECORDS.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Attorney General shall determine the feasibility and advisability of applying section 1028B to the records listed in paragraph (2) when they appear on paper or on another nonelectronic medium. If the Attorney General deems it appropriate, the Attorney General may issue regulations applying section 1028B to such records.

''(2) LIST OF PAPER AND OTHER NONELECTRONIC RECORDS.—The records listed in this paragraph are as follows:

''(A) Professional or occupational licenses.

''(B) Marriage licenses.

''(C) Birth certificates.

''(D) Death certificates.

''(E) Other short public documents that display a Social Security number in a routine and consistent manner on the face of the document.

''(3) CRITERIA FOR ATTORNEY GENERAL REVIEW.—In determining whether section 1028B should apply to the records listed in paragraph (2), the Attorney General shall consider the following:

''(A) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028B.

''(B) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028B should apply to such records.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 3(a)(2)), is amended by inserting after the item relating to section 1028B the following:

''1028C. Display, sale, or purchase of public records containing Social Security numbers.''.

(b) STUDY AND REPORT ON SOCIAL SECURITY NUMBERS IN PUBLIC RECORDS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study and prepare a report on Social Security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely use public records that contain Social Security numbers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

(A) a review of the uses of Social Security numbers in non-federal public records;

(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(C) a review of the advantages or utility of public records that contain Social Security numbers, including the utility for law enforcement, and for the promotion of homeland security;

(D) a review of the disadvantages or drawbacks of public records that contain Social Security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

(E) the costs and benefits for State and local governments of removing Social Security numbers from public records, including a review of current technologies and procedures for removing Social Security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, their customers, and the general public of prohibiting the display of Social Security numbers on public records (with separate assessments for both paper records and electronic records).

(c) EFFECTIVE DATE.—The prohibition with respect to electronic versions of new classes of public records under section 1028C(b) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 5. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028B(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(b) DISPLAY, SALE, OR PURCHASE RULEMAKING WITH RESPECT TO INTERACTIONS BETWEEN BUSINESSES, GOVERNMENTS, OR BUSINESS AND GOVERNMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Chairman of the Federal Trade Commission, and such other heads of Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction) permitted under section 1028B(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(2) FACTORS TO BE CONSIDERED.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual's Social Security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of Social Security numbers.

(C) The risk that a particular business practice will promote the use of a Social Security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards, procedures, and technologies to prevent—

(i) misuse of Social Security numbers by employees within a business; and

(ii) misappropriation of Social Security numbers by the general public, while permitting internal business uses of such numbers.

(E) The presence of procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain Social Security numbers.

(F) The impact of such uses on privacy.

SEC. 6. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

''SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

''(a) IN GENERAL.—A commercial entity may not require an individual to provide the individual's Social Security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

''(1) for any purpose relating to—

''(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

''(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

''(C) law enforcement; or

''(D) a Federal, State, or local law requirement; or

''(2) if the Social Security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

''(b) APPLICATION OF CIVIL MONEY PENALTIES.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

''(c) APPLICATION OF CRIMINAL PENALTIES.—A violation of this section shall be deemed to be a violation of section 208(a)(8).

''(d) LIMITATION ON CLASS ACTIONS.—No class action alleging a violation of this section shall be maintained under this section by an individual or any private party in Federal or State court.

''(e) STATE ATTORNEY GENERAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

''(i) enjoin that practice;

''(ii) enforce compliance with such section;

''(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

''(iv) obtain such other relief as the court may consider appropriate.

''(B) NOTICE.—

''(i) IN GENERAL.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

''(I) written notice of the action; and

''(II) a copy of the complaint for the action.

''(ii) EXEMPTION.—

''(I) IN GENERAL.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

''(II) NOTIFICATION.—With respect to an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

''(2) INTERVENTION.—

''(A) IN GENERAL.—On receiving notice under paragraph (1)(B), the Attorney General

shall have the right to intervene in the action that is the subject of the notice.

''(B) EFFECT OF INTERVENTION.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

''(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

''(A) conduct investigations;

''(B) administer oaths or affirmations; or

''(C) compel the attendance of witnesses or the production of documentary and other evidence.

''(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

''(5) VENUE; SERVICE OF PROCESS.—

''(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

''(i) is an inhabitant; or

''(ii) may be found.

''(f) SUNSET.—This section shall not apply on or after the date that is 6 years after the effective date of this section.''.

(b) EVALUATION AND REPORT.—Not later than the date that is 6 years and 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness and efficiency of section 1150A of the Social Security Act (as added by subsection (a)) and shall make recommendations to Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize such section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests to provide a Social Security number occurring after the date that is 1 year after the date of enactment of this Act.

SEC. 7. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking ''who'' and inserting ''who—'';

(B) by striking ''makes'' and all that follows through ''shall be subject to'' and inserting the following:

''(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

''(B) makes such a statement or representation for such use with knowing disregard for the truth; or

''(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to'';

(C) by inserting ''or each receipt of such benefits while withholding disclosure of such fact'' after ''each such statement or representation'';

(D) by inserting ''or because of such withholding of disclosure of a material fact'' after ''because of such statement or representation''; and

(E) by inserting ''or such a withholding of disclosure'' after ''such a statement or representation''.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—The first sentence of section 1129A(a) of the Social Security Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking ''who'' and inserting ''who—''; and

(B) by striking ''makes'' and all that follows through ''shall be subject to'' and inserting the following:

''(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

''(2) makes such a statement or representation for such use with knowing disregard for the truth; or

''(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to''.

(b) APPLICATION OF CIVIL MONEY PENALTIES TO ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following:

''(3) Any person (including an organization, agency, or other entity) who—

''(A) uses a Social Security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

''(B) falsely represents a number to be the Social Security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the Social Security account number assigned by the Commissioner to such individual;

''(C) knowingly alters a Social Security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

''(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

''(E) counterfeits a Social Security card, or possesses a counterfeit Social Security card with intent to display, sell, or purchase it;

''(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the Social Security account number of any person in violation of the laws of the United States;

''(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

''(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional Social Security account number or a number which purports to be a Social Security account number; or

''(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's Social Security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(c)(2)(C), shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.''.

(c) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking ''In the case of amounts recovered arising out of a determination relating to title VIII or XVI,'' and inserting ''In the case of any other amounts recovered under this section,''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking ''charging fraud or false statements''.

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking ''and representations'' and inserting '', representations, or actions''.

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking ''statement or representation referred to in subsection (a) was made'' and inserting ''violation occurred''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(2) VIOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)(I)), as added by subsection (b), shall apply with respect to violations of that section occurring on or after the effective date described in section 3(c).

(f) REPEAL.—Section 201 of the Social Security Protection Act of 2004 is repealed.

SEC. 8. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's Social Security

number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting ''or'' after the semicolon; and

(2) by inserting after paragraph (8) the following:

''(9) except as provided in subsections (e) and (f) of section 1028B of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028B(a) of title 18, United States Code) any individual's Social Security account number without having met the prerequisites for consent under section 1028B(d) of title 18, United States Code; or

''(10) obtains any individual's Social Security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;''.

SEC. 9. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) CIVIL ACTION IN STATE COURTS.—

(1) IN GENERAL.—Any individual aggrieved by an act of any person in violation of this Act or any amendments made by this Act may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this Act. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) STATUTE OF LIMITATIONS.—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

(3) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated any section of this Act or of any amendments made by this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than $5,000 for each such violation; and

(B) to a civil penalty of not more than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the Social Security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

SEC. 10. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or the amendments made by this Act, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this Act or of any amendments made by this Act.

By Mr. SANDERS (for himself, Mr. NELSON of Florida, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. FRANKEN, and Mr. WHITEHOUSE):

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; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANDERS. Mr. President, I think every American understands that the very high price of oil and gas is having a very negative impact on our fragile economic recovery. Also, in rural States, such as Vermont, Montana, and other rural States, it is wreaking real hardship on working people who in many cases drive long distances to work. In Vermont certainly, it is not uncommon for people to be driving 50 miles to their job and 50 miles back. When the price of gas gets to be $3.80 a gallon or $4 a gallon, it really hurts. When wages are stagnant, when many people have seen a decline in their paychecks, high gas prices have just taken another chunk out of their limited income. It is something that as a Congress we have to address.

The price of oil today, while declining somewhat in recent weeks, is still over $97 a barrel. In Vermont, it is over $3.80 a gallon at the pump. The theory behind the setting of oil prices that we learned in high school is that oil prices are set by supply and demand. When there is limited supply and a lot of demand, oil prices go up. When there is a lot of supply and limited demand, oil prices should go down.

So let's be clear: The fact is today there is more supply than there was 2 years ago, today there is less demand than there was 2 years ago; therefore, oil prices should be substantially lower than was the case 2 years ago. The fact, however, is just the opposite. In Vermont today, gas prices are $3.80 a gallon. Two years ago, they were approximately $2.44 a gallon. So the explanation of supply and demand in terms of why oil prices have soared just does not carry any weight.

While we cannot ignore the fact that big oil companies have been gouging consumers at the pump for years and have made almost $1 trillion in profits over the past decade, there is mounting evidence that the increased price of gasoline and oil has nothing to do with supply and demand and everything to do with Wall Street speculators who are dominating the oil futures market and driving prices up, up, and up. Ten years ago, speculators only controlled about 30 percent of that market. Today, Wall Street speculators control over 80 percent—over 80 percent—of the oil futures market, and many of them will never use one drop of that oil. So we are not talking about airlines that use gas and oil. We are not talking about trucking companies. We are not talking about home heating companies. We are talking about speculators whose only function in this entire process is to make as much money as they can by raising prices and then selling.

This is not just Senator BERNIE SANDERS making this point. Let me quote from a June 2 article from the Wall Street Journal:

> Wall Street is tapping a real gusher in 2011, as heightened volatility and higher prices of oil and other raw materials boost banks' profits . . . by 55 percent in the first quarter.

Banks' profits are soaring as a result of oil speculation. That is the fact. It is not just the Wall Street Journal. The CEO of ExxonMobil, Rex Tillerson, in response to a question at a recent Senate hearing, estimated that speculation was driving up the price of a barrel of oil by as much as 40 percent. That is the CEO of ExxonMobil. He might know something about that issue.

The general counsel of Delta Airlines—a major consumer of fuel—Ben Hirst, and the experts at Goldman Sachs have all said that excessive speculation is causing oil prices to spike by 20 to 40 percent.

Even Saudi Arabia, the largest exporter of oil in the world, told the Bush administration back in 2008—when the Bush administration went to them and said: We need to drive prices down. Produce more oil. Sell more oil—they said that is not the problem. Saudi Arabia said: We have all the oil we need. The problem is speculation. And they estimated that speculation could result in about $40 a barrel.

In other words, the same Wall Street speculators who caused the worst financial crisis since the 1930s through their greed, recklessness, and illegal behavior are back at it again, and this time they are ripping off the American people by gambling that the price of oil

and gas will continue to go up and up and in that process are driving the price of gas and oil up and up.

Sadly—and this is the important point—this spike in oil and gasoline prices was entirely avoidable. This was avoidable. The Wall Street Reform Act that we passed last year, the Dodd-Frank legislation, required—underline ''required''—the Commodity Futures Trading Commission to impose strict limits on the amount of oil Wall Street speculators could trade in the energy futures market by January 17 of this year.

We passed legislation that said to the Commodity Futures Trading Commission: You have to impose rules by January 17 with strict limits on excessive oil speculation.

Mr. President, 6 months have come and gone. They have not done what they were required to do.

Almost 5 months later, the CFTC has still not imposed those speculation requirements. In other words, the chief regulator on oil speculation is clearly breaking the law and is not doing what he is supposed to be doing.

Last month I held a meeting in my office with Mr. Gary Gensler, who is the Chairman of the CFTC, and six other Senators. I have to tell you that I was extremely disappointed in both the tone of that meeting and the complete lack of urgency at the CFTC with respect to cracking down on oil speculators as required by the law.

Therefore, today I have introduced legislation, along with Senators BLUMENTHAL, MERKLEY, FRANKEN, WHITEHOUSE, and BILL NELSON to end excessive speculation once and for all—once and for all. The American people cannot continue to be ripped off by Wall Street which is artificially driving up the price of oil and gas.

I am very pleased to also announce that Congressman MAURICE HINCHEY will be introducing this legislation in the House. This legislation mandates that the Chairman of the CFTC take immediate action to eliminate excessive oil speculation within 2 weeks—2 weeks.

One. Our bill requires the Chairman to establish speculative oil position limits equal to the position accountability levels that have been in place at the New York Mercantile Exchange since 2001.

Two. This bill requires the Chairman of the CFTC to double the margin requirements on speculative oil trading so that Wall Street investment banks back their bets with real capital.

Three. Under this bill, Goldman Sachs, Morgan Stanley, and other Wall Street investment banks engaged in proprietary oil trading would be classified as speculators instead of bona fide hedgers.

Four. The Chairman of the CFTC would be required under this bill to take any other action necessary to eliminate excessive speculation and ensure that the price of oil accurately reflects the fundamentals of supply and demand.

I am pleased to announce that this legislation already has the support of a very diverse group of organizations representing small businesses, fuel dealers, consumers, workers, airlines, and farmers. Some of those organizations are: Americans for Financial Reform; the Consumer Federation of America; Delta Airlines; the Gasoline and Automotive Service Dealers of America; the International Brotherhood of Teamsters; the Main Street Alliance; the National Farmers Union; New England Fuel Institute; Public Citizen; and the Vermont Fuel Dealers Association. This is just a few.

I want to thank all of those organizations for their support. The American people are sick and tired of being ripped off at the gas pump. People in the northern States, whether it is Vermont or Minnesota, worry about what the price of home heating oil will be next winter. What we are seeing now in terms of excessively high oil and gas prices has nothing to do with supply and demand and everything to do with Wall Street speculation.

This Congress has told the CFTC to act. They have failed to act. Now is the time for us to tell them exactly what must happen.

By Mr. LIEBERMAN (for himself, Mr. CRAPO, Mr. TESTER, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. WHITEHOUSE, Mr. BEGICH, Mr. CARDIN, and Mr. UDALL of Colorado):

S. 1201. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise to speak about the National Fish Habitat Conservation Act, which I am introducing today along with my colleagues Senators CRAPO, TESTER, BINGAMAN, MURKOWSKI, WHITEHOUSE, BEGICH, CARDIN, and MARK UDALL. This legislation would establish the most comprehensive effort ever attempted to treat the causes of fish habitat decline.

Healthy waterways and robust fish populations are vital to the well-being of our society and are a staple in many cultures throughout the United States. This bill will help provide clean water and sustainable fisheries in this country and provide recreational value to those who fish wild waters or canoe tranquil streams. This means more recreational fishing opportunity, which translates into more jobs and economic output. Currently, recreational fishing supports approximately one million jobs and $45 billion in direct expenditures. Today, nearly half, 40 percent, of our fish populations are in decline, over 700 species in total, and 50 percent of our Nation's waters are impaired. Unless we act in an informed and coordinated fashion, fish habitats will continue to be lost at a rapid pace. This bill is about better habitat, better recreational fishing opportunity as well as a better economy.

Currently, our Nation's efforts to address threats to fish species are often highly disjointed and not extensive enough to reverse this downward trend. Under the National Fish Habitat Conservation Act, Federal Government agencies, State and local governments, conservation groups, fishing industry groups and related businesses will work together collectively for the first time to conserve and protect aquatic habitats critical to our Nation. The National Fish Habitat Conservation Act will also provide people with clean and safe water supplies and improve ecosystems through habitat conservation projects that remediate problems on our waterways, including erosion, drainage issues and flooding.

This legislation leverages Federal, State, and private funds to build regional partnerships aimed at addressing the Nation's biggest aquatic habitat problems. By directing critical resources towards this cause through partnerships, we can foster fish habitat conservation efforts and improve the quality of life for all Americans. Using a bottom-up approach, the goal of this effort is to foster landscape scale, multi-state aquatic habitat improvements across the country that perpetuate not only fishery resources but the tradition of recreational fishing, which is enjoyed by many Americans, spanning many generations. Over 40 million anglers utilize our waterways on a yearly basis, generating $45 billion dollars in retail sales for the industry nationwide. That figure does not even include Americans who utilize our waterways for other recreational purposes.

The National Fish Habitat Conservation Act authorizes grants to be directed toward fish habitat projects that are supported by regional Fish Habitat Partnerships. Based on the highly successful North American Wetlands Conservation Act model, this legislation establishes a multi-stakeholder National Fish Habitat Board charged with recommending projects to the Secretary of Interior for assistance. Regional Fish Habitat Partnerships are responsible for implementing approved on-the-ground projects that are designed to protect, restore and enhance fish habitats and fish populations.

The National Fish Habitat Conservation Act lays the foundation for a new paradigm of how to care for fish habitats, displaying why they should be restored and protected. This bill will bring together all of the different groups that have a stake in the health and productivity of our Nation's fish habitats and I look forward to working with my colleagues to pass this important legislation and reverse the decline of our ailing waterways and fisheries.

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. 1201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Fish Habitat Conservation Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) healthy populations of fish and other aquatic organisms depend on the conservation, protection, restoration, and enhancement of aquatic habitats in the United States;

(2) aquatic habitats (including wetlands, streams, rivers, lakes, estuaries, coastal and marine ecosystems, and associated riparian upland habitats that buffer those areas from external factors) perform numerous valuable environmental functions that sustain environmental, social, and cultural values, including recycling nutrients, purifying water, attenuating floods, augmenting and maintaining stream flows, recharging ground water, acting as primary producers in the food chain, and providing essential and significant habitat for plants, fish, wildlife, and other dependent species;

(3) the extensive and diverse aquatic habitat resources of the United States are of enormous significance to the economy of the United States, providing—

(A) recreation for 44,000,000 anglers;

(B) more than 1,000,000 jobs and approximately $125,000,000,000 in economic impact each year relating to recreational fishing; and

(C) approximately 500,000 jobs and an additional $35,000,000,000 in economic impact each year relating to commercial fishing;

(4) at least 40 percent of all threatened species and endangered species in the United States are directly dependent on aquatic habitats;

(5) certain fish species are considered to be ecological indicators of aquatic habitat quality, such that the presence of those species in an aquatic ecosystem reflects high-quality habitat for other fish;

(6) loss and degradation of aquatic habitat, riparian habitat, water quality, and water volume caused by activities such as alteration of watercourses, stream blockages, water withdrawals and diversions, erosion, pollution, sedimentation, and destruction or modification of wetlands have—

(A) caused significant declines in fish populations throughout the United States, especially declines in native fish populations; and

(B) resulted in economic losses to the United States;

(7)(A) providing for the conservation and sustainability of fish and other aquatic organisms has not been fully realized, despite federally funded fish and wildlife restoration programs and other activities intended to conserve aquatic resources; and

(B) that conservation and sustainability may be significantly advanced through a renewed commitment and sustained, cooperative efforts that are complementary to existing fish and wildlife restoration programs and clean water programs;

(8) the National Fish Habitat Action Plan provides a framework for maintaining and restoring aquatic habitats to ensure perpetuation of populations of fish and other aquatic organisms;

(9) the United States can achieve significant progress toward providing aquatic habitats for the conservation and restoration of fish and other aquatic organisms through a voluntary, nonregulatory incentive program that is based on technical and financial assistance provided by the Federal Government;

(10) the creation of partnerships between local citizens, Indian tribes, Alaska Native organizations, corporations, nongovernmental organizations, and Federal, State, and tribal agencies is critical to the success of activities to restore aquatic habitats and ecosystems;

(11) the Federal Government has numerous regulatory and land and water management agencies that are critical to the implementation of the National Fish Habitat Action Plan, including—

(A) the United States Fish and Wildlife Service;

(B) the Bureau of Land Management;

(C) the National Park Service;

(D) the Bureau of Reclamation;

(E) the Bureau of Indian Affairs;

(F) the National Marine Fisheries Service;

(G) the Forest Service;

(H) the Natural Resources Conservation Service; and

(I) the Environmental Protection Agency;

(12) the United States Fish and Wildlife Service, the Forest Service, the Bureau of Land Management, and the National Marine Fisheries Service each play a vital role in—

(A) the protection, restoration, and enhancement of the fish communities and aquatic habitats in the United States; and

(B) the development, operation, and long-term success of fish habitat partnerships and project implementation;

(13) the United States Geological Survey, the United States Fish and Wildlife Service, and the National Marine Fisheries Service each play a vital role in scientific evaluation, data collection, and mapping for fishery resources in the United States;

(14) the State and territorial fish and wildlife agencies play a vital role in —

(A) the protection, restoration, and enhancement of the fish communities and aquatic habitats in the respective States and territories; and

(B) the development, operation, and long-term success of fish habitat partnerships and project implementation; and

(15) many of the programs for conservation on private farmland, ranchland, and forestland that are carried out by the Secretary of Agriculture, including the Natural Resources Conservation Service and the State and Private Forestry programs of the Forest Service, are able to significantly contribute to the implementation of the National Fish Habitat Action Plan through the engagement of private landowners.

(b) PURPOSE.—The purpose of this Act is to encourage partnerships among public agencies and other interested parties consistent with the mission and goals of the National Fish Habitat Action Plan—

(1) to protect and maintain intact and healthy aquatic habitats;

(2) to prevent further degradation of aquatic habitats that have been adversely affected;

(3) to reverse declines in the quality and quantity of aquatic habitats to improve the overall health of fish and other aquatic organisms;

(4) to increase the quality and quantity of aquatic habitats that support a broad natural diversity of fish and other aquatic species;

(5) to improve fisheries habitat in a manner that leads to improvement of the annual economic output from recreational, subsistence, and commercial fishing;

(6) to ensure coordination and facilitation of activities carried out by Federal departments and agencies under the leadership of—

(A) the Director of the United States Fish and Wildlife Service;

(B) the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration; and

(C) the Director of the United States Geological Survey; and

(7) to achieve other purposes in accordance with the mission and goals of the National Fish Habitat Action Plan.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term ''aquatic habitat'' means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term ''aquatic habitat'' includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term ''Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 4(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms ''conservation'', ''conserve'', ''manage'', and ''management'' mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term ''fish'' means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term ''fish'' includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term ''fish habitat conservation project'' means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 6; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term ''fish habitat conservation project'' includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term ''National Fish Habitat Action Plan'' means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term ''Partnership'' means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 5(a).

(12) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(14) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

SEC. 4. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the ''National Fish Habitat Board''—

(A) to promote, oversee, and coordinate the implementation of this Act and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this Act;

(D) procedures for designating Partnerships under section 5; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 5. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 6. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this Act.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this Act, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this Act or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this Act unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this Act unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this Act.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this Act unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this Act may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this Act to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

SEC. 7. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the ''National Fish Habitat Conservation Partnership Office'', within the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding for the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach;

(2) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(3) facilitate the cooperative development and approval of Partnerships;

(4) assist the Secretary and the Board in carrying out this Act;

(5) assist the Secretary in carrying out the requirements of sections 8 and 10;

(6) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(7) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(8) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(9) coordinate technical and scientific reporting as required by section 11;

(10) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this Act in an efficient manner; and

(11) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 15.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) WAIVER OF REQUIREMENT.—The Secretary may waive all or part of the non-Federal contribution requirement under section 6(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

SEC. 8. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

SEC. 9. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

SEC. 10. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this Act by not later than 30 days before the date on which the activity is implemented.

SEC. 11. ACCOUNTABILITY AND REPORTING.

(a) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this Act; and

(B) the National Fish Habitat Action Plan.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this Act during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 6(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 6(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 6(b) that was based on a factor other than the criteria described in section 6(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) REVISIONS.—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

SEC. 12. REGULATIONS.

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this Act.

SEC. 13. EFFECT OF ACT.

(a) WATER RIGHTS.—Nothing in this Act—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) STATE AUTHORITY.—Nothing in this Act—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) EFFECT ON INDIAN TRIBES.—Nothing in this Act abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) ADJUDICATION OF WATER RIGHTS.—Nothing in this Act diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) EFFECT ON OTHER AUTHORITIES.—

(1) ACQUISITION OF LAND AND WATER.—Nothing in this Act alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) PRIVATE PROPERTY PROTECTION.—Nothing in this Act permits the use of funds made available to carry out this Act to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) MITIGATION.—Nothing in this Act permits the use of funds made available to carry

out this Act for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

SEC. 14. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 15. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2012 through 2016 to provide funds for fish habitat conservation projects approved under section 6(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 11, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 7(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 8—

(A) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) $500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 3 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this Act; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this Act.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this Act; and

(B) accept donations of funds, property, and services to carry out the purposes of this Act.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

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

S. 1202. A bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Refugee Protection Act. This bill, which is cosponsored by Senators LEVIN, AKAKA, and DURBIN, will reaffirm the commitments our Nation made in ratifying the 1951 Refugee Convention, and help to restore the United States as a global leader on human rights. This bill would repeal the most harsh and unnecessary elements of current law, and restore the United States to its rightful role as a safe and welcoming home for those suffering from persecution around the world.

During this challenging economic time, it can be tempting to look inward rather than to fulfill our global humanitarian commitments. However, this bill is necessary now more than ever. Millions of refugees remain displaced and warehoused in refugee camps in Eastern Africa, Southeast Asia, and other parts of the world. The ''Arab Spring'' is helping to move governments of the Middle East toward democracy, but some governments have responded to peaceful demonstrations with violence. We will continue to see genuine refugees who are in need of protection. I was pleased to be able to protect funding for refugee assistance and resettlement programs in the fiscal year 2011 appropriations continuing resolution, when many other programs were cut.

In my home state of Vermont, I have seen how the admission of refugees and asylum seekers has revitalized and enriched communities, resulting in the creation of new businesses, safer neighborhoods, and stronger schools. Since Senator Ted Kennedy authored the 1980 Refugee Act, more than 2.6 million refugees and asylum seekers have been granted protection in the United States. And since 1989, almost 5,600 refugees have been resettled in Vermont. We are fortunate to have the Vermont Refugee Resettlement Program, with its decades of experience and award-wining volunteer program, leading this effort. Over the last five years, many of these new Vermonters have come from Bhutan, Burma, and the Congo. Their culture is enriching my historically Anglo Saxon and French Canadian state.

Once resettled, these refugees have become nursing assistants, soccer coaches, and small business owners. In Burlington's Old North End, there are two thriving halal markets, side by side. The Nadia International Halal Market is run by an Iraqi refugee. Next door is the Banadir Market, run by a Somali Bantu refugee. Vermonters enjoy these new additions to the culture, and these thriving small businesses create local jobs in a historically disadvantaged neighborhood.

Equally important are the family- and community-based values of these new Vermonters. The Burlington Chief of Police has commented that refugees have reduced crime in some historically troubled areas, creating more family oriented neighborhoods.

Vermonters have played a tremendous role in welcoming refugees and asylees to their communities. Many have hosted refugee families in their homes until suitable housing could be found. The Ohavi Zedek Synagogue has made an effort to help all refugee families, regardless of their faith. The synagogue offers free English language classes so that refugees can improve their English skills. In this year's Passover service, refugees were encouraged to share their own personal tales of exodus.

The synagogue also runs a thrift shop where refugees who have been in the country for less than a year are allowed to take whatever they need without charge. Yet, a refugee from Bhutan has offered to help make physical improvements to the building's foundation, a testament to his desire to give back to the communities that have helped refugees build new lives. Many other places of worships have also reached out to these new Vermonters.

The Association for Africans Living in Vermont, AALV, which now assists any refugee in Vermont regardless of the country of origin, helps refugees access social services, organizes community cultural events, and provides cross-cultural training to Vermont service providers. The organization offers workforce development programs to ensure refugees can find meaningful work that sustains their families. The AALV New Farms for New Americans program enables refugees, many of whom farmed in their home countries, to learn to grow crops well suited to the Vermont climate. This program can connect such refugees to their heritage, and invites them to become part of Vermont's longstanding and vibrant agricultural tradition.

In cooperation with Vermont Adult Learning, AALV offers the Personal

Care Assistant Workforce Training Program, which trains refugees to serve as personal care assistants, the first level of service in the nursing profession. Graduates are able to pursue additional training as a licensed nursing assistant.

Vermont's resettlement program and the community support are not without their challenges. We experience many of the same hurdles faced by resettlement efforts and receiving communities across the Nation. The Refugee Protection Act of 2011 includes provisions that will help the nationwide resettlement effort operate more effectively. I want to acknowledge the leadership of Senator LUGAR who has investigated the resettlement program and called for a GAO study to obtain recommendations for improvement. I also appreciate the efforts of Representative GARY PETERS of Michigan, who introduced a resettlement bill in the House of Representatives to improve communication among all stakeholders.

In addition to support and improvement of the resettlement program, this bill addresses several areas of domestic asylum adjudication that are in need of significant reform. This bill would repeal the one-year filing deadline for asylum seekers, removing an unnecessary barrier to protection. The bill would allow arriving aliens and minors to seek asylum first before the Asylum Office rather than referring those cases immediately to immigration court. The Asylum Office is well trained to screen for fraud and able to handle a slight increase in its caseload. Meanwhile, as we learned in a May 18, 2011, hearing before the Judiciary Committee, the immigration courts are overburdened, under-resourced, and facing steady increases in their caseloads.

The Refugee Protection Act ensures that persons who were victims of terrorism or persecution by terrorist groups will not be doubly victimized with a denial of protection in the United States. Vermont Immigration and Asylum Advocates, a legal aid and torture treatment provider, continues to see cases where persons granted asylum are later blocked from bringing their families to the United States or applying for permanent residency by overly broad definitions in current law. This bill would help such persons prove their cases without taking any shortcuts on national security. The bill also gives the President the authority to designate certain groups of particularly vulnerable groups for expedited consideration. All refugees would still have to complete security and background checks prior to entry to the United States.

Finally, the bill addresses the need to treat genuine asylum seekers as persons in need of protection, not as criminals. It calls for asylum seekers who can prove their identity and who pose no threat to the United States to be released from immigration detention. Vermont Immigration and Asylum Advocates, like other legal aid providers across the Nation, struggle to visit detention facilities located at a distance from urban centers, or to reach clients who have been transferred to far away locations. I appreciate efforts made by the Obama administration to parole eligible asylum seekers and to improve the conditions of detention overall, but more must be done. The Refugee Protection Act will improve access to counsel so that asylum seekers with genuine claims can gain legal assistance in presenting their claims. It will require the Government to codify detention standards so that reforms are meaningful and enforceable.

There is no question that the United States is a leader among nations in refugee protection, but we can do better. The refugees we welcome to our shores contribute to the fabric of our Nation, and enrich the communities where they settle. I urge all Senators to support the Refugee Protection Act of 2011.

Mr. President, I ask unanimous consent that a section by section analysis and a list of support organizations be printed in the RECORD.

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

THE LEAHY-LEVIN-AKAKA-DURBIN REFUGEE PROTECTION ACT OF 2011

SECTIONAL ANALYSIS

The Refugee Act of 1980 was a landmark piece of legislation that sought to fulfill the United States' obligations under the 1951 Refugee Convention. Unfortunately, in the intervening years, U.S. law has fallen short of those obligations. Last year, on the thirtieth anniversary of the Refugee Act of 1980, Senator Leahy, introduced the Refugee Protection Act of 2010 (S. 3113, 111th Congress), a comprehensive package of improvements to our law. On June 15, 2011, Senator Leahy, along with Senators Levin, Akaka, and Durbin, introduced a new version of the bill for the 112th Congress. The Refugee Protection Act of 2011 will ensure that refugees and asylum seekers with bona fide claims are protected by the United States, restoring the United States as a beacon of hope for those who suffer from persecution.

Sec. 1. Short Title.

The short title is the Refugee Protection Act of 2011.

Sec. 2. Definitions.

This section defines the terms ''asylum seeker'' and ''Secretary of Homeland Security.''

Sec. 3. Elimination of Time Limits on Asylum Applications.

This section eliminates the one-year time limit for filing an asylum claim. The stated intent of Congress in 1996 in enacting the one-year deadline was to prevent fraud, not to deprive bona fide applicants from securing protection under our laws. Yet, even in 1996, problems related to fraud had been resolved through administrative reform implemented by the Immigration & Naturalization Service, which opposed the implementation of an application deadline. Since the one-year deadline was enacted, and despite exceptions available in the law for extraordinary or changed circumstances that may prevent the timely filing of an application, many asylum seekers with genuine claims have been denied protection. The exceptions to the one-year deadline are not uniformly applied to applicants, leading to unfair treatment of those who have legitimate reasons for applying after the one-year deadline. Moreover, a significant number of applicants have subsequently met the higher standard for withholding of removal, demonstrating that their claims were valid. This section allows such an asylum seeker to reopen his asylum claim if he is still in the United States, has not subsequently been awarded lawful permanent residence status, is not subject to a bar to asylum, and should not be denied asylum as a matter of discretion.

Sec. 4. Protecting Victims of Terrorism from Being Defined as Terrorists.

Under current law, any asylum seeker or refugee who is individually culpable of engaging in terrorist conduct, or direct support for it, is barred under prohibitions to entry for a threat to national security, serious non-political crime, persecution of others, or engaging in terrorist activity. Changes in the law since September 11, 2001, have resulted in innocent activity, or coerced actions, being labeled as ''material support'' for terrorism, a determination that can render genuine refugees ineligible for protection in the United States. This section would amend the law to ensure that asylum seekers and refugees are not barred from admission to the United States under an overly broad definition of ''terrorist organization'' in the Immigration and Nationality Act (INA).

This section would define the term ''material support'' to mean support that is significant and of a kind directly relevant to terrorist activity. This section also gives the Secretary of Homeland Security discretion to waive application of the terrorism bars for certain applicants.

This section clarifies that those who committed certain acts (such as military-type training, solicitation, or other non-violent actions) under duress may not be deemed inadmissible if they pose no threat to the United States. It gives the Secretary discretion to consider the age of the applicant at the time the acts were committed in determining whether those acts were committed under duress.

This section also creates an exception for those who were forced to recruit child soldiers under duress, or who engaged in such recruitment under the age of 18. Finally, this section would repeal an unduly harsh provision in current law that makes spouses and children inadmissible for the acts of a spouse or parent.

All applicants for asylum or refugee status must meet all of the other traditional background and security checks.

Sec. 5. Protecting Certain Vulnerable Groups of Asylum Seekers.

To be eligible for asylum under the Refugee Convention and domestic law, an applicant must show that he or she has experienced persecution or have a well-founded fear of future persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. This section makes several modifications to current law to ensure that particularly vulnerable groups of asylum seekers have a full and fair opportunity to seek protection in the United States.

Subsection (a) codifies the holding of the landmark Board of Immigration Appeals (BIA) decision in Matter of Acosta, 19 I. & N. Dec. 211 (BIA 1985). That holding defined the basis of persecution based on membership in a ''particular social group'' as one comprised of individuals who share a common characteristic they either cannot change, or should not be required to change because the

characteristic is fundamental to their identity or conscience. The Acosta precedent has been clouded in recent years by BIA opinions that require asylum applicants to prove additional factors, some of which are unnecessary or contrary to the spirit of domestic law and the Refugee Convention. Most damaging is a requirement that the social group in question be ''socially visible,'' a factor that could endanger certain categories of refugees, such as victims of gender persecution or LGBT asylum seekers. These are groups that, as Judge Posner of the Seventh Circuit Court of Appeals described, are at great pains to remain socially invisible. This subsection codifies the definition of social group in Matter of Acosta such that inappropriate, additional factors such as social visibility cannot be required by the BIA.

Subsection (b) makes additional changes to current law. Paragraph (1): United States law has long recognized that persecutors may have mixed motives for harming their victims. For example, a militia that operates outside government control may persecute a particular race of persons because of xenophobia and also because it seeks to deprive the persecuted race of valuable land and property. The fact that the persecutor is motivated by two intertwined goals should not prevent the victims from obtaining protection. Nonetheless, the REAL ID Act of 2005 raised the burden of proof that asylum seekers must meet in order to show that they fear persecution on account of one of the five grounds enumerated in the Refugee Convention and in U.S. law. (The five grounds are race, religion, nationality, membership in a particular social group, or political opinion.) The REAL ID Act requires that the asylum seeker demonstrate that harm on account of a protected ground is ''at least one central reason'' for the feared persecution. See INA §208(b)(1)(B)(i). The ''one central reason'' language is modified in this section, which does not fully repeal the notion of persecutor intent but applies it in a manner that is both realistic and fair. This paragraph strikes the language that requires the protected ground (e.g., race) to be one central reason for the persecution and requires instead that the protected ground ''was or will be a factor in the applicant's persecution or fear of persecution.''

Paragraph (2): The REAL ID Act of 2005 added requirements to the INA with regard to an asylum seeker's duty to provide corroborating evidence when it is requested by an immigration judge. The REAL ID Act stated that ''such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence.'' Corroborating evidence can be an important component of an asylum claim, but asylum seekers must have a fair opportunity to respond to requests for corroboration. In addition, as courts have noted, it is sometimes virtually impossible for asylum seekers to obtain certain types of corroborating evidence. Therefore, this paragraph requires that when the trier of fact seeks corroborating evidence, the trier of fact must provide notice and allow the asylum applicant a reasonable opportunity to file such evidence unless the applicant does not have the evidence and cannot reasonably obtain the evidence.

Paragraph (3) renumbers text in the statute.

Paragraph (4): As noted above, an asylum seeker must show that his or her well-founded fear of persecution is on account of one of the five grounds of asylum. This link is often called the nexus requirement. Some genuine asylum seekers have been denied asylum because of a lack of clear guidance on how the nexus requirement may be established when the persecutor is a non-state actor. The Department of Justice issued draft regulations in 2000 that made clear that an asylum seeker can demonstrate nexus through either ''direct or circumstantial'' evidence. This draft regulation was consistent with the U.S. Supreme Court's decision in INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992). This paragraph would codify the draft regulation by making clear that either direct or circumstantial evidence may establish that persecution is on account of one of the five grounds.

Paragraph (5): The REAL ID Act also modified the INA with regard to factors that an immigration judge may consider in determining the asylum seeker's credibility. In short, the REAL ID gave heightened importance to inconsistencies in an asylum seeker's claim, even if those inconsistencies were minor or immaterial to the heart of the claim. In practice, an asylum seeker with limited English skills, with post-traumatic stress disorder, or with other conditions, may make simple, minor errors in the telling and retelling of their story. This paragraph modifies the INA to state that if the immigration judge determines that there are inconsistencies or omissions in the claim, the asylum seeker should be given an opportunity to explain and to provide support or evidence to clarify such inconsistencies or omissions. Subsection (c) makes identical corrections to the corroboration and credibility determinations for removal proceedings that are described in paragraphs (2) and (5) above.

Sec. 6. Effective Adjudication of Proceedings.

This section authorizes the Attorney General to appoint counsel to an alien in removal proceedings where fair resolution or effective adjudication of the case would be served by doing so. In certain cases, such as those involving highly complex asylum claims, unaccompanied minors, mentally impaired persons, or individuals who are incapable of pro se representation, delays in adjudication may result while an alien prepares a case or searches for pro bono representation. The immigration courts will operate more efficiently (with savings to taxpayers) if the Attorney General is provided explicit authority to exercise discretion to appoint counsel in certain instances, such as those described above.

Sec. 7. Scope and Standard for Review.

This section prevents the removal of an alien during the 30-day period an alien has to file a petition for review to a Federal Circuit Court of Appeals after the alien has been ordered removed. Staying the removal during this period will enable an applicant to carefully consider whether to file an appeal rather than rush to file in order to preserve his or her rights. In weak cases, the alien will likely decline to appeal, and deport voluntarily or via government removal. This section also restores judicial review to a fair and reasonable standard consistent with principles of administrative law. The standard in this section is that the Court of Appeals shall sustain a final decision ordering the removal of an alien unless that decision is contrary to law, an abuse of discretion, or not supported by substantial evidence. The decision must be based on the administrative record on which the order of removal is based.

Sec. 8. Efficient Asylum Determination Process for Arriving Aliens.

Under current law, an alien who requests asylum as they attempt to enter the United States (an ''arriving alien'') is subject to detention for part or all of the time that they await an asylum hearing. Such asylum seekers are provided an initial interview with an asylum officer to determine whether they have a credible fear of persecution, but then must pursue their asylum case in immigration court, rather than in a non-adversarial proceeding. Generally speaking, the adversarial immigration hearing is considerably lengthier and costlier than a non-adversarial asylum hearing. Under this section, the DHS asylum office would be given jurisdiction over an asylum case after a positive credible fear determination. The alien would then undergo a non-adversarial asylum interview. If the asylum officer is unable to recommend a grant of asylum, the case will be referred to an immigration judge and the asylum seeker placed in removal proceedings. This structure mirrors the current process for asylum seekers who apply for asylum from within the United States.

Sec. 9. Secure Alternatives Program.

This section requires the Secretary of Homeland Security to establish a secure ''alternatives to detention'' program. The program will allow certain aliens in civil immigration custody to be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes all required appearances associated with his or her immigration case. The program is to be designed as a continuum of alternatives based on the alien's need for supervision, which may include placement of the alien with an individual or organizational sponsor, or in a supervised group home. The program shall restrict the use of ankle monitoring devices to cases in which there is a demonstrated need for enhanced monitoring, and the use of ankle monitors shall be reviewed periodically. The program shall be designed to include individualized case management and referrals to community based organizations. In designing the program, the Secretary is instructed to consider prior successful programs, such the Vera Institute of Justice's Appearance Assistance Program.

The Secretary of Homeland Security currently has discretion to detain asylum seekers. This section maintains such discretion but clarifies that, consistent with a DHS policy announced in December 2009, it is the policy of the United States to release (''parole'') asylum seekers who have established a credible fear of persecution. Under this section, asylum seekers who have established identity will be released within 7 days of a positive credible fear determination unless DHS can show that the asylum seeker poses a risk to public safety (which may include a risk to national security) or is a flight risk. If parole is denied, DHS must provide the asylum seeker with written notification for the reason for denial conveyed in a language the asylum seeker claims to understand.

Sec. 10. Conditions of Detention.

Regulations regarding conditions for detention shall be promulgated, and must address several issues including access to legal service providers, group legal orientation presentations, translation services, recreational programs and activities, access to law libraries, prompt case notification requirements, access to working telephones, access to religious services, notice of transfers, and access to facilities by nongovernmental organization. This section also limits the use of solitary confinement, shackling, and strip searches. This section requires that, after the date of enactment, facilities first used by ICE to detain alien detainees must be located within 50 miles of a community in which there is a demonstrated capacity to provide free or low-cost legal representation.

Sec. 11. Timely Notice of Immigration Charges.

This section requires the Department of Homeland Security to file a charging document with the immigration court closest to

the location at which an alien was apprehended within 48 hours of the alien being taken into custody by the Department. The Department is also required to serve a copy of the charging document on the alien within 48 hours of apprehension. This section will serve multiple purposes. It will prevent asylum seekers and other aliens from languishing in detention at taxpayer expense without being charged. It will encourage efficient handling of cases by both the Department of Homeland Security and the immigration courts, which are operated by the Department of Justice. Finally, it will ensure that if an asylum seeker or other alien is transferred from one detention facility to another, jurisdictional and due process protections will attach.

Sec. 12. Procedures for Ensuring Accuracy and Verifiability of Sworn Statements Taken Pursuant to Expedited Removal Authority.

This section modifies current policy to ensure that asylum seekers are not harmed by error in the production of sworn statements taken during the expedited removal process. It requires that the Secretary of Homeland Security establish a procedure whereby the interviews of asylum seekers are recorded. The recording may be a video, audio or other reliable form of recording. The recording must include a written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and include the alien affirming the accuracy of the statement or making any corrections thereto. If an interpreter is necessary, such interpreter must be competent in the language of the asylum seeker. Once a record is produced and signed by the asylum seeker under these conditions, it may be considered part of the record. The Secretary may exempt facilities from the requirements of this section under certain circumstances.

Sec. 13. Study on the Effect of Expedited Removal Provisions, Practices, and Procedures on Asylum Claims.

A 2005 study by the United States Commission on International Religious Freedom (USCIRF) documented widespread problems in the implementation of expedited removal policy by U.S. Customs and Border Protection immigration officers at ports of entry. A few months prior to release of the Study, the Secretary of Homeland Security expanded expedited removal authority from immigration inspectors at Ports of Entry—as applied to arriving aliens without proper documentation—to Border Patrol agents who apprehend an alien within 100 miles of the border within 14 days after an entry without inspection. The 2005 USCIRF Study did not analyze the implementation of expedited removal by the Border Patrol, as USCIRF's data collection had been completed by that point in time. This section authorizes the Commission to conduct a new study to determine whether Border Patrol officers exercising expedited removal authority in the interior of the United States are improperly encouraging aliens to withdraw or retract claims for asylum. The Commission is also authorized to study whether immigration officers incorrectly fail to refer asylum seekers for credible fear interviews by asylum officers; incorrectly remove such aliens to a country where the alien may be persecuted; and/or detain such asylum seekers improperly or in inappropriate conditions.

Sec. 14. Refugee Opportunity Promotion.

The immigration statute requires a refugee who is resettled in the United States to remain on U.S. soil for a full year before adjusting to lawful permanent residence. For many, this requirement presents no obstacles, as resettled refugees immediately begin to work, learn English, and contribute to their local communities. Yet, the one-year physical presence requirement poses a significant barrier to resettled refugees who are eager and willing to serve the United States Government overseas. This section waives the continuous presence requirement for any refugee who, during their first year of residence in the United States, accepts employment overseas to aid the United States Government, such as by working as a translator or in another professional capacity.

Sec. 15. Protections for Minors Seeking Asylum.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) amended the immigration statute to exempt unaccompanied alien children from the safe third country and one-year filing deadline bars to asylum. This section will amend the statute to expand these TVPRA exemptions to all child applicants for asylum. This section also expands the exemption to the bar to asylum for applicants under 18 years of age who were previously denied asylum. The proposed language also clarifies that unaccompanied alien children who have previously been removed, or who departed voluntarily, should not have their removal orders reinstated, but should instead be placed in removal proceedings. Finally, this section states that all cases of children seeking asylum be adjudicated in the first instance by an asylum officer in a non-adversarial proceeding. These protections, which were provided to unaccompanied minors in the TVPRA, are expanded in the bill to all child asylum seekers.

Sec. 16. Legal Assistance for Refugees and Asylees.

The Immigration and Nationality Act authorizes the Secretary of Health and Human Services to make grants to non-profit organizations to assist resettled refugees with mental health counseling, social services, education (including English as a Second Language, or ESL), and other assistance to help refugees assimilate into American communities. This section would authorize the Secretary to make similar grants to assist lawfully resettled refugees with legal advice on applications for immigration benefits to which they may be eligible after residing in the United States for certain periods of time, e.g., family reunification, adjustment of status, or naturalization.

Sec. 17. Protection of Stateless Persons in the United States.

This section will enable individuals who are de jure stateless to obtain lawful status in the United States. De jure stateless persons are individuals who are not considered to be citizens under the laws of any country. They do not have a nationality and therefore cannot be returned anywhere. (These individuals are not rendered stateless by any negative action of their own, such the commission of crimes that leads the country of origin to deny return, but generally by forces beyond their control, such as the collapse of the country of origin (e.g. the Soviet Union) and the succession of a state or states that will not recognize certain former nationals.) De jure stateless persons are ineligible for lawfully recognized status in the United States based on the fact that they are stateless. This section would make such persons eligible to apply for conditional lawful status if they are not inadmissible under criminal or security grounds and if they pass all standard background checks. After five years in conditional status, de jure stateless persons would be eligible to apply for lawful permanent status.

Sec. 18. Authority to Designate Certain Groups of Refugees for Consideration.

This section authorizes the President to designate certain groups as eligible for expedited adjudication as refugees. The authority would address situations in which a group is targeted for persecution in their country of origin or country of first asylum. The designation by the President would be sufficient, if proved to the satisfaction of the Secretary of Homeland Security, to establish a well-founded fear of persecution for members of the designated group. However, each individual applicant would still have to be admissible to the United States and pass security and background checks before being admitted. Refugees admitted under this authority would not be exempt from the annual limit on refugee admissions. This section simply enables the President to call for expedited adjudication where necessary and appropriate. This section explicitly includes groups previously protected under the Lautenberg Amendment, which include, among others, Jews and Evangelical Christians from the former Soviet Union, and religious minorities from Iran.

Sec. 19. Multiple Forms of Relief.

This section simply allows individuals applying for refugee protection to simultaneously apply for other forms of admission to the United States, such as through a family-based petition. All applicants for admission must pass security and background checks. This modification to current law would not allow would-be refugees from gaming the system, but simply enable them to escape harm or persecution at the first opportunity a visa becomes available. This section also allows the very small number of asylum applicants who win the opportunity to apply for a green card through the diversity lottery the ability to apply for that diversity visa from within the United States. Typically, diversity visa applicants must apply from their home country, a requirement that would subject a genuine asylum seeker to risk of harm.

Sec. 20. Protection of Refugee Families.

This modification to current law would enable the spouse or child of a refugee (a ''derivative'') to bring their children to the United States when they accompany or follow to join the spouse or parent who was originally awarded refugee status (a ''principal''). Current law does not allow a derivative's child to be admitted as a refugee, yet given the long waits and often unsafe conditions that many derivative applicants and their children face in camps overseas, the United States should provide this group protection. This section also aids children who were orphaned or abandoned by their blood relatives and are living in the care of extended family, friends, or neighbors who are granted admission to the United States as refugees or asylees. Where it is in the best interest of such a child to join that refugee or asylee in the United States, this section creates a mechanism whereby they may be admitted. This section also repeals an unnecessary time limit in regulations on the filing of family petitions related to refugee and asylee family reunification. Finally, to facilitate the admission of eligible family members, this section requires that U.S. Citizenship and Immigration Services adjudicate family reunification petitions for those following to join refugees and asylees within 90 days of filing.

Sec. 21. Reform of Refugee Consultation Process.

Each year, the executive branch is charged with consulting with Congress over the annual allocation of refugees to be admitted to the United States. This section requires meaningful consultation to take place between Cabinet-level officers and the committees of jurisdiction of the Congress by May 1 of each year.

Sec. 22. Admission of Refugees in the Absence of the Annual Presidential Determination.

This section states that for a fiscal year in which the executive branch does not determine the allocation of refugees for that year, the admission of refugees is not delayed. Rather, until a determination is announced for the new fiscal year, in each quarter of the new fiscal year, the number of refugees equal to one-quarter for the prior fiscal year's allocation may be admitted.

Sec. 23. Update of Reception and Placement Grants.

When a refugee is resettled in the United States, the federal government assists him or her through Reception and Placement Grants to non-governmental organizations (NGOs) that help refugees find housing, place their children in school, enroll in ESL classes, and take other initial steps toward building a new life in the United States. Early in 2010, the administration increased the per capita grant level to $1800 per refugee, up to $1100 of which may be awarded directly to the refugee for immediate costs, and up to $700 of which is used by the NGO to cover the cost of dedicated staff and expenses. Prior to 2010, the per capita level had not kept pace with inflation. For years it was set at a level so low that refugees were effectively consigned to poverty upon arrival in the United States, and NGOs were only able to offset the cost of basic support services to the refugees by raising additional funds. To ensure that the per capita amount does not fall behind the minimum level required for basic needs, this section requires the per capita amount to be adjusted on an annual basis for inflation and the cost of living. It also calls for better forecasting of financial needs with regard to the number of refugees expected to be resettled each year and allows for additional amounts to be paid out in the event that a higher than anticipated number of refugees is admitted in a fiscal year.

Sec. 24. Protection for Aliens Interdicted at Sea.

The U.S. government should apply one standard, consistent with the Refugee Convention, to all asylum seekers interdicted at sea, regardless of their nationality. Yet a patchwork of policies has evolved over the past two decades often in response to mass migrations at sea. The result is disparate treatment of Cubans, Chinese and Haitians. This section will require the Secretary of Homeland Security to develop uniform policies to identify asylum seekers among those interdicted at sea and to treat those individuals fairly and in a non-discriminatory manner.

Sec. 25. Modification of Physical Presence Requirements for Aliens Serving as Translators.

Under current law, in order to be naturalized, most non-U.S. citizens must have continuous residence in the United States for five years and physical presence for periods totaling half that time (2½ years). This section would permit absence from the United States while serving as a translator for the U.S. government in Iraq or Afghanistan to count toward the 2½ years physical presence required for naturalization.

Sec. 26. Assessment of the Refugee Domestic Resettlement Program.

This section directs GAO to conduct a study on the effectiveness of the domestic refugee resettlement program operated by the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services. The study will analyze issues pertaining to the definition of self sufficiency, the effectiveness of ORR in helping refugees to attain self-sufficiency, the unmet needs of the program, and the role of community-based organizations. The GAO study will issue statutory recommendations.

Sec. 27. Refugee Assistance.

This section revises the formula for social services funding allocated to states to include projections of future refugee arrivals, as well as refugee data from prior years. This section requires an annual report on secondary migration and its impact on states.

Sec. 28. Resettlement Data.

This section expands and improves data collection and reporting within ORR with regard to the mental health and housing needs of refugees. It will also collect long term employment and self-sufficiency data on resettled refugees.

Sec. 29. Protections for Refugees.

Current law makes refugees resettled in the United States eligible to apply for lawful permanent residence after one year. However, current law also suggests that a refugee who does not adjust status after one year may be taken into custody by DHS. (See Section 209 of the INA, 8 U.S.C. 1159). The agency recently issued guidance to clarify interpretation of the law, stating that detention of an unadjusted refugee who is found to be inadmissible or deportable should be determined under the statute relating to apprehension and detention of aliens. (See Section 236 of the INA, 8 U.S.C. 1226.) Accordingly, this section of the bill strikes language in current law that suggests that refugees may be taken into custody simply for remaining unadjusted. This section also allows a refugee to apply for lawful permanent residence up to three months prior to obtaining a year of presence in the United States.

Sec. 30. Extension of Eligibility Period for Social Security Benefits for Certain Refugees.

This section extends social security benefits to elderly and disabled refugees who have not yet naturalized. Typically, certain eligible refugees may receive social security for seven years. That period was extended for two years in 2008 by a bipartisan bill supported by President Bush. This section extends the social security funding for one additional year.

Sec. 31. Authorization of Appropriations.

This section authorizes such sums as are necessary to carry out the Act.

Sec. 32. Determination of Budgetary Effects.

This section contains standardized ''PAYGO'' language.

THE LEAHY-LEVIN-AKAKA-DURBIN REFUGEE PROTECTION ACT OF 2011

ENDORSEMENTS AS OF JUNE 15, 2011

American Bar Association; American Civil Liberties Union; American Humanist Association; American Immigration Lawyers Association; American Jewish Committee; Amnesty International USA; Association of Africans Living in Vermont; Asylum Access; Center for American Progress Action Fund; Center for Gender & Refugee Studies; Center for Victims of Torture; CenterLink: The Community of LGBT Centers; Church World Service, Immigration and Refugee Program; The Episcopal Church; Family Equality Council; Golden Door Coalition of Illinois; Hebrew Immigrant Aid Society; Hebrew Immigrant Aid Society Chicago; Heartland Alliance for Human Needs & Human Rights; Human Rights Campaign; Human Rights First; Human Rights Watch; Immigrant Child Advocacy Project at the University of Chicago; Immigration Equality Action Fund; International Rescue Committee; Jewish Child and Family Services (Metropolitan Chicago); Kids in Need of Defense (KIND); Lutheran Immigration and Refugee Service; National Center for Transgender Equality; National Immigrant Justice Center; National Immigration Forum; National Immigration Law Center; National Council of Jewish Women; National Latina Institute for Reproductive Health; Organization for Refuge, Asylum & Migration; PFLAG National (Parents, Families and Friends of Lesbians and Gays); RefugeeOne; Refugee Women's Network, Inc.; Refugees International; State Coordinators of Refugee Resettlement (SCORR); Tahirih Justice Center; United African Organization; U.S. Committee for Refugees and Immigrants; U.S. Conference of Catholic Bishops; Vermont Immigration and Asylum Advocates; Women's Refugee Commission.

The U.S. Commission on International Religious Freedom supports the Refugee Protection Act of 2011.

*Deborah Anker, Clinical Professor of Law and Director, Harvard Immigration and Refugee Clinical Program, Harvard Law School.

*Sabi Ardalan, Lecturer on Law, Harvard Immigration and Refugee Clinical Program.

*Regina Germain, Adjunct Professor of Asylum Law and the Asylum Practicum, University of Denver Sturm College of Law.

*Philip G. Schrag, Delaney Family Professor of Public Interest Law, Georgetown University.

*Shoba Sivaprasad Wadhia, Clinical Professor of Law & Director, Center for Immigrants' Rights, Penn State Dickinson School of Law.

*Title and affiliation listed for informational purposes only.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. ISAKSON, Ms. KLOBUCHAR, and Mr. INOUYE):

S. 1203. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I join my colleague on the Senate Finance Committee, Senator JOHN KERRY of Massachusetts, to introduce the Medicare Home Infusion Coverage Act, which will help us improve care and reduce costs. We are joined by Senator ISAKSON, Senator KLOBUCHAR, and Senator INOUYE, who also recognize the tremendous value offered by home infusion therapy.

Today many serious conditions, including some cancers and drug-resistant infections—requires the use of infusion therapy. Such treatment involves the administration of medication directly into the bloodstream via a needle or catheter. Specialized equipment, supplies, and professional services, such as sterile drug compounding, care coordination, and patient education and monitoring, are part of such therapy. The course of infusion treatment often lasts for several hours per day over a 6-to-8 week period.

The regrettable fact is that Medicare patients requiring infusion therapy must either bear that cost themselves, or endure hospitalization in order to receive coverage. Though Medicare pays for infusion drugs, it does not pay for the services, equipment, and supplies necessary to safely provide infusion therapy in the home. Not surprisingly, even though home infusion therapy may cost as little as $100 a day, too few seniors can afford that cost.

The result is that patients are hospitalized needlessly, driving costs of treatment as much as 10–20 times higher than treatment in the home. These unnecessary hospitalizations are not only wasteful to Medicare, but they may even place the patient at risk of contracting a health care-acquired infection.

Private coverage for home infusion therapy is commonplace. Private plans also recognize that patients benefit from avoiding hospitalization. At home they have familiar, comfortable surroundings, and family conveniently at hand, no small concerns when fighting a serious illness. In fact, according to a June 2010 Government Accountability Office report, ''Health insurers contend that the benefit has been cost-effective, that is, providing infusion therapy at home generally costs less than treatment in other settings. They also contend that the benefit is largely free from inappropriate utilization and problems in quality of care.''

By extending coverage of infusion therapy to the home, we will correct this unintended and unnecessary gap in Medicare coverage. I hope my colleagues will join us in support of this legislation so we may further the goals of improving patient safety and reducing our escalating health care costs.

By Mr. UDALL of Colorado:

S. 1204. A bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes; to the Committee on Armed Services.

Mr. UDALL of Colorado. Mr. President, I rise to speak about the Department of Defense Energy Security Act of 2011 or DODESA, that I am introducing today.

This bill takes a number of important steps toward addressing some of our most critical national energy security challenges. It authorizes increased development of alternative fuels and increased usage of hybrid drive systems and electric vehicles. The bill streamlines communication between agencies responsible for energy programs across the DOD, and authorizes DOD to examine where the greatest potential exists for renewable energy programs. And it authorizes DOD to determine how best to incorporate smart grid technology and to work with local communities to develop contingency plans in the event of a power outage caused by cyber attacks or natural disasters.

Simply put, this bill addresses the military's single largest vulnerability: Its dependence on fossil fuel. When you talk about that dependency in theater—you're talking about putting service members' lives at risk. During the wars in Iraq and Afghanistan, thousands of service men and women have been injured and killed each year in attacks on fuel convoys. Osama bin Laden reportedly called those convoys our military's ''umbilical cord.'' In the words of the Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen: ''Saving energy saves lives.'' He said: ''Energy needs to be the first thing we think about before we deploy another soldier, before we build another ship or plane.''

That dependence on oil also costs taxpayers a staggering amount of money. But our military's reliance on vulnerable energy resources is not just on the battlefield. At home, defense facilities rely on a fragile national grid, leaving critical assets vulnerable. The Defense Science Board found in its 2008 report, ''More Fight—Less Fuel'' that, ''critical national security and homeland defense missions are at an unacceptably high risk of extended outage from failure of the grid.''

All told, the military spends $20 billion on energy each year, consuming a whopping 135 million barrels of oil and 30 million megawatt-hours of electricity. It consumes more fuel and electricity each year than most countries.

The Pentagon's energy consumption has serious national security implications, but it also presents opportunities. As the Logistics Management Institute wrote, ''Aggressively developing and applying energy-saving technologies to military applications would potentially do more to solve the most pressing long-term challenges facing DOD and our national security than any other single investment area.''

That is why we have introduced this legislation. I say ''we'' because this bill is the product of a joint effort with Congresswoman GIFFORDS' office. GABBY is a great friend, and we introduced this bill together last Congress. This year, my staff has worked closely with hers on this updated version. This is an issue that is near and dear to GABBY's heart, and I know that she is eager to continue her work on it in the House.

I am very proud of this legislation for a number of reasons.

First and foremost, DODESA will help the Department of Defense cut fuel consumption and long-term costs.

Secondly, it provides authorization that will expand existing renewable energy studies and pilot programs through a Joint Contingency Base Resource Security Project. This project will help the service branches share lessons learned as they study the best ways to incorporate renewable energy sources and fuel reduction initiatives, such as the Marine Corps' outstanding Experimental Forward Operating Base, and the Army's Net Zero Installations.

Third, Colorado is leading the way in this commonsense area of energy security. In particular, I would like to highlight the leadership of Fort Carson, in my home state, which has been chosen as one of two bases to participate in the Army's ''Triple Net Zero'' pilot program. They are truly pioneers in this important work, and I appreciate all of their efforts.

In sum, our legislation will make America more secure, will save taxpayer dollars, and it will save lives. There is no single solution to our energy security challenges. DODESA is not a silver bullet that will solve all of our problems. However, it's part of a silver buckshot solution that will require multiple changes in the way that we do business.

We owe it to our service members and the American people to find ways to use energy smarter and more efficiently, and I believe this bill takes a number of important steps in the right direction.

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. 1204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Defense Energy Security Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

In this Act, the term ''congressional defense committees'' means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

SEC. 3. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ENERGY SAVINGS INITIATIVES.

It is the sense of Congress that—

(1) the Department of Defense should develop, test, field, and maintain operationally-effective technologies that reduce the energy needs of forward-deployed forces;

(2) the Secretary of Defense should ensure the energy security of Department of Defense facilities;

(3) the Assistant Secretary of Defense for Operational Energy Plans and Programs and the Deputy Under Secretary of Defense for Installations and Environment should act in concert to implement strategies and coordinate activities across the services to meet Department-wide and service energy goals, including service initiatives such as the Navy's Great Green Fleet, the Air Force's alternative fuel certification program, the Army's Net Zero installation pilot program, and the Marine Corps experimental forward operating base project; and

(4) in general, the Department of Defense should aggressively pursue opportunities to save energy, reduce energy-related costs, decrease reliance on foreign oil, decrease the energy-related logistics burden for deployed forces, ensure the long-term sustainability of military installations, and strengthen United States energy security.

SEC. 4. WAIVER AUTHORITY.

(a) IN GENERAL.—The Secretary of Defense may waive the implementation or operation of a provision of this Act or an amendment made by this Act if the Secretary certifies to Congress that implementation or continued operation of such provision would adversely impact the national security of the United States.

(b) INTELLIGENCE ACTIVITY WAIVER.—The Director of National Intelligence may, in consultation with the Secretary of Defense, exempt an intelligence activity of the United States, and related personnel, resources, and facilities, from a provision of this Act or an amendment made by this Act to the extent the Director and Secretary determine necessary to protect intelligence sources and methods from unauthorized disclosure.

TITLE I—OPERATIONAL ENERGY SECURITY

SEC. 101. JOINT CONTINGENCY BASE RESOURCE PILOT PROJECT.

(a) PILOT PROJECT AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Energy, as appropriate, carry out a pilot project to assess the feasibility and advisability of various joint and multi-service mechanisms to decrease energy usage by deployed military units, including by minimizing at forward operating bases the production of waste water, consumption of drinking water, energy, and materials, and reducing impacts on habitat and perimeter security and by maximizing capacity and effectiveness at such bases while promoting operational independence from supply lines and minimizing the resource footprint. The Secretary of Defense shall designate a lead officer for the pilot project.

(2) MECHANISMS TO BE ASSESSED.—The mechanisms assessed under the pilot project shall include new energy and energy-efficiency technologies and such other systems, components, and technologies as the Secretary shall identify for purposes of the pilot project.

(3) UTILIZATION OF SMALL BUSINESS.—In carrying out the pilot project, the Secretary shall, to the extent practicable, seek to work with small businesses through small-scale procurement of systems, components, and technologies described in paragraph (2).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2012 $4,000,000 to carry out the pilot project authorized by subsection (a).

SEC. 102. RESEARCH AND DEVELOPMENT ACTIVITIES TO INCORPORATE HYBRID-DRIVE TECHNOLOGY INTO CURRENT AND FUTURE TACTICAL FLEET OF MILITARY GROUND VEHICLES.

(a) IDENTIFICATION OF USABLE HYBRID-DRIVE TECHNOLOGY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments and the Secretary of Energy, as appropriate, shall submit to Congress a report identifying hybrid-drive technologies suitable for incorporation into the next reset and recap of motor vehicles of the current tactical fleet of the military services. In identifying suitable hybrid-drive technologies, the Secretary shall consider the feasibility and costs and benefits of incorporating a hybrid-drive technology into each type and variant of vehicle, including fuel savings, and the design changes and amount of time required for incorporation.

(b) HYBRID-DRIVE TECHNOLOGY DEFINED.—In this section, the term ''hybrid-drive technology'' means a propulsion system, including the engine and drive train, that draws energy from onboard sources of stored energy that involve—

(1) an internal combustion or heat engine using combustible fuel; and

(2) a rechargeable energy storage system.

SEC. 103. CONVERSION OF DEPARTMENT OF DEFENSE FLEET OF NON-TACTICAL MOTOR VEHICLES TO ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) CONVERSION REQUIRED.—

(1) IN GENERAL.—Subchapter II of chapter 173 of title 10, United States Code, is amended by inserting after section 2922c the following new section:

''§ 2922c-1. Conversion of Department of Defense non-tactical motor vehicle fleet to motor vehicles using electric or hybrid propulsion systems

''(a) DEADLINE FOR CONVERSION.—Beginning on October 1, 2017, the Secretary of Defense, the Secretary of a military department, or the head of a Defense Agency may not procure non-tactical motor vehicles or buses unless such vehicles use—

''(1) electric propulsion;

''(2) hybrid propulsion; or

''(3) an alternative propulsion system sufficient to make such non-tactical motor vehicles and buses meet or exceed applicable Corporate Average Fuel Economy standards.

''(b) PREFERENCE.—In procuring motor vehicles for use by a military department or defense agency after the date of the enactment of this section, the Secretary concerned or the head of the defense agency shall provide a preference for the procurement of non-tactical motor vehicles with a propulsion system described in paragraph (1), (2), or (3) of subsection (a), including plug-in hybrid systems, if the motor vehicles—

''(1) will meet the requirement or the need for the procurement; and

''(2) are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

''(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the prohibitions under subsection (a) with respect to a class of non-tactical vehicles if the Secretary determines that there is a lack of commercial availability for the class of vehicles or if the acquisition of such vehicles is cost prohibitive.

''(d) HYBRID DEFINED.—In this section, the term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

''(1) an internal combustion or heat engine using combustible fuel; and

''(2) a rechargeable energy storage system.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2922c the following new item:

''2922c-1. Conversion of Department of Defense non-tactical motor vehicle fleet to motor vehicles using electric or hybrid propulsion systems.''.

(b) APPLICABILITY.—The prohibition under section 2922c–1(a) of title 10, United States Code, as added by subsection (a), does not apply to contracts for the procurement of non-tactical vehicles entered into before the date of the enactment of this Act.

SEC. 104. TEN-YEAR EXTENSION OF AUTHORIZED INITIAL TERM OF CONTRACTS FOR STORAGE, HANDLING OR DISTRIBUTION OF LIQUID FUELS AND NATURAL GAS.

Section 2922 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''Contracts for the procurement of liquid fuels, or natural gas entered into pursuant to this section shall comply with the requirements of section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142).''.

(2) in subsection (b), in the first sentence, by striking ''5 years'' and inserting ''15 years''.

SEC. 105. ESTABLISHMENT OF DEPARTMENT OF DEFENSE JOINT TASK FORCE FOR ALTERNATIVE FUEL DEVELOPMENT.

(a) ESTABLISHMENT OF TASK FORCE.—The Assistant Secretary of Defense for Operational Energy, Plans, and Programs shall chair a joint task force for alternative fuel development, consisting of the Secretaries of the military departments, or their designees, the Assistant Secretary for Research and Engineering, and other members determined appropriate. The task force shall—

(1) lead the military departments in the development of alternative fuel;

(2) streamline the current investments of each of the military departments and ensure that such investments account for the requirements of the military departments;

(3) collaborate with and leverage investments made by the Department of Energy and other Federal agencies to advance alternative fuel development;

(4) coordinate proposed alternative fuel investments in accordance with section 138c(e) of title 10, United States Code; and

(5) focus its efforts on fuels that are compliant with the provisions of section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142).

(b) IMPLEMENTATION.—The Assistant Secretary of Defense for Operational Energy, Plans, and Programs shall prescribe policy

for the task force established pursuant to subsection (a) and certify the budget associated with alternative fuel investments of the Department of Defense.

(c) NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the policy prescribed under subsection (b).

TITLE II—INSTALLATION ENERGY SECURITY

SEC. 201. FUNDING FOR INSTALLATION ENERGY TEST BED.

There is authorized to be appropriated $47,000,000 for each of fiscal years 2012 through 2016 for research, development, test, and evaluation, Defense-wide, for the Installation Energy Test Bed (PE 0603XXXD8Z). As appropriate, all Department of Defense projects funded through this program shall be open and available to the Department of Energy and its commercialization team.

SEC. 202. FUNDING FOR ENERGY CONSERVATION PROJECTS.

(a) AUTHORIZATION TO OBLIGATE FUNDS.—The Secretary of Defense may obligate, from amounts appropriated for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) and available to carry out energy conservation projects, $135,000,000 for fiscal year 2012 to carry out energy conservation projects under chapter 173 of title 10, United States Code, to accelerate implementation of the energy performance plan of the Department of Defense and achievement of the energy performance goals established under section 2911 of such title, as amended by this Act.

(b) AUTHORIZATION OF APPROPRIATIONS TO COMPENSATE FOR DEFICIENCY.—There is authorized to be appropriated to the Secretary of Defense for fiscal year 2012 an amount equal to the difference between—

(1) the amount that may be obligated by the Secretary of Defense under subsection (a); and

(2) the amount appropriated for such fiscal year for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) and available to carry out energy conservation projects.

SEC. 203. REPORT ON ENERGY-EFFICIENCY STANDARDS.

(a) REPORT REQUIRED.—Not later than January 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the energy-efficiency standards utilized by the Department of Defense for military construction.

(b) CONTENTS OF REPORT.—The report shall include the following:

(1) A cost-benefit analysis, on a life cycle basis, of adopting American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) building standard 189.1 versus 90.1 for sustainable design and development for the construction and renovation of non-temporary buildings and structures for the use of the Department of Defense.

(2) Department of Defense policy prescribing a comprehensive strategy for the development of design and building standards across the Department that include specific energy-efficiency standards and sustainable design attributes for military construction based on the cost-benefit analysis required by paragraph (1), and consistent with the requirement under subsection (c).

(c) ENERGY EFFICIENCY STANDARDS.—The Secretary of Defense shall prescribe Department-wide standards, to be effective no later than January 1, 2014, for the design, construction, and renovation of Department of Defense facilities that mandate energy efficiency standards equivalent, at a minimum, to ASHRAE building standard 189.1.

SEC. 204. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

''(2)(A) Not later than December 31, 2012, the Secretary of Defense shall prescribe a definition of the term 'energy-efficient product' for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

''(B) The Secretary shall modify the definition and list of energy-efficient products as necessary, but not less than annually, to account for emerging or changing technologies.

''(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title. The Secretary of Defense shall report any research on topics related to technologies covered in this subsection being funded at national laboratories to the relevant program management offices of the Department of Energy to ensure research agendas are coordinated, where appropriate.''.

(b) CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(F) The up-to date list of energy-efficient products maintained under section 2915(e)(2) of this title.''.

SEC. 205. CORE CURRICULUM AND CERTIFICATION STANDARDS FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) TRAINING PROGRAM AND ISSUANCE OF GUIDANCE.—

(1) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2915 the following new section:

''§ 2915a. Facilities: department of defense energy managers

''(a) TRAINING PROGRAM REQUIRED.—The Secretary of Defense shall establish a training program for Department of Defense energy managers designated for military installations—

''(1) to improve the knowledge, skills, and abilities of energy managers; and

''(2) to improve consistency among energy managers throughout the Department in the performance of their responsibilities.

''(b) CURRICULUM AND CERTIFICATION.—(1) The Secretary of Defense shall identify core curriculum and certification standards required for energy managers. At a minimum, the curriculum shall include the following:

''(A) Details of the energy laws that the Department of Defense is obligated to comply with and the mandates that the Department of Defense is obligated to implement.

''(B) Details of energy contracting options for third-party financing of facility energy projects.

''(C) Details of the interaction of Federal laws with State and local renewable portfolio standards.

''(D) Details of current renewable energy technology options, and lessons learned from exemplary installations.

''(E) Details of strategies to improve individual installation acceptance of its responsibility for reducing energy consumption.

''(F) Details of how to conduct an energy audit and the responsibilities for commissioning, recommissioning, and continuous commissioning of facilities.

''(2) The curriculum and certification standards shall leverage the best practices of each of the military departments.

''(3) The certification standards shall identify professional qualifications required to be designated as an energy manager.

''(c) USE OF EXISTING ENERGY CERTIFICATION PROGRAMS.—The Deputy Under Secretary for Installations and Environment may determine that an existing Federal energy certification program is suitable to be used instead of the program described in subsection (b) to improve the knowledge, skills, and abilities of energy managers designated for military installations.

''(d) INFORMATION SHARING.—The Secretary of Defense shall ensure that there are opportunities and forums, not less than annually, for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

''2915a. Facilities: Department of Defense energy managers.''.

(b) ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the implementation of the core curriculum and certification standards for energy managers required by section 2915a of title 10, United States Code, as added by subsection (a).

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager core curriculum and certification requirements.

SEC. 206. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO CAPTURE AND TRACK DATA GENERATED IN METERING DEPARTMENT FACILITIES.

(a) STUDY.—The Secretary of Defense shall conduct a study on the collection of data generated in the energy metering of Department of Defense facilities, including an assessment of what data is most relevant to energy efficiency determinations and an examination of methods to collect such data. The study shall include recommendations for transmitting metering data electronically in a way that ensures protection from cyberthreats.

(b) DATA CAPTURE REQUIREMENT.—The Secretary of Defense shall require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption. The data shall be made available to procurement officials to enable decisions regarding technology acquisitions to include consideration of relevant energy efficiency information.

SEC. 207. ESTABLISHMENT OF MILESTONES FOR ACHIEVING DEPARTMENT OF DEFENSE 2025 RENEWABLE ENERGY GOAL.

Section 2911(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) In achieving the goal specified in paragraph (1) regarding the use of renewable energy by the Department of Defense—

''(A) after September 30, 2015, the Department shall produce or procure from renewable energy sources not less than 12 percent

of the total quantity of facility energy it consumes within its facilities;

''(B) after September 30, 2018, the Department shall produce or procure from renewable energy sources not less than 16 percent of the total quantity of facility energy it consumes within its facilities; and

''(C) after September 30, 2021, the Department shall produce or procure from renewable energy sources not less than 20 percent of the total quantity of facility energy it consumes within its facilities.''.

SEC. 208. DEVELOPMENT OF RENEWABLE ENERGY SOURCES ON MILITARY LANDS.

(a) EXPANSION OF CURRENT GEOTHERMAL AUTHORITY.—Section 2917 of title 10, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary'';

(2) by striking ''geothermal energy resource'' and inserting ''renewable energy source''; and

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

''(b) CONSIDERATION OF ENERGY SECURITY.—The development of a renewable energy resource under subsection (a) shall include consideration of energy security in the design and development of the project to ensure that it does not have an adverse impact on mission needs.

''(c) DEFINITIONS.—In this section:

''(1) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated from—

''(A) solar energy;

''(B) wind energy;

''(C) marine and hydrokinetic renewable energy;

''(D) geothermal energy;

''(E) qualified hydropower;

''(F) biomass; or

''(G) landfill gas.

''(2) BIOMASS.—The term 'biomass' has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

''(3) QUALIFIED HYDROPOWER.—

''(A) IN GENERAL.—The term 'qualified hydropower' means—

''(i) incremental hydropower;

''(ii) additions of capacity made on or after January 1, 2001, or the effective commencement date of an existing applicable State renewable electricity standard program at an existing non-hydroelectric dam, if—

''(I) the hydroelectric project installed on the non-hydroelectric dam—

''(aa) is licensed by the Federal Energy Regulatory Commission, or is exempt from licensing, and is in compliance with the terms and conditions of the license or exemption; and

''(bb) meets all other applicable environmental, licensing, and regulatory requirements, including applicable fish passage requirements;

''(II) the non-hydroelectric dam—

''(aa) was placed in service before the date of enactment of this section;

''(bb) was operated for flood control, navigation, or water supply purposes; and

''(cc) did not produce hydroelectric power as of the date of enactment of this section; and

''(III) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving the environmental quality of the affected waterway, as certified by the Federal Energy Regulatory Commission; and

''(iii) in the case of the State of Alaska—

''(I) energy generated by a small hydroelectric facility that produces less than 50 megawatts;

''(II) energy from pumped storage; and

''(III) energy from a lake tap.

''(B) STANDARDS.—Nothing in this paragraph or the application of this paragraph shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act (16 U.S.C. 791a et seq.).''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2917. Development of renewable energy sources on military lands''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by striking the item relating to section 2917 and inserting the following new item:

''2917. Development of renewable energy sources on military lands.''.

SEC. 209. DEVELOPMENT OF RENEWABLE ENERGY ON MILITARY INSTALLATIONS.

(a) MILITARY INSTALLATIONS STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the heads of other Federal agencies, as appropriate, shall complete a study identifying locations on military installations and ranges, including military installations and ranges composed in whole or in part from lands withdrawn from the public domain or subject to a special use permit issued by the United States Forest Services that—

(A) exhibit a high potential for solar, wind, geothermal, and other renewable energy production; and

(B) could be developed for renewable energy production in a manner consistent with—

(i) all present and reasonably foreseeable military training and operational mission needs and research, development, testing, and evaluation requirements; and

(ii) all applicable environmental requirements.

(2) NOTICE OF INTENT TO PREPARE ENVIRONMENTAL IMPACT ANALYSIS.—Not later than 1 year after the completion of the study required under paragraph (1), the Secretary of Defense, in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the heads of other Federal agencies, as appropriate, shall prepare and publish in the Federal Register a Notice of Intent initiating the process to prepare an environmental impact analysis document to support a program to develop renewable energy on any lands identified in the study as suitable for such production.

(3) USE OF EXISTING STUDIES AND ASSESSMENTS.—The study required by paragraph (1) shall, to the extent possible, draw from existing studies and assessments of the Department of Defense, other Federal agencies, and such other studies as may be determined by the Secretary of Defense to be relevant.

(b) ADDITIONAL MATTERS.—The Secretary of Defense, in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the heads of other Federal agencies, as appropriate, shall, not later than 2 years after the date of the enactment of this Act, prepare a report that—

(1) addresses the legal authorities governing authorization for the development of renewable energy facilities on military installations and ranges, including those composed in whole or in part from lands withdrawn from the public domain or subject to a special use permit issued by the United States Forest Service, and identifies Federal and State statutory and regulatory constraints to the development of renewable energy facilities on installations and ranges designed to produce power in excess of the current or projected requirements of the military installation or range concerned;

(2) contains recommendations to facilitate and incentivize large-scale renewable development on military installations and ranges, including those composed in whole or in part from lands withdrawn from the public domain or subject to a special use permit issued by the United States Forest Service; and

(3) contains recommendations on—

(A) necessary changes in any law or regulation;

(B) whether the authorization for the use of such lands for development of renewable energy projects should be pursuant to lease, contract, right-of-way, permit, or other form of authorization;

(C) methods of improving coordination among the Federal, State, and local agencies, if any, involved in authorizing renewable energy projects; and

(D) the disposition of revenues resulting from the development of renewable energy projects on such lands.

(c) SUBMISSION OF STUDY AND REPORT.—The Secretary shall, upon their completion, submit the study required by paragraph (a) and the report required by paragraph (b) to the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Natural Resources, and the Committee on Appropriations of the House of Representatives.

SEC. 210. REPORT ON CROSS-AGENCY RENEWABLE ENERGY DEVELOPMENT EFFORTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Energy, the Secretary of the Interior, and the heads of other Federal agencies, as appropriate, shall submit to Congress a report addressing cross-jurisdictional issues involved with the development of renewable energy on military installations and ranges, including military installations and ranges composed in whole or in part from lands withdrawn from the public domain or subject to a special use permit issued by the United States Forest Service. The report shall include a description of the authority to approve such development and options for disposition or use of funds generated from these renewable energy projects.

SEC. 211. ELIMINATION OF APPROVAL REQUIREMENT FOR LONG-TERM CONTRACTS FOR ENERGY OR FUEL FOR MILITARY INSTALLATIONS.

Section 2922a of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''Subject to subsection (b), the Secretary of a military department'' and inserting ''The Secretary of a military department'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 212. CONSIDERATION OF ENERGY SECURITY IN DEVELOPING ENERGY PROJECTS ON MILITARY INSTALLATIONS USING RENEWABLE ENERGY SOURCES.

(a) POLICY OF PURSUING ENERGY SECURITY.—

(1) POLICY REQUIRED.—The Secretary of Defense shall establish a policy under which favorable consideration is given for energy security in the design and development of renewable energy projects on military installations and ranges.

(2) NOTIFICATION.—The Secretary of Defense shall provide notification to Congress within 30 days after entering into any agreement for a facility energy project described in paragraph (1) that excludes pursuit of energy security on the grounds that inclusion of energy security is cost prohibitive. The Secretary shall also provide a cost-benefit analysis of the decision.

(3) ENERGY SECURITY DEFINED.—In this subsection, the term ''energy security'' has the meaning given that term in section 2924 of title 10, United States Code, as added by subsection (d).

(b) ADDITIONAL CONSIDERATION FOR DEVELOPING AND IMPLEMENTING ENERGY PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER PLAN.—Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(12) Opportunities for improving energy security for facility energy projects that will use renewable energy sources.''.

(c) REPORTING REQUIREMENT.—Section 2925(a)(3) of such title is amended by inserting ''whether the project incorporates energy security into its design,'' after ''through the duration of each such mechanism,''.

(d) ENERGY SECURITY DEFINED.—

(1) IN GENERAL.—Subchapter III of chapter 173 of title 10, United States Code, is amended by inserting before section 2925 the following new section:

''§ 2924. Energy security defined

''(a) IN GENERAL.—In this chapter, the term 'energy security' means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet operational needs.

''(b) PURSUIT OF ENERGY SECURITY.—In selecting facility energy projects on a military installation that will use renewable energy sources, pursuit of energy security means the installation will give favorable consideration to projects that provide power directly into the installation electrical distribution network. In such cases, this power should be prioritized to provide the power necessary for critical assets on the installation in the event of a disruption in the commercial grid.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting before the item relating to section 2925 the following new section:

''2924. Energy security defined.''.

(e) STUDY ON USE OF RENEWABLE ENERGY TO IMPROVE ENERGY SECURITY.—

(1) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity to conduct a study on the use of renewable energy generation to improve energy security at military installations.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Information Officer and the relevant energy offices within the Department of Defense, shall submit to the congressional defense committees a report on the study conducted under paragraph (1), together with the Secretary's recommendations for using renewable energy generation to improve energy security at military installations.

SEC. 213. STUDY ON INSTALLATION ENERGY SECURITY AND SOCIETAL IMPACTS.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity to conduct a study on energy security issues at military installations and related societal impacts.

(b) ELEMENTS.—The study required under subsection (a) shall include the following elements:

(1) A discussion of policy considerations, including engagement with utilities, transmission companies, and other entities involved in the incorporation of microgrids or other secure power generation infrastructure on military installations designed to assure continued mission-critical power in the event of a failure or extended interruption in the commercial power grid.

(2) An analysis of—

(A) whether, in the event a military installation has the continued use of a secure microgrid during a power disruption in an adjacent community lasting more than 36 hours, the military installation should have the capability and energy-generating capacity in excess of that required to assure continuation of mission-critical power in order to allow delivery of emergency power support to non-Department of Defense facilities and users providing emergency services and other critical functions in an adjacent community;

(B) the policy and other implications of not developing the capability and capacity described in subparagraph (A);

(C) the budgetary implication of developing the capability and capacity described in subparagraph (A); and

(D) the potential sources of funding from entities outside the Department of Defense required to develop the capability and capacity described in subparagraph (A).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the study conducted under this section, together with a plan for implementing the recommendations of the study.

By Mr. ROCKEFELLER (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mrs. BOXER, Mr. FRANKEN, and Mr. MERKLEY):

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; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Medicare Drug Savings Act of 2011. I am proud to be joined by my colleagues Senator JEFF BINGAMAN of New Mexico, Senator DEBBIE STABENOW of Michigan, Senator RICHARD BLUMENTHAL of Connecticut, Senator SHERROD BROWN of Ohio and Senator BARBARA BOXER of California, in introducing this important piece of legislation.

The Republican budget would end Medicare as we know it, replacing it with a voucher program that would double seniors' out of pocket costs and leave them at the mercy of private insurance companies. It would also decimate the Medicaid program, leaving millions of vulnerable individuals including seniors, children, and people with disabilities with nowhere to turn for care. We need to responsibly reduce our deficit, but taking away health care for seniors and other vulnerable people should be off the table. Rather than dismantling Medicare and Medicaid, we can save hundreds of billions of dollars by holding drug companies accountable and using the purchasing power of the federal government to negotiate lower drug prices.

That is why we are introducing the Medicare Drug Savings Act. The bill will eliminate a special deal from the 2003 Medicare prescription drug law that allows drug companies to charge Medicare higher prices for some seniors' prescription drugs. It would require prescription drug manufacturers to pay rebates to Medicare for dually eligible beneficiaries in Medicare and Medicaid. This proposal would reduce the deficit, saving taxpayers an estimated $112 billion over the next ten years, according to the Congressional Budget Office. Similar proposals were also included in the recommendations from the President's Commission on Fiscal Responsibility and Reform, and the President's framework for deficit reduction.

Prior to the creation of the Medicare prescription drug program, brand-name drug manufacturers paid a drug rebate for dually eligible beneficiaries in Medicare and Medicaid. However, when the new Medicare drug program was established, drug companies no longer had to provide these rebates, resulting in windfall profits for prescription drug manufacturers, at taxpayers' expense.

The Medicare Drug Savings Act would require prescription drug manufacturers to provide a rebate for drugs provided to dually eligible beneficiaries as well as all other enrollees in the low-income-subsidy, LIS, plan in the Medicare Part D Prescription Drug Program. Manufacturers would be required to pay the difference between the lowest current rebates they are paying to private Part D drug plans, and, the percentage of Average Manufacture Price, AMP, they currently pay under Medicaid, plus an additional rebate if their prices grow additional inflation. They would be required to participate in the rebate program in order for their drugs to be covered by Medicare Part D.

I urge my colleagues to support this bill. In doing so, we will protect Medicare for seniors, and end a giveaway to drug companies that is costing taxpayers hundreds of billions of dollars.

By Mr. PRYOR (for himself and Mr. ROCKEFELLER):

S. 1207. A bill to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise to say a few words on the introduction of the Data Security and Breach Notification Act. Senator PRYOR and I introduced this bill in the 111th Congress, and given the recent high-profile data breaches that have endangered the well-being of millions of ordinary American consumers, today's reintroduction of this comprehensive bill is

timely. I want to thank and commend Senator PRYOR for his leadership on this issue and for his terrific work as Chairman of the Consumer Protection Subcommittee on the Commerce Committee.

As the recent breaches at Citigroup, Sony, and Epsilon have taught us, companies that collect and store sensitive consumer information should have two important obligations: to maintain that information in a manner that is safe and secure; and to notify affected consumers as quickly as possible in the wake of a security breach in order to allow them to take necessary steps to protect themselves. Senator PRYOR's and my bill addresses both of these obligations. Currently, 47 States have data breach notification laws on the books, but very few address how companies should secure their data from the outset to prevent such breaches.

Our bill calls on the Federal Trade Commission to promulgate regulations that direct companies to establish and maintain reasonable protocols to secure consumer data from unauthorized access. In this regard, the bill also has specific provisions addressing data brokers, which are companies that collect and sell massive amounts of information on individuals, largely without their knowledge. The Data Security and Breach Notification Act would allow consumers to access and, if necessary, correct the personal information that these data brokers maintain and sell.

Furthermore, if a security breach occurs, our bill requires companies to notify affected consumers unless there is no reasonable risk of identity theft, fraud or unlawful conduct. This breach notification standard is very important and reflects the most consumer-protective standard in the country. The presumption is that companies should notify consumers of a breach. However, if the breached entity determines that there is no reasonable risk of harm, for instance, if the company has made the data unusable through advanced encryption technology, then they are spared this obligation. The FTC and state Attorneys General are tasked with enforcing the law.

The Commerce Committee has a long, well-established history of addressing data security issues, and the Committee has reported data security bills in past Congresses. As Chairman of the Commerce Committee, I intend to work with Senator PRYOR to enact this bill into law. Majority Leader REID has introduced a cyber-security bill that provides for the inclusion of a data security section, and the Obama Administration has also released a cybersecurity proposal that contains a breach notification provision. The bill that Senator PRYOR and I have introduced is a carefully balanced bill that protects consumers, but also addresses the legitimate needs of business and does not impose needless regulations and obligations. This bill has wide support from both the consumer groups and many sectors in the business community, and I will work with Senator PRYOR to address further concerns in order to garner consensus.

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

S. 1208. A bill to provide an election to terminate certain capital construction funds without penalties; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am reintroducing a bill to reform the Capital Construction Fund to address major changes in the Nation's fisheries and to allow the Nation's fishers to have access to needed funds to prevent overfishing and to help create jobs.

The Capital Construction Fund, CCF, program was originally developed at a time when American fishers were having a hard time competing with highly efficient foreign fishing vessels, modern boats that often harvested U.S. fishery resources within sight of our own shores. The initial idea behind the CCF Program was to enable U.S. fishers to accumulate the funds necessary to develop a modern fishing fleet by allowing them to deposit a portion of their fishing-related earnings into a CCF savings account on a tax-deferred basis. Under the CCF program, monies subsequently withdrawn from the CCF accounts would remain tax free as long as they were invested in new or rebuilt fishing vessels. At the same time, any unauthorized withdrawals from CCF accounts were subject to severe interest and other penalties.

The program was a success; the CCF program helped the U.S. industry build a modern state-of-the-art fishing fleet. Unfortunately, that fleet has now become overcapitalized, a problem that has been exacerbated as managers have become more and more concerned about potential overfishing and have begun to reduce the amount of fish that they allow fishers to catch each year. As a result, the U.S. commercial fishing fleet now has more harvesting capacity than the U.S. fishery resource can sustainably support. The problem now is that the monies that remain on deposit in CCF accounts represent a potential for further overcapitalization at a time when less capitalization is needed. Yet the CCF regulations currently penalize withdrawals made for anything other than a bigger or better boat.

The issue now is what to do about the money that remains ''stranded'' in existing CCF accounts. Ironically, just as the current generation of fishers is getting ready to retire, the program puts heavy penalties on them if they take money out of their CCF accounts without using it for anything other than to further capitalize an already overcapitalized fleet.

The resulting situation is problematic for the fishers, the industry and the resource. That's why I am reintroducing legislation today along with my colleague Senator MURKOWSKI—to address the problem of stranded capital still on deposit in various CCF accounts and to relieve the pressure to increase further capitalization of the fishing fleet. My legislation will enable CCF fundholders to make a one-time withdrawal from their CCF accounts without requiring them to reinvest it in the fishing industry. Instead, they will be required to pay the taxes due on the monies withdrawn, but without having to pay interest or other penalties on such withdrawals. Those funds would be freed up for other purposes, including starting a new business and finding other ways to support and create jobs. An income-averaging formula would be applied to the withdrawals so as to avoid an excessive tax rate on the one-time withdrawal. The fishers taking advantage of such an opportunity to take money out of their CCF accounts penalty free would then be required to close their CCF accounts and would be prohibited from further participation in the program. This is a win-win-win situation. The fisher gets to take the money out of his CCF without having to pay penalties and interest, but still pays the taxes when due; the government gets taxes on the withdrawals; and the resource and the fishers who remain in the fishery avoid further capitalization of an already overcapitalized industry.

I look forward to working with Senator MURKOWSKI, the fishing community, and the bill's other supporters to advance this legislation to the President's desk.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. REED, and Mrs. BOXER):

S. 1211. A bill amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Preservation of Antibiotics for Medical Treatment Act of 2011.

Introducing this bill today is bittersweet. As my colleagues know, we have been working to pass this bill for almost a decade now. But for all those years it was one of our dearest colleagues, Senator Ted Kennedy, who stood before this body to introduce the legislation.

We certainly miss Senator Kennedy's leadership, his passion, his dedication and his political skill.

But as I stand here today to introduce the Preservation of Antibiotics for Medical Treatment Act, I know that he would be proud to see the continued work and support for this bill.

Today, I am joined by Senator COLLINS, Senator REED of Rhode Island and Senator BOXER as original cosponsors of this legislation.

It is my hope that in this Congress we can make some positive changes in this important area.

Let me start by explaining what the Preservation of Antibiotics for Medical Treatment Act does.

The Preservation of Antibiotics for Medical Treatment Act directs the Food and Drug Administration to regulate the misuse of antibiotics in agriculture. It requires drug companies and producers to demonstrate that they are using antibiotics to treat clinically diagnosable diseases in farm animals. It requires that companies defend the process of adding gross amounts of antibiotics to the feed and water of livestock and it requires them to prove that this practice does not contribute to antibiotic-resistance among humans.

Unfortunately, it has become a common practice in industrial agriculture to use antibiotics for ''growth promotion.'' This practice allows for animals kept in cramped quarters to grow artificially fast, and artificially fat.

The most concerning part is that the low doses of antibiotics fed to these animals breed antibiotic resistant pathogens. These pathogens make their way into our food, our water, and our communities.

Antibiotic resistance is one of the most significant public health challenges facing us today, and numerous peer-reviewed studies have concluded that the overuse of antibiotics in animal agriculture is making the problem worse.

A recent study published in the medical journal Clinical Infectious Diseases found that nearly 50 percent of grocery store meat was contaminated with antibiotic resistant pathogens. Even more concerning, 25 percent of all meat was contaminated with pathogens that were resistant to three or more types of antibiotics.

I have heard for years that antibiotics were the closest thing to a ''silver bullet'' in human medicine. But today, tens of thousands of people in the U.S. die each year from antibiotic resistant infections. So unfortunately we are learning the hard way that these precious, life saving drugs no longer work as well as they once did.

Antibiotic resistance is a real and growing problem, and its causes are man-made.

As our use of antimicrobial drugs has increased, so has the ability of bacteria to withstand their effects. The only way to preserve the effectiveness of antibiotics is to use them responsibly.

In human medicine, this means that doctors must use better discretion when prescribing antibiotics. As patients, we must do our part and finish the prescriptions given to us.

But antibiotics are also used in animal medicine, so veterinarians and farmers must also ensure that antibiotics are used responsibly.

I was surprised to learn that the Union of Concerned Scientists estimates that 84 percent of all antibiotic usage in this country is in animals such as chickens, pigs, and cattle. Even more surprising is the vast majority of antibiotic consumption by livestock is by animals that show no clinical signs of illness.

This type of treatment, referred to by doctors and veterinarians as non-therapeutic, creates the perfect breeding ground for antibiotic resistant bacteria. Unlike therapeutic doses of medicine that are prescribed when we, or any other animal gets sick, non-therapeutic doses of antibiotics are routinely added to the food or water of livestock that are not ill.

These doses are not large enough, or powerful enough, to eliminate all the bacteria inside their bodies. Instead, the small dose of antibiotics only kills off the weakest bacteria; leaving the strongest, most resistant bacteria behind to reproduce.

Recognizing the impending health crisis, some have taken dramatic action. In 1998, Denmark became the first country to ban the routine use of antibiotics in the food and water of livestock. The entire European Union followed suit in 2006. Australia, New Zealand, Chile, Korea, Thailand, the Philippines, and Japan have also implemented full or partial bans on non-therapeutic uses of antibiotics.

But the majority of producers in the U.S. have not followed suit; and it is time for a wakeup call.

That is why I am reintroducing the Preservation of Antibiotics for Medical Treatment Act. This legislation implements a precautionary principle when it comes to using antibiotics and requires that producers and drug companies affirmatively demonstrate that the non-therapeutic antibiotics in livestock production do not contribute to the incidence of antibiotic resistant infections in humans.

Put simply, if growth promoting antibiotics can't be used safely, they shouldn't be used at all.

The real strength of this legislation is that it takes an incremental approach. The new regulations regarding antibiotic use under PAMTA would only apply to the limited number of antibiotics that are critical to human health and are used non-therapeutically.

This means that any drug not used in human medicine is left untouched by this legislation.

PAMTA also preserves the ability of farmers to use all available antibiotics to treat sick animals.

By focusing on only the most egregious misuses of medically important antibiotics, PAMTA tackles the problem of antibiotic resistance where we know we can make the most difference.

I understand that some question the need for this legislation; they say that there is no evidence that antibiotic use in agriculture leads to infections in humans.

Unfortunately they are wrong.

Rear Admiral Ali S. Khan, MD, MPH, Assistant Surgeon General and Director of the Office of Public Health Preparedness and Response at the Centers for Disease Control and Prevention recently testified in front of the House Energy Committee that ''studies related to Salmonella as both a human and animal pathogen, including many studies in the United States, have demonstrated that use of antibiotic agents in food animals results in antibiotic resistant bacteria in food animals, resistant bacteria are present in the food supply and are transmitted to humans, and resistant bacterial infections result in adverse human health consequences, e.g., increased hospitalization.

Doctor Joshua Sharfstein, Principal Deputy Commissioner of the Food and Drug Administration also testified at the hearing and agreed with Rear Admiral Khan. The FDA, he said, ''supports the conclusion that using medically important antimicrobial drugs for production purposes is not in the interest of protecting and promoting the public health.''

Quantitative evidence from the EU and Canada also support these conclusions. In response to public health concerns about the rise of cephalosporin, an antibiotic, resistance in Salmonella and E. coli, chicken hatcheries in Québec voluntarily stopped using the drug in February 2005. Following the ban, the public health agency of Canada reported a dramatic 89 percent decrease in the incidence of resistant salmonella in chicken meat and 77 percent decrease in related human infections. Once the drug was partially reintroduced in 2007, antibiotic resistant infections in people jumped back up 50 percent.

Unfortunately we are fighting an uphill battle with antibiotic resistant infections. Our tools and resources are diminishing even while the number and severity of these infections are increasing.

One example is Methicillin-resistant Staphylococcus aureus, or MRSA. According to the Centers for Disease Control and Prevention, CDC, MRSA infections in 1974 accounted for only two percent of the total number of staph infections; in 1995 it was 22 percent; and by 2004 it was 63 percent.

CDC estimates that by 2005, there were 94,360 MRSA infections in the United States. Tragically, about 19,000 of them, 20 percent, were fatal because MRSA is nearly immune to almost every antibiotic used in modern medicine.

By comparison, in 2005 there were 17,011 deaths due to AIDS; so the scope and consequence of this problem is stunning.

Of course not all MRSA is derived from the overuse of antibiotics on the farm. Many infections are acquired in the hospital, and it is believed that these bacteria became resistant to antibiotics due to the misuse of drugs in human medicine.

But MRSA is also infecting individuals who have not been in a hospital setting.

There is strong evidence that at least one strain of MRSA infecting people is

coming directly from livestock. This strain, known as ST398, has been shown to disproportionately infect farmers and their families. Like all MRSA, ST398 is resistant to the antibiotics methicillin and oxacillin. But resistance to other antibiotics is also common among ST398 strains, which makes treatment especially challenging.

A recent study by the CDC in December 2009 showed that hospital acquired strains of MRSA and community acquired MRSA strains such as ST398 are trending in opposite directions.

The study found that community acquired MRSA, a type of MRSA that did not emerge in the hospital setting and is not contracted there, increased 700 percent between 1999 and 2006.

By contrast, hospital acquired MRSA cases declined roughly 10 percent over this same time period.

Over the past decade, it has become clear that MRSA is not just a problem for hospital administrators. More and more individuals are acquiring this devastating infection in their homes, at their gyms or in restaurants.

While it is exceedingly difficult to determine the exact extent that antibiotic use in agriculture influences individual MRSA cases, we know for certain that statistical evidence overwhelmingly suggests that a reduction of antibiotic use in agriculture will result in a reduction of highly resistant MRSA cases.

Since the Union of Concerned Scientists estimates that as much as 84 percent of all antibiotic usage in this country is in veterinary medicine, one can reasonably conclude that a reduction of antibiotic use in agriculture will result in a reduction of highly resistant MRSA cases.

The reason I am so committed to this legislation is that a reduction in highly resistant infections will save lives. One of my constituents shared a truly heartbreaking story.

The Don family, from Ramona, California, is a tight knit family. They are active in the community, and loved by their neighbors. Until recently, like most happy, healthy families, antibiotic resistant infections just wasn't a subject that came up much.

So when Mr. and Mrs. Don sent their son Carlos off to sixth grade camp in 2007, they never expected that an antibiotic resistant infection would change their lives.

Carlos was the picture of health. He was a bright, vibrant, athletic 12-year old, who loved to play football.

When he returned home from camp, he had a 104 degree fever and could barely walk. It was the sickest his parents had ever seen him.

When Carlos didn't get better the next day, they took him to Urgent Care. He was given a dose of antibiotics that the doctors said would knock the bug out in a few days.

But the drugs didn't work.

The next day Carlos was in even worse shape and he had to be rushed to the hospital by an ambulance. His new doctors put him on every single antibiotic the hospital had to offer.

Even at the extremely high levels prescribed to Carlos, the drugs still didn't work.

It took doctors 48 hours to find and acquire an antibiotic that was strong enough to kill the infection.

By that time Carlos' lungs, kidneys, liver, intestines and heart had all failed.

The only thing left, doctors told his parents, was his brain. The doctors said that Carlos knew his body was failing and that he was in a fight for his life.

It pains me to say that this story does not have a happy ending. Carlos lost his life because the antibiotics that we have relied on for 80 years didn't work.

No parents should ever have to undergo the heartbreak and the tragedy that the Dons went through in 2007.

Their son was as healthy and happy as any 12-year-old could be, but he was cruelly taken away from them because of a disease that we could not fight.

I believe that with this bill we have an opportunity to prevent other families from suffering from this same tragic story.

There are some who believe this legislation may actually make our food supply less safe. Their argument is that antibiotics keep our animals healthy, and healthy animals make for healthy food.

But research shows us that these concerns are misguided. Over 375 public, consumer, and environmental health groups including the American Medical Association, the American Public Health Association, and the Infectious Diseases Society of America, support the legislation because they believe that reducing antibiotic use in agriculture will protect the health and safety of Americans.

It is not just health groups that support this approach. The fact is that farmers and meat producers can keep their animals healthy without adding hundreds of pounds of antibiotics to the food and water of their animals.

In Denmark, one of the world's largest exporters of pork, producers have made modest changes to their husbandry practices and reduced overall antibiotic use by over 50 percent. Pork production has grown, and other animal health indicators such as litter size and average daily weight gain have improved.

In Iowa, hog farmers like Paul Willis and Jude Becker have shown that antibiotic-free production is possible in the heartland of America too.

In California, companies like Niman Ranch in Alameda have proved that Beef, Pork, Poultry and Lamb can be produced profitably in America on a large scale without the routine use of antibiotics. In fact, fast-food chain Chipotle Mexican Grill has grown a highly successful business based on meats raised without antibiotics, much of it supplied by Niman Ranch.

This bipartisan bill makes incremental changes to ensure that our actions on the farm do not negatively impact the health and well being of our farmers, their families, and every one of us who consumes the food they produce.

I look forward to working with my colleagues to pass these critical reforms.

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. 1211

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 ''Preservation of Antibiotics for Medical Treatment Act of 2011''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In January 2001, a Federal interagency task force—

(A) released an action plan to address the continuing decline in effectiveness of antibiotics against common bacterial infections, referred to as antibiotic resistance;

(B) determined that antibiotic resistance is a growing menace to all people and poses a serious threat to public health; and

(C) cautioned that if current trends continue, treatments for common infections will become increasingly limited and expensive, and, in some cases, nonexistent.

(2) Antibiotic resistance, resulting in a reduced number of effective antibiotics, may significantly impair the ability of the United States to respond to terrorist attacks involving bacterial infections or a large influx of hospitalized patients.

(3)(A) Any overuse or misuse of antibiotics contributes to the spread of antibiotic resistance, whether in human medicine or in agriculture.

(B) Recognizing the public health threat caused by antibiotic resistance, Congress took several steps to curb antibiotic overuse in human medicine through amendments to the Public Health Service Act (42 U.S.C. 201 et seq.) made by section 102 of the Public Health Threats and Emergencies Act (Public Law 106–505, title I; 114 Stat. 2315), but has not yet addressed antibiotic overuse in agriculture.

(4) In a March 2003 report, the National Academy of Sciences stated that—

(A) a decrease in antimicrobial use in human medicine alone will have little effect on the current situation; and

(B) substantial efforts must be made to decrease inappropriate overuse in animals and agriculture.

(5) In 2010, the FDA determined that—

(A) 1,300,000 kilograms of antibacterial drugs were sold for use on food animals in the United States in 2009;

(B) 3,300,000 kilograms of antibacterial drugs were used for human health in 2009; and

(C) therefore, 80 percent of antibacterial drugs disseminated in the United States in 2009 were sold for use on food animals, rather than being used for human health.

(6)(A) Large-scale, voluntary surveys by the Department of Agriculture's Animal and Plant Health Inspection Service in 1999, 2001, and 2006 revealed that—

(i) 84 percent of grower-finisher swine farms, 83 percent of cattle feedlots, and 84 percent of sheep farms administer

antimicrobials in the feed or water for health or growth promotion reasons; and

(ii) many of the antimicrobials identified are identical or closely related to drugs used in human medicine, including tetracyclines, macrolides, Bacitracin, penicillins, and sulfonamides; and

(B) these drugs are used in people to treat serious diseases such as pneumonia, scarlet fever, rheumatic fever, venereal disease, skin infections, and even pandemics like malaria and plague, as well as bioterrorism agents like smallpox and anthrax.

(7) Many scientific studies confirm that the nontherapeutic use of antibiotics in agricultural animals contributes to the development of antibiotic-resistant bacterial infections in people.

(8) The periodical entitled ''Clinical Infectious Diseases'' published a report in June 2002, that—

(A) was based on a 2-year review by experts in human and veterinary medicine, public health, microbiology, biostatistics, and risk analysis, of more than 500 scientific studies on the human health impacts of antimicrobial use in agriculture; and

(B) recommended that antimicrobial agents should no longer be used in agriculture in the absence of disease, but should be limited to therapy for diseased individual animals and prophylaxis when disease is documented in a herd or flock.

(9) The United States Geological Survey reported in March 2002 that—

(A) antibiotics were present in 48 percent of the streams tested nationwide; and

(B) almost half of the tested streams were downstream from agricultural operations.

(10) An April 1999 study by the General Accounting Office concluded that resistant strains of 3 microorganisms that cause foodborne illness or disease in humans (Salmonella, Campylobacter, and E. coli) are linked to the use of antibiotics in animals.

(11) Epidemiological research has shown that resistant Salmonella and Campylobacter infections are associated with increased numbers of ill patients and bloodstream infections, and increased death.

(12) In 2010, the peer-reviewed journal Molecular Cell published a study demonstrating that low-dosage use of antibiotics causes a dramatic increase in genetic mutation, raising new concerns about the agricultural practice of using low-dosage antibiotics in order to stimulate growth promotion and routinely prevent disease in unhealthy conditions.

(13)(A) In January 2003, Consumer Reports published test results on poultry products bought in grocery stores nationwide showing disturbingly high levels of Campylobacter and Salmonella bacteria that were resistant to the antibiotics used to treat food-borne illnesses.

(B) The Food and Drug Administration's National Antimicrobial Resistance Monitoring System routinely finds that retail meat products are contaminated with bacteria (including the foodborne pathogens Campylobacter and Salmonella) that are resistant to antibiotics important in human medicine.

(C) In December 2007, the USDA issued a fact sheet on the recently recognized link between antimicrobial drug use in animals and Methicillin Resistant Staphylococcus Aureas (MRSA) infections in humans.

(14) In October 2001, the New England Journal of Medicine published an editorial urging a ban on nontherapeutic use of medically important antibiotics in animals.

(15)(A) In 1998, the National Academy of Sciences noted that antibiotic-resistant bacteria generate a minimum of $4,000,000,000 to $5,000,000,000 in costs to United States society and individuals yearly.

(B) In 2009, Cook County Hospital and the Alliance for Prudent Use of Antibiotics estimated that the total health care cost of antibiotic resistant infections in the United States was between $16,600,000,000 and $26,000,000,000 annually.

(16) The American Medical Association, the American Public Health Association, the National Association of County and City Health Officials, and the National Campaign for Sustainable Agriculture are among the more than 300 organizations representing health, consumer, agricultural, environmental, humane, and other interests that have supported enactment of legislation to phase out nontherapeutic use in farm animals of medically important antibiotics.

(17) In 2010, the Danish Veterinary and Food Administration testified that the Danish ban of the non-therapeutic use of antibiotics in food animal production resulted in a marked reduction in antimicrobial resistance in multiple bacterial species, including Campylobacter and Enterococci.

(18) In 2009, the Congressional Research Service concluded that restrictions overseas on the use of antimicrobial drugs in the production of livestock could impact U.S. export markets for livestock and poultry.

(19) The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)—

(A) requires that all drugs be shown to be safe before the drugs are approved; and

(B) places the burden on manufacturers to account for health consequences and prove safety.

(20)(A) The Food and Drug Administration recently modified the drug approval process for antibiotics to recognize the development of resistant bacteria as an important aspect of safety, but most antibiotics currently used in animal production systems for nontherapeutic purposes were approved before the Food and Drug Administration began considering resistance during the drug-approval process.

(B) The Food and Drug Administration has not established a schedule for reviewing those existing approvals.

(21) Certain non-routine uses of antibiotics in animal agriculture are legitimate to prevent animal disease.

(22) An April 2004 study by the General Accounting Office—

(A) concluded that Federal agencies do not collect the critical data on antibiotic use in animals that they need to support research on human health risks; and

(B) recommends that the Department of Agriculture and the Department of Health and Human Services develop and implement a plan to collect data on antibiotic use in animals.

SEC. 3. PURPOSE.

The purpose of this Act is to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases by reviewing the safety of certain antibiotics for nontherapeutic purposes in food-producing animals.

SEC. 4. PROOF OF SAFETY OF CRITICAL ANTIMICROBIAL ANIMAL DRUGS.

(a) DEFINITIONS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(ss) CRITICAL ANTIMICROBIAL ANIMAL DRUG.—The term 'critical antimicrobial animal drug' means a drug that—

''(1) is intended for use in food-producing animals; and

''(2) is composed wholly or partly of—

''(A) any kind of penicillin, tetracycline, macrolide, lincosamide, streptogramin, aminoglycoside, or sulfonamide; or

''(B) any other drug or derivative of a drug that is used in humans or intended for use in humans to treat or prevent disease or infection caused by microorganisms.

''(tt) NONTHERAPEUTIC USE.—The term 'nontherapeutic use', with respect to a critical antimicrobial animal drug, means any use of the drug as a feed or water additive for an animal in the absence of any clinical sign of disease in the animal for growth promotion, feed efficiency, weight gain, routine disease prevention, or other routine purpose.''.

(b) APPLICATIONS PENDING OR SUBMITTED AFTER ENACTMENT.—Section 512(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(d)(1)) is amended—

(1) in the first sentence—

(A) in subparagraph (H), by striking ''or'' at the end;

(B) in subparagraph (I), by inserting ''or'' at the end; and

(C) by inserting after subparagraph (I) the following:

''(J) with respect to a critical antimicrobial animal drug or a drug of the same chemical class as a critical antimicrobial animal drug, the applicant has failed to demonstrate that there is a reasonable certainty of no harm to human health due to the development of antimicrobial resistance that is attributable, in whole or in part, to the nontherapeutic use of the drug;''; and

(2) in the second sentence, by striking ''(A) through (I)'' and inserting ''(A) through (J)''.

(c) PHASED ELIMINATION OF NONTHERAPEUTIC USE IN ANIMALS OF CRITICAL ANTIMICROBIAL ANIMAL DRUGS IMPORTANT FOR HUMAN HEALTH.—Section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) is amended by adding at the end the following:

''(q) PHASED ELIMINATION OF NONTHERAPEUTIC USE IN ANIMALS OF CRITICAL ANTIMICROBIAL ANIMAL DRUGS IMPORTANT FOR HUMAN HEALTH.—

''(1) APPLICABILITY.—This subsection applies to the nontherapeutic use in a food-producing animal of a drug—

''(A)(i) that is a critical antimicrobial animal drug; or

''(ii) that is of the same chemical class as a critical antimicrobial animal drug; and

''(B)(i) for which there is in effect an approval of an application or an exemption under subsection (b), (i), or (j) of section 505; or

''(ii) that is otherwise marketed for use.

''(2) WITHDRAWAL.—The Secretary shall withdraw the approval of a nontherapeutic use in food-producing animals described in paragraph (1) on the date that is 2 years after the date of enactment of this subsection unless—

''(A) before the date that is 2 years after the date of the enactment of this subsection, the Secretary makes a final written determination that the holder of the approved application has demonstrated that there is a reasonable certainty of no harm to human health due to the development of antimicrobial resistance that is attributable in whole or in part to the nontherapeutic use of the drug; or

''(B) before the date specified in subparagraph (A), the Secretary makes a final written determination, with respect to a risk analysis of the drug conducted by the Secretary and other relevant information, that there is a reasonable certainty of no harm to human health due to the development of antimicrobial resistance that is attributable in whole or in part to the nontherapeutic use of the drug.

''(3) EXEMPTIONS.—Except as provided in paragraph (5), if the Secretary grants an exemption under section 505(i) for a drug that is a critical antimicrobial animal drug, the Secretary shall rescind each approval of a

nontherapeutic use in a food-producing animal of the critical antimicrobial animal drug, or of a drug in the same chemical class as the critical antimicrobial animal drug, as of the date that is 2 years after the date on which the Secretary grants the exemption.

''(4) APPROVALS.—Except as provided in paragraph (5), if an application for a drug that is a critical antimicrobial animal drug is submitted to the Secretary under section 505(b), the Secretary shall rescind each approval of a nontherapeutic use in a food-producing animal of the critical antimicrobial animal drug, or of a drug in the same chemical class as the critical antimicrobial animal drug, as of the date that is 2 years after the date on which the application is submitted to the Secretary.

''(5) EXCEPTION.—Paragraph (3) or (4), as the case may be, shall not apply if—

''(A) before the date on which approval would be rescinded under that paragraph, the Secretary makes a final written determination that the holder of the application for the approved nontherapeutic use has demonstrated that there is a reasonable certainty of no harm to human health due to the development of antimicrobial resistance that is attributable in whole or in part to the nontherapeutic use in the food-producing animal of the critical antimicrobial animal drug; or

''(B) before the date specified in subparagraph (A), the Secretary makes a final written determination, with respect to a risk analysis of the critical antimicrobial animal drug conducted by the Secretary and any other relevant information, that there is a reasonable certainty of no harm to human health due to the development of antimicrobial resistance that is attributable in whole or in part to the nontherapeutic use of the drug.''.

SEC. 5. COMMITTEE HEARINGS ON IMPLEMENTATION.

(a) IN GENERAL.—The Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate shall each hold a hearing on the implementation by the Commissioner of Food and Drugs of section 512(q) of the Federal Food, Drug, and Cosmetic Act, as added by section 4 of this Act.

(b) EXERCISE OF RULEMAKING AUTHORITY.—Subsection (a) is enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and Senate, and, as such, they shall be considered as part of the rules of the House or Senate (as the case may be), and such rules shall supersede any other rule of the House or Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 208—EXPRESSING THE SENSE OF THE SENATE REGARDING MONGOLIAN PRESIDENT TSAKHIAGIIN ELBEGDORJ'S VISIT TO WASHINGTON, D.C., AND ITS SUPPORT FOR THE GROWING PARTNERSHIP BETWEEN THE UNITED STATES AND MONGOLIA

Mr. KERRY (for himself, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 208

Whereas the United States Government established diplomatic relations with the Government of Mongolia in January 1987, followed by the opening of a United States Embassy in Ulaanbaatar in June 1988;

Whereas in 1990, the Government of Mongolia declared an end to 1-party Communist rule and initiated lasting democratic and free market reforms;

Whereas the United States Government has a longstanding commitment, based on its interests and values, to encourage economic and political reforms in Mongolia, having made sizeable contributions to that end since 1991;

Whereas in 1991, the United States—

(1) signed a bilateral trade agreement that restored normal trade relations with Mongolia; and

(2) established a Peace Corps program in Mongolia that has had 869 total volunteers since 1991;

Whereas in 1999, the United States granted permanent normal trade relations status to Mongolia;

Whereas the Government of Mongolia has increasingly participated in the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development, among other international organizations;

Whereas in 2007, the House Democracy Partnership began a program to provide parliamentary assistance to the State Great Khural, the Parliament of Mongolia, to promote transparency, legislative independence, access to information and government oversight;

Whereas on May 24, 2009, the people of Mongolia completed the country's fourth free, fair, and peaceful democratic election, which resulted in the election of opposition Democratic Party candidate Tsakhiagiin Elbegdorj;

Whereas in July 2011, Mongolia will assume the 2-year chairmanship of the Community of Democracies;

Whereas in 2013, Mongolia will host the Seventh Ministerial Meeting of the Community of Democracies in Ulaanbaatar;

Whereas the Government of Mongolia continues to work with the United States Government to combat global terrorism;

Whereas Mongolia deployed about 990 soldiers to Iraq between 2003 to 2008 and currently has 190 troops in Afghanistan;

Whereas in 2010, the Government of Mongolia deployed a United Nations Level II hospital in Darfur, Sudan;

Whereas the Government of Mongolia has actively promoted international peacekeeping efforts by sending soldiers—

(1) to protect the Special Court of Sierra Leone;

(2) to support the North Atlantic Treaty Organization mission in Kosovo; and

(3) to support United Nations missions in several African countries;

Whereas the Government of Mongolia has built a successful partnership since 2003 with the Alaska National Guard that includes humanitarian and peacekeeping exercises and efforts;

Whereas the United States Government and the Government of Mongolia share a common interest in promoting peace and stability in Northeast Asia and Central Asia;

Whereas in 1991 and 1992, the Government of Mongolia signed denuclearization agreements committing Mongolia to remain a nuclear weapons-free state;

Whereas in 2010, Mongolia became the Chair of the Board of Governors of the International Atomic Energy Agency;

Whereas in 2010, the United States and Mongolia signed a Memorandum of Understanding to promote cooperation on the peaceful use of civil nuclear energy;

Whereas the National Nuclear Security Administration and the Nuclear Energy Agency of the Government of Mongolia successfully completed training on response mechanisms to potential terrorist attacks;

Whereas between 1991 and 2011, the United States Government granted assistance to Mongolia—

(1) to advance the legal and regulatory environment for business and financial markets, including the mining sector;

(2) to promote the reduction of greenhouse gas emissions; and

(3) to support good governance programming;

Whereas in 2007, the Millennium Challenge Corporation signed an agreement with Mongolia to promote sustainable economic growth and to reduce poverty by focusing on property rights, vocational education, health, transportation, energy, and the environment;

Whereas Mongolia's plan to enhance its rail infrastructure promises to diversify its trading and investment partners, to open up new markets for its mineral exports, and to position Mongolia as a bridge between Asia and Europe;

Whereas the United States has assisted Mongolia's efforts—

(1) to address the effects of the global economic crisis;

(2) to promote sound economic, trade, and energy policy, with particular attention to the banking and mining sectors;

(3) to facilitate commercial law development; and

(4) to further activities with Mongolia's peacekeeping forces and military;

Whereas in January 2010—

(1) the United States Government and the Government of Mongolia agreed to promote greater academic exchange opportunities;

(2) the Mongolian Ministry of Education, Culture and Science pledged to financially support the U.S.-Mongolia Fulbright Program; and

(3) the United States Department of State announced its intention to increase its base allocation for the U.S.-Mongolia Fulbright Program in fiscal year 2010;

Whereas in 2011, Mongolia is celebrating the 100 year anniversary of its independence;

Whereas on June 16, 2011, President Elbegdorj, during a working visit to the United States, is scheduled to meet with President Barack Obama, Congressional leaders, academics, and representatives of the business community;

Whereas in late 2011, Vice President Joseph Biden is scheduled to travel to Mongolia to highlight our shared interests and values;

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Mongolian President Tsakhiagiin Elbegdorj's historic visit to Washington, D.C. cements the growing friendship between the governments and peoples of the United States and Mongolia;

(2) the continued commitment of the Mongolian people and the Government of Mongolia to advancing democratic reforms, strengthening transparency and the rule of law, and protecting investment deserves acknowledgment and celebration;

(3) the United States Government should—

(A) continue to promote economic cooperation; and

(B) consider next steps in securing increased investment and trade to promote prosperity for both countries;

(4) the United States Government should continue to support the Government of Mongolia as it works with the International

Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development to improve its economic system and accelerate development; and

(5) the United States Government should continue to expand upon existing academic, cultural, and other people-to-people exchanges with Mongolia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 472. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 473. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 474. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 475. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 476. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. COBURN)) proposed an amendment to the bill S. 782, supra.

TEXT OF AMENDMENTS

SA 472. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 22. PROHIBITION ON TRANSFER OR POSSESSION OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (29) the following:

''(30) The term 'large capacity ammunition feeding device'—

''(A) means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

''(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.''.

(b) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (u) the following:

''(v)(1)(A)(i) Except as provided in clause (ii), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

''(ii) Clause (i) shall not apply to the possession of a large capacity ammunition feeding device otherwise lawfully possessed within the United States on or before the date of the enactment of this subsection.

''(B) It shall be unlawful for any person to import or bring into the United States a large capacity ammunition feeding device.

''(2) Paragraph (1) shall not apply to—

''(A) a manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

''(B) a transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such a licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

''(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon that retirement; or

''(D) a manufacture, transfer, or possession of a large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.''.

(c) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

''(8) Whoever knowingly violates section 922(v) shall be fined under this title, imprisoned not more than 10 years, or both.''.

(d) IDENTIFICATION MARKINGS.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following: ''A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured after the date of enactment of this sentence, and such other identification as the Attorney General may by regulation prescribe.''.

SA 473. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 22. GUN SHOW BACKGROUND CHECK.

(a) FINDINGS.—Congress finds that—

(1) approximately 5,200 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) since the enactment of the Brady Handgun Violence Prevention Act (Public Law 103–59; 107 Stat. 1536) in 1993, over 100,000,000 background checks have been performed by Federal firearms licensees, denying guns to more than 1,600,000 illegal buyers;

(8) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(9) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(10) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(11) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which—

''(i) not fewer than 20 percent of the exhibitors are firearm exhibitors;

''(ii) there are not fewer than 10 firearm exhibitors; or

''(iii) 50 or more firearms are offered for sale, transfer, or exchange.

''(37) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(38) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''.

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 932. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Attorney General in accordance with regulations promulgated by the Attorney General; and

''(2) pays a registration fee, in an amount determined by the Attorney General.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before commencement of the gun show, verifies the identity of each gun show

vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(3)) of the vendor containing a photograph of the vendor;

''(2) before commencement of the gun show, requires each gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter;

''(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Attorney General shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Attorney General shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Attorney General may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Attorney General;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Attorney General a report of the transfer, which report—

''(A) shall be on a form specified by the Attorney General by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Attorney General; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Attorney General a report of the transfer, which report—

''(1) shall be in a form specified by the Attorney General by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(8)(A) Whoever knowingly violates section 932(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 932, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 932(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 932 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who knowingly violates any provision of section 932—

''(i) if the person is registered pursuant to section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the table of sections, by adding at the end the following:

''932. Regulation of firearms transfers at gun shows.'';

and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''.

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Attorney General may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 932 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(9) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) EFFECTIVE DATE.—This Act and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SA 474. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 22. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

''§ 922A. Attorney General's discretion to deny transfer of a firearm

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

''§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as those terms are defined in section 2331 of this title.

''(37) The term 'material support or resources' has the same meaning as in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting '', or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

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

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

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

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (j) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlines in Homeland Security Presidential Directive 11 (dated August 27, 2004).

SA 475. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 12 through 20 and insert the following:

''(A) 125 TO 150-PERCENT HIGHER UNEMPLOYMENT RATE.—The Secretary may increase the Federal share above the percentage specified in subsection (a) up to 60 percent of the cost of a project in the case of a grant made in an area for which—

''(i) the per capita income is not more than 70 percent of the national average;

''(ii) the 24-month unemployment rate is at least 150 percent of the national average; or

''(iii) if the national average 24-month unemployment rate is in excess of 6.5 percent, the 24-month unemployment rate is at least 125 percent of the national average.

SA 476. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. COBURN)) proposed an amendment to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which

was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—ETHANOL SUBSIDIES AND TARIFF REPEAL

SEC. _01. SHORT TITLE.

This title may be cited as the ''Ethanol Subsidy and Tariff Repeal Act''.

SEC. _02. REPEAL OF VEETC.

(a) ELIMINATION OF EXCISE TAX CREDIT OR PAYMENT.—

(1) Section 6426(b)(6) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act)''.

(2) Section 6427(e)(6)(A) of such Code is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment the Ethanol Subsidy and Tariff Repeal Act''.

(b) ELIMINATION OF INCOME TAX CREDIT.—

(1) IN GENERAL.—The table contained in section 40(h)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act'', and

(B) by adding at the end the following:

''After such date ..... zero zero''.

(2) CONFORMING AMENDMENT.—Section 40(h)(1) of such Code is amended by striking ''calendar years 2001 through 2011'' and inserting ''the period beginning January 1, 2001, and ending the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act''.

(c) REPEAL OF DEADWOOD.—

(1) Section 40(h) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) Section 6426(b)(2) of such Code is amended by striking subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after the later of June 30, 2011, or the date of the enactment of the Act.

SEC. _03. REMOVAL OF TARIFFS ON ETHANOL.

(a) DUTY-FREE TREATMENT.—Chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subchapter:

SUBCHAPTER XXIII

Alternative Fuels

Heading/Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
9823.01.01	Ethyl alcohol (provided for in subheadings 2207.10.60 and 2207.20) or any mixture containing such ethyl alcohol (provided for in heading 2710 or 3824) if such ethyl alcohol or mixture is to be used as a fuel or in producing a mixture of gasoline and alcohol, a mixture of a special fuel and alcohol, or any other mixture to be used as fuel (including motor fuel provided for in subheading 2710.11.15, 2710.19.15 or 2710.19.21), or is suitable for any such uses	Free	Free	20%.

(b) CONFORMING AMENDMENTS.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. notes 2 and 3.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the later of June 30, 2011, or the date of the enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power. The hearing will be held on Thursday, June 23, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing will be to hear testimony on seven items:

S. 500, the South Utah Valley Electric Conveyance Act;

S. 715, the Collinsville Renewable Energy Promotion Act;

S. 802, the Lake Thunderbird Efficient Use Act of 2011;

S. 997, the East Bench Irrigation District Water Contract Extension Act;

S. 1033, to amend the Reclamation Wastewater and Groundwater Study and Facilities act to authorize the Secretary of the Interior to participate in the city of Hermiston, Oregon, water recycling and reuse project, and for other purposes;

S. 1047, the Leadville Mine Drainage Tunnel Act of 2011.

S. __, the Bureau of Reclamation Fish Recovery Programs Reauthorization Act of 2011.

S. __, the Fort Sumner Project Title Conveyance Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Meagan_Gins@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224–5479 or Meagan Gins at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on June 15, 2011, at 9:30 a.m. in SR 328A.

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

COMMITTEE ON ARMED SERVICES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 15, 2011, at 2:30 p.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 15, 2011, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''The Clean Air Act and Public Health.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRANKEN. 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 15, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on June 15, 2011, at 9:30 a.m.

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on June 15, 2011, at 10 a.m.

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, morning business is closed; is that right?

The PRESIDING OFFICER. The Senator is correct.

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011—Resumed

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

DeMint amendment No. 394, to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Paul amendment No. 414, to implement the President's request to increase the statutory limit on the public debt.

Cardin amendment No. 407, to require the FHA to equitably treat homebuyers who have repaid in full their FHA-insured mortgages.

Merkley/Snowe amendment No. 428, to establish clear regulatory standards for mortgage servicers.

Kohl amendment No. 389, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Hutchison amendment No. 423, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Portman amendment No. 417, to provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

Portman amendment No. 418, to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means.

McCain amendment No. 411, to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

McCain amendment No. 412, to repeal the wage rate requirements commonly known as the Davis-Beacon Act.

Merkley amendment No. 440, to require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements.

Coburn modified amendment No. 436, to repeal the Volumetric Ethanol Excise Tax Credit.

Brown (MA)/Snowe amendment No. 405, to repeal the imposition of withholding on certain payments made to vendors by government entities.

Inhofe amendment No. 430, to reduce amounts authorized to be appropriated.

Inhofe amendment No. 438, to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

Merkley amendment No. 427, to make a technical correction to the HUBZone designation process.

McCain amendment No. 441 (to Coburn Modified Amendment No. 436), to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 476

Mr. REID. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 476 on behalf of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. FEINSTEIN, proposes an amendment numbered 476.

Mr. REID. 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 repeal the Volumetric Ethanol Excise Tax Credit)

At the end, add the following:

TITLE ____—ETHANOL SUBSIDIES AND TARIFF REPEAL

SEC. __01. SHORT TITLE.

This title may be cited as the ''Ethanol Subsidy and Tariff Repeal Act''.

SEC. __02. REPEAL OF VEETC.

(a) ELIMINATION OF EXCISE TAX CREDIT OR PAYMENT.—

(1) Section 6426(b)(6) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act)''.

(2) Section 6427(e)(6)(A) of such Code is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment the Ethanol Subsidy and Tariff Repeal Act''.

(b) ELIMINATION OF INCOME TAX CREDIT.—

(1) IN GENERAL.—The table contained in section 40(h)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act'', and

(B) by adding at the end the following:

''After such date ..... zero zero''.

(2) CONFORMING AMENDMENT.—Section 40(h)(1) of such Code is amended by striking ''calendar years 2001 through 2011'' and inserting ''the period beginning January 1, 2001, and ending the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act''.

(c) REPEAL OF DEADWOOD.—

(1) Section 40(h) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) Section 6426(b)(2) of such Code is amended by striking subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after the later of June 30, 2011, or the date of the enactment of the Act.

SEC. __03. REMOVAL OF TARIFFS ON ETHANOL.

(a) DUTY-FREE TREATMENT.—Chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subchapter:

''SUBCHAPTER XXIII

Alternative Fuels

Heading/Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
9823.01.01	Ethyl alcohol (provided for in subheadings 2207.10.60 and 2207.20) or any mixture containing such ethyl alcohol (provided for in heading 2710 or 3824) if such ethyl alcohol or mixture is to be used as a fuel or in producing a mixture of gasoline and alcohol, a mixture of a special fuel and alcohol, or any other mixture to be used as fuel (including motor fuel provided for in subheading 2710.11.15, 2710.19.15 or 2710.19.21), or is suitable for any such uses	Free	Free	20%''.

(b) CONFORMING AMENDMENTS.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. notes 2 and 3.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the later of June 30, 2011, or the date of the enactment of this Act.

Mr. REID. Mr. President, I ask unanimous consent that Senator COBURN be listed as the second sponsor of that amendment by Senator FEINSTEIN, No. 476.

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

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 782, on Thursday, June 16, the Feinstein amendment No. 476 and the McCain amendment No. 411 be debated concurrently; that there be up to 4 hours of debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to votes in relation to the amendments in the following order: Feinstein No. 476 and McCain No. 411; further, that neither of the amendments be divisible; that there be no amendments, points of order, or motions in order to either amendment prior to the votes other than budget points of order and the applicable motions to waive; that both amendments

be subject to a 60-vote threshold; and the motions to reconsider be considered made and laid upon the table; finally, upon disposition of the McCain amendment, the majority leader be recognized.

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

Mr. REID. Mr. President, I want to thank the Senator from South Carolina for allowing us to go forward with this agreement. Senator DEMINT wanted to ensure that this agreement would in no way limit his ability to offer and get votes on an amendment that he cares about, No. 460, regarding the renewable fuel standards and the estate tax.

Senator DEMINT is correct and this agreement does not preclude the Senate from considering his amendment, and I thank the Senator for his cooperation.

I also very much appreciate the understanding of Senator FEINSTEIN, Senator KLOBUCHAR, Senator THUNE, Senator COBURN. We have worked really hard trying to get to this point. It has not been easy. Most everyone did not get what they wanted. But that is what agreements are all about; we have the opportunity to move forward on other things. We will have to decide what more we can do on this bill. But I appreciate very much their understanding. In many conversations I had with them during the day they were all very courteous and thoughtful and very good advocates of their position.

MONGOLIAN PRESIDENT TSAKHIAGIIN ELBEGDORJ'S VISIT TO WASHINGTON, DC

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 208.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 208) expressing the sense of the Senate regarding Mongolian President Tsakhiagiin Elbegdorj's visit to Washington, DC and its support for the growing partnership between the United States and Mongolia.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 208) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 208

Whereas the United States Government established diplomatic relations with the Government of Mongolia in January 1987, followed by the opening of a United States Embassy in Ulaanbaatar in June 1988;

Whereas in 1990, the Government of Mongolia declared an end to 1-party Communist rule and initiated lasting democratic and free market reforms;

Whereas the United States Government has a longstanding commitment, based on its interests and values, to encourage economic and political reforms in Mongolia, having made sizeable contributions to that end since 1991;

Whereas in 1991, the United States—

(1) signed a bilateral trade agreement that restored normal trade relations with Mongolia; and

(2) established a Peace Corps program in Mongolia that has had 869 total volunteers since 1991;

Whereas in 1999, the United States granted permanent normal trade relations status to Mongolia;

Whereas the Government of Mongolia has increasingly participated in the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development, among other international organizations;

Whereas in 2007, the House Democracy Partnership began a program to provide parliamentary assistance to the State Great Khural, the Parliament of Mongolia, to promote transparency, legislative independence, access to information and government oversight;

Whereas on May 24, 2009, the people of Mongolia completed the country's fourth free, fair, and peaceful democratic election, which resulted in the election of opposition Democratic Party candidate Tsakhiagiin Elbegdorj;

Whereas in July 2011, Mongolia will assume the 2-year chairmanship of the Community of Democracies;

Whereas in 2013, Mongolia will host the Seventh Ministerial Meeting of the Community of Democracies in Ulaanbaatar;

Whereas the Government of Mongolia continues to work with the United States Government to combat global terrorism;

Whereas Mongolia deployed about 990 soldiers to Iraq between 2003 to 2008 and currently has 190 troops in Afghanistan;

Whereas in 2010, the Government of Mongolia deployed a United Nations Level II hospital in Darfur, Sudan;

Whereas the Government of Mongolia has actively promoted international peacekeeping efforts by sending soldiers—

(1) to protect the Special Court of Sierra Leone;

(2) to support the North Atlantic Treaty Organization mission in Kosovo; and

(3) to support United Nations missions in several African countries;

Whereas the Government of Mongolia has built a successful partnership since 2003 with the Alaska National Guard that includes humanitarian and peacekeeping exercises and efforts;

Whereas the United States Government and the Government of Mongolia share a common interest in promoting peace and stability in Northeast Asia and Central Asia;

Whereas in 1991 and 1992, the Government of Mongolia signed denuclearization agreements committing Mongolia to remain a nuclear weapons-free state;

Whereas in 2010, Mongolia became the Chair of the Board of Governors of the International Atomic Energy Agency;

Whereas in 2010, the United States and Mongolia signed a Memorandum of Understanding to promote cooperation on the peaceful use of civil nuclear energy;

Whereas the National Nuclear Security Administration and the Nuclear Energy Agency of the Government of Mongolia successfully completed training on response mechanisms to potential terrorist attacks;

Whereas between 1991 and 2011, the United States Government granted assistance to Mongolia—

(1) to advance the legal and regulatory environment for business and financial markets, including the mining sector;

(2) to promote the reduction of greenhouse gas emissions; and

(3) to support good governance programming;

Whereas in 2007, the Millennium Challenge Corporation signed an agreement with Mongolia to promote sustainable economic growth and to reduce poverty by focusing on property rights, vocational education, health, transportation, energy, and the environment;

Whereas Mongolia's plan to enhance its rail infrastructure promises to diversify its trading and investment partners, to open up new markets for its mineral exports, and to position Mongolia as a bridge between Asia and Europe;

Whereas the United States has assisted Mongolia's efforts—

(1) to address the effects of the global economic crisis;

(2) to promote sound economic, trade, and energy policy, with particular attention to the banking and mining sectors;

(3) to facilitate commercial law development; and

(4) to further activities with Mongolia's peacekeeping forces and military;

Whereas in January 2010—

(1) the United States Government and the Government of Mongolia agreed to promote greater academic exchange opportunities;

(2) the Mongolian Ministry of Education, Culture and Science pledged to financially support the U.S.-Mongolia Fulbright Program; and

(3) the United States Department of State announced its intention to increase its base allocation for the U.S.-Mongolia Fulbright Program in fiscal year 2010;

Whereas in 2011, Mongolia is celebrating the 100 year anniversary of its independence;

Whereas on June 16, 2011, President Elbegdorj, during a working visit to the United States, is scheduled to meet with President Barack Obama, Congressional leaders, academics, and representatives of the business community;

Whereas in late 2011, Vice President Joseph Biden is scheduled to travel to Mongolia to highlight our shared interests and values;

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Mongolian President Tsakhiagiin Elbegdorj's historic visit to Washington, D.C. cements the growing friendship between the governments and peoples of the United States and Mongolia;

(2) the continued commitment of the Mongolian people and the Government of Mongolia to advancing democratic reforms, strengthening transparency and the rule of law, and protecting investment deserves acknowledgment and celebration;

(3) the United States Government should—

(A) continue to promote economic cooperation; and

(B) consider next steps in securing increased investment and trade to promote prosperity for both countries;

(4) the United States Government should continue to support the Government of Mongolia as it works with the International Monetary Fund, the World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development to improve its economic system and accelerate development; and

(5) the United States Government should continue to expand upon existing academic,

cultural, and other people-to-people exchanges with Mongolia.

ORDERS FOR THURSDAY, JUNE 16, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, June 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 782, the Economic Development Act, under the previous order.

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

PROGRAM

Mr. REID. There will be two rollcall votes tomorrow around 2 p.m. in relation to the Feinstein and McCain amendments regarding the subject matter of those amendments.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Thursday, June 16, 2011, at 10 a.m.