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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 7, 2011, at 10 a.m.

Senate

MONDAY, JUNE 6, 2011

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Lord of Life, You have given us the great hope that Your kingdom shall come on Earth. Infuse our lawmakers with such power that Your kingdom indeed will come, even as Your will is done on Earth. May the fact that You rule in our hearts so transform our lives that we will be Your instruments for good in our Nation and the world.

Lord, we dedicate this day to You to be used in serving Your kingdom. Thank You for putting at our disposal all that we need to succeed. Assure us of Your presence above us, beneath us, around us, and within us, providing us with clear direction to advance Your kingdom on Earth. We pray in Your great Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS 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, the Senate will be in a period of morning business until 4:30 today. Following morning business, the Senate will be in executive session to consider the nomination of Donald Verrilli to be Solicitor General of the United States.

Unless an agreement is reached, at approximately 5:30 p.m. the Senate will vote on the motion to invoke cloture on the Verrilli nomination.

MEASURE PLACED ON CALENDAR—S. 1125

Mr. REID. Mr. President, I understand that S. 1125 is at the desk and is due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 1125) to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

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

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar subject to the provisions of rule XIV.

THE NEED TO GET SERIOUS

Mr. REID. Mr. President, I welcome back my colleagues for what I hope will be a productive month. This month is not unlike last month though or the month before or the month before that. Once again, our constituents are concerned with one thing above all; that is, jobs, work. They are concerned because of what the economy means for their families and their lives. They are worried about paying the bills next month and sending the kids to school next year. Too many want to go to the bank and once again know the dignity of depositing a paycheck instead of an unemployment check.

Our constituents are also concerned because of what our economic future

will mean for our Nation. They are afraid that ill-informed politicians might lead the country into a default crisis, and they fear all the terrible consequences that would have—consequences that would hurt us as a country, our families, and the world.

I heard these concerns last week in Nevada. We all heard them in our States when we went home last week. We hear them loudly and clearly. So we are going to focus our attention this week and month on jobs just as we have all year.

I am disappointed that our Republican colleagues seem determined to distract that focus. They want to spend the Senate's time debating an extreme social agenda that would hurt families, seniors, and our economy. They want to end Medicare in order to pay for more millionaires' tax breaks and oil company subsidies. That is not good policy or even good politics. The American people strongly oppose that policy, and so do the Democrats in Congress.

Every day Republicans prove they are not just tone deaf to Americans' opinions; they are also tone deaf to cold, hard economic facts.

Last week we got a discouraging jobs report. The economy added jobs, but not as many as we had hoped. Moody's sent a clear letter warning that a default crisis would send our economy into a tailspin. There is no time to waste. The longer Republicans insist on dismantling Medicare as a price for moving forward, the longer the unemployed will wait for good news, and the closer the Nation will come to a default crisis.

Republicans' ideology of obstruction isn't limited to economics or seniors' health. We also see it in their approach to performing the Senate's constitutional duty of confirming the President's nominees for important positions.

A few weeks ago, Republicans blocked a well-qualified, fair-minded, and widely respected legal scholar for a seat on the U.S. Court of Appeals. Now they are continuing these partisan antics by threatening to block two more noncontroversial nominees. The first is Peter Diamond. He is one of the Nation's top economists. He has won the Nobel Prize in economics. Not long ago, he had bipartisan support for his nomination to the Fed's Board of Governors. All of a sudden, for no good reason, Republicans have decided to stand in the way of his nomination.

The second, Don Verrilli, is the President's nominee for Solicitor General of the United States. The Judiciary Committee approved him by a 17-to-1 margin. So in addition to being supremely qualified, he is clearly not controversial. But now Republicans are threatening to block this nominee over requests for documents totally unrelated to him or his position. I hope they don't hold him up for reasons that have nothing to do with his nomination.

Blocking every nominee no matter the merits is no way to govern or lead. It is no way to move forward.

Mr. President, if we are going to keep our economy upright—for families and for our Nation as a whole—we have to recognize real problems and propose realistic solutions. We cannot hold one policy hostage to another or be bound by some strange ideology.

Every month we play these games guarantees that the following month will bring more of the same avoidable fights. For families worried about affording the basics, and for our Nation's fundamental economic strength, we need to get serious before it is too late.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, 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 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that I may speak for 30 minutes.

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

GOVERNMENT WATCHDOGS

Mr. GRASSLEY. Mr. President, when it comes to doing oversight, I think I have a reputation of doing just as vigorous oversight when we have Republican Presidents as when we have Democratic Presidents, and what I am speaking to the Senate about today has no partisanship in it because I could have said the same thing—and did say it—when there was a President Bush or a President Clinton or a President Reagan.

I speak today about watchdogging the watchdogs, as I have done many times in the past. I first started watchdogging the Pentagon back in the early 1980s when President Reagan was ramping up defense spending. Then a group of Defense reformers were examining the pricing of spare parts of the Defense Department, and we uncovered some real horror stories, such as $750 toilet seats and $695 ashtrays, all going into military aircraft. That is ridiculous, of course.

As news reports of these horror stories were hitting the streets, Offices of Inspectors General—OIGs—were sprouting up in every Federal agency as a result of a recently passed act of Congress in 1978. The Defense Department OIG officially opened for business March 20, 1983. Today, thanks to the Inspector General Act of 1978, and the taxpayers, we now have a real army of watchdogs. The question is, To what extent are they doing their business?

This mushrooming IG bureaucracy is very expensive. It costs over $2 billion a year. But it now occupies a pivotal oversight position within our government, with a very important role to play.

As a Senator dedicated to watchdogging the taxpayers' precious money, I look to the IGs for help. That is because I just don't have the resources in my own office to investigate every allegation that might come my way. Like other Members of Congress, I regularly tap into this vast reservoir of talent called the inspector general. We count on them. We put our faith and trust in their independence and honesty. We rely on them to root out and deter fraud and waste in government wherever that waste and fraud rears its ugly head.

If—and that is a big ''if''—the IGs are on the ball, then the taxpayers aren't supposed to worry about things such as $750 toilet seats. But I underscore the word ''if'' because fraud and waste are still alive and well in government.

One could legitimately ask: How can this be? We created a huge army of watchdogs. Yet fraud and waste still exist unchecked.

So I keep asking myself the same question that one might ask: Who is watchdogging the watchdogs?

True, there is an IG watchdog agency called the Council of Inspectors General on Integrity and Efficiency. But that is just another toothless wonder. So the Senator from Iowa has the duty today. I am here to present another oversight report on the Pentagon watchdog. I call it a report card on the fiscal year 2010 audits, issued by the Department of Defense inspector general.

It assesses progress toward improving audit quality in response to recommendations that I made on an oversight report that I gave to my fellow Senators last year. After receiving a series of anonymous letters from whistleblowers alleging gross mismanagement at the Office of Inspector General and the audit office within that office, my staff initiated an in-depth oversight review. My staff focused on audit reporting by that office, and our work began 2 years ago.

On September 7, 2010, I issued my first oversight review. It evaluated the 113 audit reports issued for fiscal year 2009. It determined that the Office of Inspector General audit capabilities, which cost the taxpayers about $100 million a year, were gravely impaired.

As a watchdog, degraded audit capabilities give me serious heartburn for one simple reason. It puts the taxpayers' money in harm's way, and it leaves huge sums of money vulnerable to threat and waste. Audits are the inspector general's primary tool for rooting out fraud and waste. Audits are the tip of an inspector general's spear. A good spear always needs a finely honed cutting edge. Right now, the point of

that spear is dull, and so the inspector general's audit weapon is effectively disabled.

In speaking about my first report on the floor last September 15, I urged Inspector General Heddell to ''hit the audit reset button'' and get audits to refocus on the core inspector general mission of detecting and reporting fraud and waste. My report offered 12 specific recommendations for getting the audit process back on track and lined up with the Inspector General Act of 1978.

The response of the Office of Inspector General to my report has been very positive and very constructive. In a letter to me, dated December 17 last year, Inspector General Heddell promised to ''transform the Audit organization,'' consistent with recommendations in my report. The newly appointed deputy IG for auditing, Mr. Dan Blair, produced a roadmap pointing the way forward. Blair's report, dated December 15, laid out a plan for improving ''timeliness, focus, and relevance of audit reports.'' He promised to create a ''world-class oversight organization providing benefit to the Department, the Congress, and the taxpayer.''

As part of their response to my report, the audit office also tasked two independent consulting firms—Qwest Government Services and Knowledge Consulting Group—to conduct an organizational assessment of the audit office and its reports. These independent professionals seemed to reach the very same conclusions I had. The Qwest report, issued October 2010, put it this way:

> We do not believe Audit is selecting the best audits to detail fraud, waste, and abuse.

The auditors, the Qwest report states, have lost sight of that goal and ''need to step back and refocus on the IG's core mission.''

That is exactly what I saw last year and what I continue to see today. However, I wish to be not totally pessimistic. All the signals coming since my report from the IG's office are encouraging. They tell me I am on the right track. The key question before us is this: When will the promised reforms begin to pop up on the radar screen?

The fiscal year 2010 reports examined in my report card were issued between October 2009 and September 2010. They were set in concrete, so to speak, long before Mr. Blair's transformation was approved. So the full impact of those reforms will not begin to surface in published reports until later this year or in the fiscal year 2011–2012 reports. However, that is not to say some improvement is not possible any time now, since discussions regarding the need for audit reform actually began in June 2009.

As we will soon see, there is no sign of sustained improvement—not yet today—but a faint glimmer of light can be seen in the distant horizon. In order to establish a solid baseline for assessing the IG's transformation efforts, my staff has taken another snapshot of recent audits. My latest overview report is best characterized as a report card because that is exactly what it is.

Each of the 113 unclassified audits issued in fiscal year 2010 was reviewed, evaluated, and graded in five categories as follows: category No. 1 was relevance; category No. 2, connecting the dots on the money trail; No. 3, strength and accuracy of recommendations; No. 4, fraud and waste meter; and No. 5, timeliness. Grades of A to F were awarded in each category. To average, it was necessary, obviously, to use numerical grades of 1 to 5 and then convert them to standard A to F grades.

Scoring was based on answers to key questions such as this: Was the audit aligned with the core inspector general mission? Did the audit connect all the dots in the cycle of transactions from contract to payment? Did the audit verify the scope of alleged fraud and waste using primary source accounting records? Were the recommendations tough and appropriate? Lastly, how quickly was the audit completed?

Each report was then given a score called the junkyard dog index. That is an overall average of the grades awarded in the five evaluation categories.

For grading timeliness, the following procedure was used: Audits completed in 6 months or less received a grade of A; those completed in 6 to 9 months, a B; those completed 9 to 12 months, a C; those taking 12 to 15 months, a D; and those that took over 15 months, an F.

After each report was graded individually, all the scores for each report in each rating category were added and averaged to create a composite score for all 113 audit reports.

The overall composite score awarded to the 113 reports was D minus. This is very low, indeed. Admittedly, the grading system used is subjective. However, as subjective as it may be, my oversight staff has determined it is a reasonable or rough measure of audit quality. Right now, overall audit quality is poor.

The low mark is driven by pervasive deficiencies that surfaced in every report examined—with 15 notable exceptions out of the 113. Those deficiencies are the same ones pinpointed by the Qwest report previously referred to. Instead of being hard core, fraud-busting contract and financial audits, most reports were policy and compliance reviews having no redeeming value whatsoever. Those are basically the findings I gave to the inspector general last September, when I criticized then what they were doing—spending too much time on policy audits and not enough time on chasing the money—on the waste of the taxpayers' money.

You have to follow the money if you are to find out where there is waste, fraud, and abuse—particularly the fraud. So what has been done in most of these has no redeeming value whatsoever because they did not pursue fraud-busting contract and financial audits but instead policy and compliance reviews. Quite simply, the auditors were not on the money trail 24/7, where they need to be to root out fraud and waste as mandated by the IG Act.

There is one bright spot, however. The auditors got it right—mostly right—in 5 reports and partially right in 10 other reports. Clearly, this is a drop in the bucket, but these 15 reports—which constituted just 13 percent of the total we reviewed for fiscal year 2010 output—prove that the audit office is capable of producing quality reports.

The 15 best reports earned grades of good to very good overall, with excellent grades in several categories. They involved very credible and commendable audit work. Each one deserves a gold star. While the top five reports earned overall scores of C-plus to B-minus, those scores would have been much higher were it not for long completion times. The average time to complete the top five reports was 21 months. Long completion times make for stale information and, of course, that makes the reports irrelevant.

Had they been completed in 6 months, for example, they could have earned a high B-plus score. Such long completion times clearly show that doing the nitty-gritty, down-in-the-trenches audit work requires large audit teams, if—and I want to emphasize ''if''—they are to be completed in a reasonable length of time.

Right now, there are no specified goals for audit completion times. They are desperately needed. Then audit teams can be organized with the right skill sets to meet those goals.

My report includes seven individual report cards—six on the best reports and one on the worst report. I think the best way for my colleagues to understand my audit report card is to briefly walk through two of them—the best and the worst.

The highest grade was awarded to an audit that the Department of Defense entitled ''Foreign Allowances and Differentials Paid to DOD Civilian Employees Supporting Overseas Contingency Operations.'' This report examined the accuracy of $213 million in payments to 11,700 DOD civilians in fiscal years 2007–2008 for overseas ''danger and hardship'' allowances.

After reviewing the relevant payment records, the auditors determined that the Defense Finance and Accounting Service—and I am going to refer to that as their acronym, DFAS—had made improper payments—underpayments and overpayments—totaling $57.7 million. The audit recommended that the DFAS Director ''take appropriate corrective action to reimburse or recover the improper payments'' and that new policies and procedures be put in place to preclude erroneous payments in the future.

This report received an overall grade of B-minus. However, it received excellent grades—A minuses in three categories: relevance, connecting the dots on the money trail and fraud and waste meter. But it earned a B-minus for incomplete recommendations and an F

for timeliness because it took too long—over 21 months—to complete, and so it was stale at that point.

The auditors went to the primary source records to verify the exact amount of erroneous payments. I wish to emphasize to the auditors at the IG this move is the one reason why this report earned high scores. Very few audits—just a handful—actually verified dollar amounts using primary source accounting records. That is why I emphasize so often on the need to follow the money trail if you are going to find the fraud and the waste.

In this report, the recommendations were good but did not go far enough. Recommending recovery or reimbursement of overpayments or underpayments was worth a B-minus, but responsible officials were not identified and held accountable for the sloppy accounting work that produced $57.7 million in erroneous payments.

It is kind of a rule of thumb around this place. If you don't identify who screwed up and make them feel personally responsible and send a message to other people, how are you going to bring about change? Did the audit office follow up to determine whether the DFAS Director had taken steps to reimburse underpayment or recover overpayments? The answer is probably no. In fact, nothing has been done. On February 23, 2011, in response to a question from my office, DFAS reported that the Department of Defense is still ''developing a policy'' to fix the problem. Isn't it funny that they have to develop a policy for what is so obviously wrong? Once that process is completed, though, DFAS will ''take appropriate corrective action to reimburse and initiate collection action.''

When auditors make good recommendations, such as here in this audit, and nothing happens, it is as though they are kind of howling in the wilderness. That has to be very demoralizing.

At this late hour the probability of correcting these mistakes is fading fast. For starters, this audit work started over 2 years ago. Couple that with the fact that it is in connection with payments made in 2006. That is 5 years ago. With the passage of so much time, this has become essentially an academic exercise.

That is exactly why reports need to focus on current problems and why they must be completed promptly. That is exactly why this one, which took 16 months to complete, earned an F for timeliness, but otherwise was a pretty good audit.

The rest of the audits examined in my report card—98 in all, or 87 percent, of the total output for fiscal year 2010—were of poor quality and earned grades of D and F. These are primary examples of the kind of audits targeted in the Qwest Report previously referred to. That is an outside report. They had the Department of Defense bring them in to do so some investigating that is not questionable because they do not have an interest in what comes out. But these audits were not designed to detect fraud and waste. That is what the IG ought to be doing, following the money trail.

It happens they did not document and verify financial transactions. They were not on the money trail where they needed to be and where their audit manuals tell auditors to go to detect fraud and waste. They did not audit what truly needs to be audited. They had little or no monetary value or impact.

Some were mandated by Congress, including 27 memo-style audits of stimulus projects. That is from the stimulus act we passed here in 2009. Tiger Teams should have been formed to tackle these audits. Unfortunately the exact opposite happened. These were the worst of the worst. They contained no findings of any consequence. They offered few if any recommendations. Most did not even identify the costs of the project audited. The taxpayers were deeply concerned about the value of these so-called shovel-ready jobs that were supposed to be quickly consummated by the stimulus bill of 2009.

Taxpayers were looking for aggressive oversight. Taxpayers wanted assurances that huge sums of money were not wasted. Taxpayers got none of the objectives they sought. Instead of probing audits, the taxpayers got the equivalent of an inspector general stamp of approval, like a rubberstamp that reads, ''OK, approved.''

I will now review the worst report. It typifies the ineffectiveness and wastefulness of the bulk of the fiscal year 2010 audit production. I remind my colleagues, each one of these reports costs an estimated $800,000.

The report that received the lowest score is entitled by the auditor ''Defense Contract Management Agency Acquisition Workforce for Southwest Asia.'' It received an F score in every category, across the board. The purpose of this report was to determine whether the Defense Contract Management Agency had adequate manpower to oversee contracts in southwest Asia. It concluded that the Defense Contract Management Agency was unable to determine those requirements and there was no plan for doing so. The report recommended that the Defense Contract Management Agency ''define acquisition workforce requirements for southwest Asia.''

This is one of many OIG policy reviews, but this one is unique in that it took 18 months to review a policy that did not even exist. This audit should have been terminated early on, but as the Qwest Report points out, the inspector general's office has no process ''for stopping audits that are no longer relevant.'' So this is like a runaway train. What redeeming value did this report offer to the taxpayers? None that I can see. This is the stuff for a Department of Defense staff study, or some think tank analysis, not for an independent officer or inspector general audit.

This audit, like so many others like it, did not focus on fraud and waste and, not surprisingly, found no fraud or waste.

The Defense Contract Management Agency has a long history of exercising lax contract oversight. The Office of Inspector General resources would have been better spent auditing one of the Defense Contract Management Agency's $1.3 trillion in contracts. Go where the money is, if you want to find the fraud, follow the money.

The inclusion of individual report cards on the best and worst audits is meant to be a constructive educational exercise. So I am hoping the analysis accompanying these report cards will serve as a guide and a learning tool for auditors and managers alike.

I am hoping the auditors will read my report and use it to sharpen their skills. I hope it will help guide them on a path to reform and transformation. If the auditors adopt and follow the simple guidelines used to gauge the quality of the best or worst reports, they will begin producing top-quality audits that are fully aligned with the core IG's mission prescribed by that 1978 law.

Before wrapping up my comments I wish to call the attention of my colleagues to several very interesting charts presented in the final section of my report card. They appear in the chapter entitled ''Comparative Performance with Other OIG Audit Offices.'' These two sets of charts highlight striking contrasts. They show the Department of Defense auditors are being significantly outperformed by their peers at three other agencies: the Department of Health and Human Services, Housing and Urban Development, and Homeland Security—and by very substantial margins indeed. Their peers may be five times more productive than they are at the Department of Defense, and able to produce audits at one-quarter of their costs.

I would offer one caveat of what I said about the other departments' IGs. While I have reviewed comparisons of cost and productivity data from all four audit offices, I have not evaluated the quality of the other reports issued by the other three OIGs, meaning the Department of Health and Human Services, Department of Homeland Security, and Housing and Urban Development, as I did the report on quality of the Department of Defense report card. I believe it is a fair apples-to-apples comparison. It may not be. I want to say I do not know for sure.

Deputy IG of Auditing Mr. Blair needs to provide a satisfactory explanation for these apparent disparities. Otherwise he may need to hit the reset button once again on audit production and costs—as well as what he has said he is doing now. While Inspector General Heddell cannot be happy with an overall audit grade of D-minus, I think he understands the problem and I believe his heart is in the right place and he has taken the right steps to fix it.

His apparent commitment to audit reform and Mr. Blair's promise to create ''a modern, world-class'' auditing oversight organization—those words happen to be music to my ears. They bode well for the future. In other words, they bode well for the future where, if these people do their job and do it right, fraud and waste will be rooted out and people would fear to commit it in the first place, considering the fact that people are going to be on their tail and find out about it.

For right now, though, I cannot report that I see sustained improvement in audit quality—not yet, not by a long shot. But the signals coming my way are good. I said that at the beginning of my comments. The ray of hope can be seen on the distant horizon. Maybe we will see it in the next batch of audits and I will be here to report to my colleagues what those audits show. I hope I can give every one of them Bs and As.

The 15 best reports show that the Department of Defense Office of Inspector General Audit Office is capable of producing quality reports. That number is obviously a drop in the bucket but these fine reports could be a solid foundation for building the future. Repeat them 10 times and Mr. Blair could well be on his way to creating that world-class auditing operation, one that would be capable of detecting—not only detecting but, because people are going to be so scared of them, that would be capable of detecting and deterring fraud and waste.

Before those lofty goals can be achieved, Mr. Heddell and Mr. Blair need to tear down some walls. I call them the top 10 audit roadblocks, and these roadblocks are these:

No. 1, top management lacks a clear and common vision of and commitment to the Inspector General's core mission, a problem that adversely affects every aspect of auditing;

No. 2, most audits are policy-compliant reviews that yield zero financial benefit to the taxpayers;

No. 3, auditors are not on the money trail 24–7, where they need to be to detect fraud and waste;

No. 4, auditors consistently fail to verify potential fraud and waste by connecting all the dots in the cycle of transactions. They need to match contract requirements with deliveries and payments using primary source documents. By making these matchups, auditors will be positioned to address key oversight questions such as: Did the government receive what it ordered at an agreed-upon price and schedule, or did the government get ripped off, and if so ripped off by how much money?

Roadblock No. 5, most audits take so long to complete that they are stale and irrelevant by the time they are published. Reasonable time-to-complete goals need to be set and the audit team then can be organized with the right skills, the skill sets to meet these goals.

Roadblock No. 6, until the Department of Defense accounting system is fixed, complex audits will require large audit teams if reports are to be completed within a reasonable length of time.

Roadblock No. 7, audit findings and recommendations are usually weak, responsible officials are rarely held accountable, and waste or stolen money is rarely recommended for recovery or returning to the Treasury.

Roadblock No. 8, while relentless followup is an important part of audit effectiveness, it is not practiced by the audit office.

The last roadblock, No. 9, since the Department of Defense broken accounting system is obstructing the audit process, contracts designed to fix that system need to be assigned a much higher audit priority.

These mighty barriers stand between all the promises and reality. IG Heddell and Deputy Blair must find a way to tear down these walls. Otherwise, audit reform and transformation will never happen. These unresolved issues will demand tenacious watchdogging by my oversight team and by all other oversight bodies as well, including the Committees on Armed Services and Appropriations. My oversight staff will keep reading and evaluating the Office of Inspector General audits until steady improvement is popping up on my oversight radar screen every day.

I yield the floor.

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.

ECONOMIC RECOVERY

Mr. MCCONNELL. Mr. President, as Senators return to Washington this week, we do so amidst a crush of troubling news about the economy. In the past week alone, we have learned that home values across the country are still falling at a time when about one out of five homeowners already owes more on their home than that home is worth. Auto sales are down. Manufacturers are showing the weakest growth in nearly 2 years. And there is deep pessimism about the prospects of a recovery anytime soon. So while some in Washington have sought to kind of paper over the economic problems or offer weak assurances that a recovery is right around the corner, millions of Americans continue to suffer with no end in sight, and very few people are confident things will turn around anytime soon. It is no secret why.

For 2½ years, Democrats in Washington have paid lipservice to the idea of job creation while pursuing an agenda that is radically opposed to it, and the results speak for themselves. They told us that if we borrowed $1 trillion and spent it, unemployment would rise above 8 percent. Mr. President, 2½ years later, unemployment is hovering above 9 percent—higher than when the stimulus was signed. They told us that if we spent trillions on a new health care entitlement, we would see health care costs go down. A year later, health care costs are expected to go up. They told us that if we spent money on things we didn't have, such as cash for clunkers, turtle tunnels, solar panels, and windmills—in other words, on more government—the recovery would take care of itself. And where has it gotten us? Well, last week a second rating agency threatened that if we do not get our fiscal house in order in a matter of weeks, America's stellar rating runs a serious risk of being downgraded. This is uncharted territory.

The warning signs are clear and urgent. Something must be done. The first step is to recognize how we got here. That is the easy part. The government-driven policies of the last 2½ years have clearly been a failure. The next step is getting Democrats in Washington to admit it, and that is the hard part. If the last few weeks have shown us anything, it is that Democrats in Washington are in a deep state of denial. We have seen their approach to all the warnings.

As signs of an economic catastrophe have gathered, Republicans have offered concrete proposals for creating jobs and growing the economy. We have offered multiple concrete budget proposals. We have offered specific plans for reining in the crushing cost of entitlements and for preserving them. Democrats have offered a 30-second campaign ad of someone pushing a grandmother off a cliff. As ratings agencies have sent up smoke signals about the catastrophic consequences of a potential default, Republicans have proposed plans that will rein in our deficit and debt and send a clear signal to taxpayers and the world that lawmakers in Washington have the will to live within our means. Democrats rushed to the White House and demanded that the President raise taxes. These past weeks should have been a wake-up call for Democrats. They sent it through to voicemail. More concerned about an election that is nearly 2½ years away, Democrats have ignored every single warning.

Americans look at all this, and they ask themselves a simple question: When will these guys get serious? Every light on the control panel is flashing red. Yet, amidst all the bad news this past Friday, the President heads out to Toledo to pat himself on

the back for an auto bailout that is expected to cost taxpayers tens of billions of dollars. Nearly 14 million Americans are looking for jobs and can not find them. Yet the President, who acknowledges that free-trade agreements will create hundreds of thousands of new jobs, is now suddenly holding them hostage in exchange for even more government spending. American businesses want to expand and hire. Yet the White House has weighed them down with mountains of new regulations and costs, health care mandates, taxes, and conflicting signals about the future. American energy producers want to tap into our own resources. Yet the administration is blocking them at every turn. One of our Nation's biggest and proudest manufacturers wants to build a new factory that would employ thousands and solidify its reputation as an industry leader in the world. Yet the administration is standing in the way in order to help their union allies. Since when do businesses have to ask the President's permission to create jobs?

Most people know that when it comes to politicians, you should pay more attention to what they do than what they say. Never was this truer when it comes to Democrats in Washington today.

Just consider this. Three years ago, my good friend the majority leader issued a press release blasting the Bush administration on its approach to unemployment and debt. He called these figures a casualty of the administration's failed economic policies and a shameful legacy of the policies of the previous 8 years. At the time my friend the majority leader made that statement, unemployment was 5 percent and the national debt stood at $9.2 trillion. Today, with unemployment above 9 percent and the debt at more than $14 trillion, Democrats are silent. They have no plan, no proposals, no sense of urgency. They run the White House and they run the Senate, and yet their entire approach is to sit back and wait—no budget, no plans, just wait for the next election; let Republicans offer solutions, and then we will attack them and pretend we care about jobs.

That is the game plan. Here is the problem. Unless one is a political consultant or just standing around waiting for a bailout, their plan won't do anything to create a single new job—not one—and it won't do anything to address the crisis we know is coming.

There is no excuse for inaction. That is why Republicans refuse to sit back and wait. Until these crises are met, until we see more jobs being created, until the American people begin to regain their confidence in this economy, then we will have to be out there proposing solutions, coming up with answers, and making our case. And we will keep at it until our Democratic friends finally start to focus on the battle for America's future instead of the battle over next year's election.

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. KYL. 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.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 15 minutes.

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

UNEMPLOYMENT

Mr. KYL. Mr. President, I would like to talk about two subjects briefly this afternoon. The first is the relatively bad news about unemployment in the country; the fact that the latest numbers are out and the country has not produced as many jobs as had been hoped for.

In fact, it added only 54,000 payroll jobs in May and thereby fell short of the 130,000 to 150,000 which are needed each month just to keep pace with population growth. So we lost ground. As a result, the unemployment rate has now gone back up to 9.1 percent.

It is not just the lack of jobs but also other economic news. Factory orders were down 1.2 percent in April, so we are not growing there. Interestingly, the Home Price Index, which is something very important in my State, the S&P Case-Schiller Home Price Index edged down .2 percent in March and is now 3.5 percent from this time a year ago.

All of these and other pieces of the news present a very bleak picture for economic recovery. One of the interesting commentators on this is Michael Barone, who is well known to most of us involved in political work. He had an interesting op-ed today in the Washington Examiner with the unfortunate title, ''Obama Tunes Out, and Business Goes on Hiring Strike.'' The problem is, there is some information to back up the title of his piece. He is reflecting on government policies the last couple of years such as growing government spending as a percent of GDP, which has gone up from 21 percent to 25 percent.

So we have been expanding government borrowing and spending at the same time as the economy is depressed. That included the time in which the failed stimulus plan was supposed to have provided economic growth and job creation. It also included the time of the health care entitlement, the Dodd-Frank financial regulation bill, and so on. So let me quote from the piece. He said:

> It is hard to avoid the conclusion that the threat of tax increases and increased regulatory burdens have produced something in the nature of a hiring strike.

In relation to the President's speech at George Washington University, where the President had sort of repackaged his Federal budget, Barone says:

> The message to job creators was clear. Hire at your own risk. Higher taxes, more burdensome regulation, and crony capitalism may be here for some time to come.

I ask unanimous consent to have the article by Michael Barone dated June 6, 2011, printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

NEW START TREATY

Mr. KYL. The other subject I would like to address today is news on a totally different front, but it is a subject that will be familiar to us from last December when the Senate argued the New START treaty and ultimately passed it. I am going to speak primarily about questions of missile defense cooperation with Russia, which was a big part of that discussion.

I wanted to first call attention to the fact that the Department of State released a fact sheet last Wednesday. It was entitled ''New START Treaty Aggregate Numbers of Strategic Offense Arms''—a long title. But the statement from the State Department confirmed what we had argued during the time of this START debate and what I thought was pretty widely understood at the time, despite administration protestations to the contrary; namely that the New START treaty is perhaps the first bilateral treaty that resulted in U.S. unilateral reductions in nuclear forces.

As this fact sheet makes clear, Russia was already below the deployed strategic forces and deployed delivery vehicle limits of the treaty when we ratified the treaty. This is something we tried to point out. We said this is not a two-way street. Russia has already reduced its weapons below the levels called for in the treaty. The only country that will have to reduce levels from what currently exists is the United States. Now this information is confirmed by the State Department. Even the Arms Control Association recognized this when it posted on its blog recently, on June 1:

> Why has Russia already met its obligations? Because Moscow was in the process of retiring older strategic missiles while the treaty was under negotiation.

Exactly correct. This fact should not be overlooked, especially not as the administration undertakes a review of the nuclear deployment guidance and targeting and deterrence doctrines, which are designed, or so the administration claims, to be ''preparations for the next round of nuclear reductions.'' That is according to the President's National Security Adviser.

I worry that the next round may also be a unilateral round where the United States makes all of the concessions, as occurred under the New START treaty.

According to Gary Samore of the national security staff, at an Arms Control Association Conference, he said

these may be ''unilateral steps that the U.S. could take.''

Obviously, that is something we would be concerned about if we are making unilateral concessions while the Russians make none. He made one other point at the Arms Control Association. He said:

> We've reached the level in our forces where further reductions will raise questions about whether we retain the triad or whether we go to a system that is only a dyad. Those are important considerations. Reductions below the level that we have now are going to require some more fundamental questions about force structure.

When we speak of the triad or the dyad, remember the triad is the system we have had all throughout the Cold War that relies on a combination of ICBMs on land, submarine-based missiles at sea, and a bomber force that can deliver weapons from the air.

As Mr. Samore points out, if we reduce our weapons levels even further, we will probably reach a point where instead of all three systems, we will only have two. So I think it is clear we have reached a breaking point where further reductions will require significant changes to the U.S. nuclear deterrent and could presumably alter the commitments that the administration made to the Senate as to the modernization of deterrent.

During our debate on the START treaty, there were a lot of promises made about how we were going to retain the triad, and we were not going to eliminate further strategic weapons. Now those matters seem to be in doubt, and this is why, one of the reasons why, 41 Senators wrote to the President on March 22 and asked that the Senate be consulted about any further changes that the administration may choose to embark upon. And I want to be clear, it is a choice. There is no compelling justification to change the current U.S. nuclear posture. So this would be something the administration would be doing on its own.

But I am concerned that in the National Security Adviser's letter—responding to ours—on May 31 there was no reference to how the administration intended to keep the Senate involved as this process goes forward. I think it makes all the more clear the need to pass S. 1097, the New START Implementation Act, which provides, as one of its provisions, for the Congress to be consulted before any changes are made to the nuclear guidance.

I also look forward to an opportunity to discuss these matters with the President's nominee for Secretary of Defense, Mr. Leon Panetta. I will be curious to learn if he agrees with the 10-year commitments made to the Senate last year regarding the modernization of the nuclear deterrent, if he agrees with General Chilton who told the Senate that current levels of nuclear forces are exactly what is needed for deterrence, and also whether he agrees with Secretary Gates' recent comments at the American Enterprise Institute that nuclear modernization programs are absolutely critical.

So it was on the basis of the administration's commitments to our nuclear modernization program that some Senators agreed to support or to ratify the New START treaty.

Let me turn now to the question of missile defense. During the consideration of the New START treaty, many of us made the fundamental point that with respect to missile defense, there was no meeting of the minds between Russia and the United States.

While the administration insisted that there were no restrictions on missile defense, either legal or otherwise, the Russian side believed that ''the linkage to missile defense is clearly spelled out in the accord and is legally binding.'' That was noted by Russian Foreign Minister Lavrov on April 6 of last year.

Of course, the administration was never willing to share with the Senate the negotiating record that the Russian negotiators obviously were aware of. Sharing the record with us might have cleared up just what understandings the Russians think they received during the negotiation of the treaty.

In order to secure Russian support for the New START treaty and assuage their misplaced concern about U.S. missile defense activities, the administration initiated talks with Russia to find common ground on missile defense cooperation, and it cancelled a third site deployment in Poland and the Czech Republic.

Or, as Under Secretary of State Ellen Tauscher characterized the purpose of missile defense cooperation in a speech of May 19, 2010: ''to turn what has been an irritant to U.S.-Russian relations into a shared interest.''

Although administration officials might deny this, I believe Russian officials were under the impression that in return for Russian support for New START, the United States would provide Russia not only the opportunity for missile defense technical cooperation, but that Russia would also play a role in defining future U.S. and NATO missile defense plans. Thus, President Medvedev told the Russian General Assembly in December 2010:

> I'd like to speak plainly about the choice we face in the next ten years: either we reach an agreement on missile defense and create a meaningful joint mechanism for cooperation, or if we fail to do so, a new round of the arms race will begin and we will have to make decisions on the deployment of new strike weapons.

As it turns out, we didn't have long to wait until the Russians threatened this ''choice.'' In response to the recently concluded U.S. and Romanian agreement to base SM–3 block TB missiles in Romania in 2015, President Medvedev has again threatened the U.S. and NATO with an arms race if these planned deployments go forward.

On May 18, 2011, President Medvedev told a gathering of journalists in Moscow that ''if we don't [forge a missile defense cooperation model], we will have to take retaliatory measures, which we do not want to have to do. This will mean forcing the development of our strike nuclear potential.

Medvedev went on to reiterate a warning issued by the Foreign Ministry that Moscow may pull out of the new START disarmament agreement in response to the United States' position on missile defense.

This is precisely what many of us predicted would happen if we ratified the New START treaty in December. I didn't think it would happen quite so quickly.

This point was reiterated by President Medvedev following the recent G–8 summit in Deauville, France when he said, ''We're wasting time . . . if we do not reach agreement by 2020, a new arms race will begin . . . I would like my partners to bear this in mind constantly.''

The Russians are of one point of mind at the top of their leadership. They are threatening a new arms race. What they mean by that is, the United States reduces our capability to defend against missiles that could theoretically come from Russia.

Is this the reset in relationships the administration promised? Did they manage to reset our relationship right back to the dark days of the Cold War?

It appears from the comments of the President of the Russian Federation that this is precisely what happened.

The Russian Foreign Minister has further said Russia needed ''legal assurances,'' that the proposed U.S. missile defense deployments were not aimed at Russian territory.

Presumably, even the administration would agree no such ''legal assurance'' can be made.

But, then again, could the administration include such an assurance in the Missile Defense Cooperation Agreement, MDCA, or the Defense Technology Cooperation Agreement, DTCA, the administration is discussing with the Russian Federation?

Again, no Senator nor Senate staffer has been able to see the document that the administration has shared with Russian counterparts. So, we are left to wonder.

Here we are, and the Senate, being part of the American Government, isn't even privy to what our administration is talking to the Russians about—matters on which eventually the administration is likely to seek our consent to. Remember, the Constitution provides for Senate advice and consent. What I have said before is if the Senate is to give its consent, we need an opportunity to provide some advice before the administration negotiates its agreements with Russia.

Why not share these documents with the Senate—and the House—and remove any cause for concern, if, in fact, there is none?

I also note Russian President Medvedev has sent a letter to the

NATO-Russia Counsel outlining Moscow's position on a common missile defense system—which differs significantly from NATO's conception of two independently operated missile defense systems sharing some form of early warning data. These are two very different things.

And, it is not as if Members of Congress have been ambiguous about our concerns.

Following a 14 April letter to the President signed by 39 Senators, 4 Senators met with Senior Defense and State Department officials on May 15 to again express our concerns about sharing sensitive missile defense technical and sensor data with the Russians, and to better understand the content and legal authority of the draft Defense Technology Cooperation Agreement and Missile Defense Cooperation Agreement being discussed with the Russians.

Moreover, the House Armed Services Committee just incorporated the New START Implementation Act into its version of the National Defense Authorization Act for Fiscal Year 2012, as well as the amendment offered by Representative BROOKS that will prohibit the sharing of sensitive missile defense technology and data.

How will the United States and NATO respond to this latest Russian intimidation?

Will NATO alter its plans to accommodate the Russian objective of a ''sectoral'' defense system?

Will the United States and NATO curtail deployment of phases III and IV of the European Phased Adaptive Approach? Phase IV is, of course, still just a paper missile, not something we developed, but it is part of our ultimate plan.

Will the United States agree to share sensitive information or technology with Russia for the sake of a missile defense agreement?

The administration informs us that these Russian threats are mere rhetoric, associated more with the upcoming presidential elections in Russia than with any true threats. And that Russia will not pull out of New START or begin a new arms race in response to U.S. missile defense plans. The administration assures us the United States will not alter its missile defense plans to accommodate Russian concerns.

Nevertheless, the Congress needs better insight into administration plans for missile defense cooperation and missile defense talks with Russia than has thus far been the case.

At the very outset, the administration created a separate venue from New START to discuss missile defense cooperation with Russia—this was the so-called Tauscher-Ryabkov track; despite repeated inquiries from Congress, the administration still refuses to provide meaningful details about the nature of these discussions.

Likewise, we are interested to know where the administration will recommend basing a new missile defense early-warning radar, called a TPY–2 radar. Will it put the radar in the Caucasus, as the Bush administration planned to do, or will it seek instead to base the radar in a location less advantageous to the missile defense of the United States homeland, but more acceptable to the Russians—even if that means that an ally like Israel will be denied access to the data generated, by the radar, as Turkey has said it requires?

To this end, and as I referenced earlier, 39 Senators sent a letter to the President on April 14 to inquire whether, contrary to the President's December 18, 2010 letter, we will make our missile defense decisions ''regardless of Russia's actions.''

The letter expresses serious concerns about reports the administration may provide Russia with access to sensitive satellite data and U.S. hit-to-kill missile defense technology, and urges the administration to share with Congress the materials on U.S. missile defense cooperation that have been provided, or will shortly be provided, to the Russian government. We still await these materials.

Lastly, the administration owes Senators information about what national security staff member Michael McFaul, whom I understand has been recently nominated by the President to be the U.S. Ambassador to Russia, meant when he briefed the press on May 26 that ''we got a new signal on missile defense cooperation that as soon as I'm done here I'll be engaging on that with the rest of the U.S. government.''

I am concerned that my staff asked the National Security staff about this almost a week ago and have heard nothing back.

I hope to hear back from the administration soon, especially if the administration expects the Senate to act promptly on Mr. McFaul's nomination.

Mr. President I am deeply skeptical about the course the United States and Russia are on concerning missile defense.

I think it should be abundantly clear that Senators and House Members will be paying very close attention to the development and deployment of the European phased adaptive approach to make sure it is done in a manner consistent with the security of the United States, without consideration to Russian ''understanding'' of what they think has been agreed to between the United States and Russia.

I will be working with my House colleagues to ensure that it is very clear that the United States will accept no limitations on its missile defenses. But I note, as I said at the outset, it is interesting that things that were told to us at the time the Senate was debating the New START agreement have turned out not to be true, just as many of us predicted, starting with the proposition that the United States would be drawing our weapons down while Russia would not. It turns out that is what happened because the Russians were already at the level they negotiated us down to.

So the question is, What did we get for our unilateral concessions? It appears to me that the only thing we got is an understanding by Russia that they are also going to be able to talk us down from our missile defense plans that could protect both the United States and allies in Europe or that as an alternative Russians would be part of a cooperative missile defense program which would, of necessity, require the sharing of economic data that would be inimical to the U.S. national interests.

I express these concerns in the hope that we can receive information from the administration that might allay our concerns, persuade us that it is not involved right now in negotiations, in effect, behind the Senate's back, and the best way to assure us is to share the information with us that we requested in letters we sent previously. I hope the administration will, next time it asks for our consent, be able to say it had already asked for our advice because I am afraid, if it does not, the Senate is much less likely to provide its consent to any agreements that might be submitted.

EXHIBIT 1

[From RealClearPolitics.com, June 6, 2011]

OBAMA TUNES OUT, AND BUSINESS GOES ON HIRING STRIKE

(By Michael Barone)

Last week, I noted that various forms of the word ''unexpected'' almost inevitably appeared in news stories about unfavorable economic developments.

You can find them again in stories about Friday's shocking news, that only 54,000 net new jobs were created in the month of May and that unemployment rose to 9.1 percent.

But with news that bad, maybe bad economic numbers will no longer be ''unexpected.'' You can only expect a robust economic recovery for so long before you figure out, as Herbert Hoover eventually did, that it is not around the corner.

Exogenous factors explain some part of the current economic stagnation. The earthquake and tsunami in Japan caused a slowdown in manufacturing. Horrendous tornados did not help. Nor did bad weather, though only a few still bitterly cling to the theory that it's caused by manmade global warming.

But poor public policy is surely one reason why the American economy has not rebounded from recession as it has in the past. And political posturing has also played a major role.

Barack Obama and the Democratic congressional supermajorities of 2009–10 raised federal spending from 21 percent to 25 percent of gross domestic product. Their stimulus package stopped layoffs of public employees for a while, even as private sector payrolls plummeted.

And the Obama Democrats piled further burdens on would-be employers in the private sector. Obamacare and the Dodd-Frank financial regulation bill are scheduled to be followed by thousands of regulations that will impose impossible-to-estimate costs on the economy.

That seems to have led to a hiring freeze. The Obama Democrats can reasonably claim not to be responsible for the huge number of layoffs that occurred in the months following the financial crisis of fall 2008. And

Treasury Secretary Timothy Geithner and Federal Reserve Chairman Ben Bernanke did manage to help stabilize financial markets.

But while the number of layoffs is now vastly less than in the first half of 2009, the number of new hires has not increased appreciably. Many more people have been unemployed for longer periods than in previous recessions, and many more have stopped looking for work altogether.

It's hard to avoid the conclusion that the threat of tax increases and increased regulatory burdens have produced something in the nature of a hiring strike.

And then there is the political posturing. On April 13, Barack Obama delivered a ballyhooed speech at George Washington University. The man who conservatives as well as liberal pundits told us was a combination of Edmund Burke and Reinhold Niebuhr was widely expected to present a serious plan to address the budget deficits and entitlement spending.

Instead, the man who can call on talented career professionals at the Office of Management and Budget to produce detailed blueprints gave us something in the nature of a few numbers scrawled on a paper napkin.

The man depicted as pragmatic and free of ideological cant indulged in cheap political rhetoric, accusing Republicans, including House Budget Committee Chairman Paul Ryan, who was in the audience, of pushing old ladies in wheelchairs down the hill and starving autistic children.

The signal was clear. Obama had already ignored his own deficit reduction commission in preparing his annual budget, which was later rejected 97–0 in the Senate. Now he was signaling that the time for governing was over and that he was entering campaign mode 19 months before the November 2012 election.

People took notice, especially those people who decide whether to hire or not. Goldman Sachs' Current Activity Indicator stood at 4.2 percent in March. In April—in the middle of which came Obama's GW speech—it was 1.6 percent. For May, it is 1.0 percent.

''That is a major drop in no time at all,'' wrote Business Insider's Joe Weisenthal.

After April 13, Obama Democrats went into campaign mode. They staged a poll-driven Senate vote to increase taxes on oil companies.

They launched a Mediscare campaign against Ryan's budget resolution that all but four House Republicans had voted for. That seemed to pay off with a special election victory in the New York 26th congressional district.

The message to job creators was clear. Hire at your own risk. Higher taxes, more burdensome regulation and crony capitalism may be here for some time to come.

One possible upside is that economic bad news may no longer be ''unexpected.'' Another is that voters may figure out what is going on.

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

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

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I ask unanimous consent that the cloture motion with respect to the Verrilli nomination be withdrawn, and at 5:30 p.m. the Senate proceed to vote, without intervening action or debate, on Calendar No. 118, the motion to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order with respect to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session, with the other provisions of the May 26 unanimous consent agreement remaining in effect.

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

EXECUTIVE SESSION

NOMINATION OF DONALD B. VERRILLI, JR., TO BE SOLICITOR GENERAL OF THE UNITED STATES

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

The legislative clerk read the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

The PRESIDING OFFICER. The time until 5:30 will be equally divided.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I don't believe there is going to be a huge number of people lined up to speak on this nomination, but I will first use part of my reserve time on the Verrilli nomination to speak of another matter within the purview of the Judiciary. So I ask unanimous consent, with the time being charged to my half hour, that I be recognized to speak as in morning business.

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

JUDGE RICHARD LINN

Mr. LEAHY. Mr. President, on the first day of this millennium, January 1, 2000, the newest Federal judge, and the first of the millennium, was sworn in. Richard Linn became a member of the Federal Circuit Court of Appeals at the stroke of midnight, standing in the Federal Circuit's courthouse, with a view of the Washington Monument lit behind him, and the oath being administered by Chief Judge H.R. Mayer.

President Clinton had been told of the hundreds of nominations he would make during his Presidency, one he would never regret would be that of Judge Linn. How true that prediction. Judge Linn has brought dignity, expertise, and judicial excellence that could set the model for all our Federal courts. His calm but brilliant analyses of our most complex intellectual property cases reflect the extensive experience he had before going on the bench. This experience now benefits all Americans.

My wife Marcelle and I and our children have been privileged to have known Dick and Patti Linn for over a generation, as well as their wonderful daughters, Debbie and Sandy, and all their family. This weekend, their children, son-in-law Erik, and grandchildren, Jaret and Dakota, as well as other members of their family, will gather to unveil a portrait of Judge Linn. I hope that as people visit the Federal Circuit Court of Appeals building or are there on business, that they will pause and look. It will give them a chance to see the face of justice and a man I admire greatly.

Mr. President, I ask unanimous consent that we go back on the matter before us, with the time still being reserved to me.

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

Mr. LEAHY. I thank the majority leader and the Republican leader for reaching an agreement for the Senate to debate and vote on the nomination of Don Verrilli to be Solicitor General of the United States. By doing so, we were able to vitiate the cloture motion and avoid another unnecessary filibuster. Had agreement not been reached, this would have been the first filibuster in history of a Solicitor General nomination.

Mr. Verrilli is by all accounts one of the finest lawyers in the country, whose extensive experience as an advocate for a wide variety of clients will serve him well as Solicitor General, the top advocate for the United States. In a long and distinguished career, Mr. Verrilli has argued numerous cases before the Supreme Court, Federal appeals courts and State appellate courts. He clerked for Judge J. Skelly Wright on the DC Circuit and for Justice William Brennan on the U.S. Supreme Court. Mr. Verrilli's impressive breadth of experience both in Government and in private practice led the Judiciary Committee to report his nomination by a vote of 17–1 nearly a month ago. Seven of the eight Republican members of the committee joined in supporting Mr. Verrilli's nomination.

The Judiciary Committee heard from many respected lawyers from across the political spectrum in support for Mr. Verrilli's nomination. Eight former Solicitors General from both Republican and Democratic administrations, among them Republicans Charles Fried, Kenneth Starr, Ted Olson, Paul Clement and Gregory Garre, concluded: ''Mr. Verrilli is ideally suited to carry out the crucial tasks assigned to the Solicitor General and to maintain the traditions of the Office of the Solicitor General.''

More than 50 prominent Supreme Court practitioners urged the Senate to confirm Mr. Verrilli's nomination, including conservatives like Maureen Mahoney, Peter Keisler, and Miguel Estrada. They wrote:

Don's approach to practicing law throughout his career—his meticulousness in understanding and presenting facts accurately and his insistence on coherently laying out reasons for the positions he is urging—proves beyond question that Don will protect and promote the rule of law.

I will ask that copies of the letters in support be printed in the RECORD at the conclusion of my remarks.

Don Verrilli is exactly the kind of superbly qualified, serious professional we should be encouraging to serve the American people in their government. I expect that he will be confirmed by a strong bipartisan majority of the Senate.

Like all of the nominations reported by the Judiciary Committee and pending on the Senate's Executive Calendar, Mr. Verrilli's nomination has been through the Judiciary Committee's fair and thorough process. We reviewed extensive background material on his nomination. All Senators on the committee, Democratic and Republican, had the opportunity to ask him questions at a live hearing. All Senators had the opportunity to meet with Mr. Verrilli individually, as well. Many also took advantage of the opportunity to ask him questions in writing following the hearing.

We then debated and voted on his nomination. I thank the members of the committee for their work, consideration and judgment. Many cited their meetings with Mr. Verrilli and his serious and thoughtful answers to hundreds of written questions for the record as a basis for their support of his nomination. The result of the process was that Senators, having raised whatever concerns they had and whatever differences they have with the policies of the Obama administration, voted nearly unanimously in favor of confirming Mr. Verrilli based on his qualifications, experience and appreciation for the responsibilities of the Solicitor General.

I appreciate the effort made by the Republican members of the Judiciary Committee in considering the Verrilli nomination on its merits and voting to support him, with one exception. I appreciated the thoughtful statement by the ranking Republican at our markup, nearly 1 month ago, in which he set forth his concerns and the painstaking process he followed to evaluate the nomination and his judgment to support him. Senator GRASSLEY attended the hearing, met personally with the nominee, and engaged in extensive written questioning, as well. In his statement he commended Mr. Verrilli ''for his serious approach to the task of providing responses'' and for his ''thoughtful answers.'' After that rigorous process, Senator GRASSLEY became more comfortable that Mr. Verrilli ''understands the duty of the Solicitor General.'' He emphasized that Mr. Verrilli had made clear to him that ''he would not lend his name or that of the office to carrying out any order which he believed to be based upon partisan political considerations or other illegitimate reasons'' and that rather than do so, he would resign from office. Senator GRASSLEY concluded that he has ''every expectation that Mr. Verrilli, if confirmed, will honorably live up to his duties, obligations, and assurances.''

The committee process left no doubt that Mr. Verrilli has an extensive knowledge of the law and an understanding of the independence required to represent the interests of the government and the American people as the Solicitor General of the United States. He is well qualified and well suited to serve in the role of what is often called ''the tenth Justice.''

The Senate has a longstanding practice of giving deference to the President to make nominations for positions in the executive branch. However, as we have seen with more and more of President Obama's nominations, Senate Republicans have dramatically departed from our Senate standards. This does great harm to the interests of the American people, the ability of good people to serve, the capacity of the government to fulfill its responsibilities and the proper functioning of the Senate. Subjecting consensus nominees to unnecessary and damaging delays and unjustified and harmful filibusters is wrong. I am glad the Senate leaders have been able to come to agreement to avoid the threatened filibuster of this qualified nominee to serve as Solicitor General of the United States.

Before the Memorial Day recess, the Senate should have confirmed the nomination of Lisa Monaco to be the Assistant Attorney General in charge of the National Security Division at the Justice Department. That is a key national security position. The Judiciary Committee held a hearing on Ms. Monaco's nomination in April and reported her nomination unanimously in early May. Her nomination has since been considered by the Senate Select Committee on Intelligence at an additional hearing and was reported unanimously by that committee, as well, nearly 2 weeks ago. After such a thorough process, there is no doubt that President Obama has made a first-rate choice to fill this very critical national security position. The value of Ms. Monaco's wealth of experience and institutional knowledge has been supported by the many former Justice Department officials who have written in support of her nomination, including former Attorney General Mukasey, who served during the President George W. Bush administration. Without cause or explanation, the Republican leadership still has not consented to a vote on this important national security nomination.

Even more egregious is the unprecedented filibuster of the nomination of Jim Cole to be Deputy Attorney General, the No. 2 position at the Justice Department also with key national security responsibilities. There is no excuse or justification for the continued failure to act on Mr. Cole's nomination to fill this critical position. It was blocked last year when it was pending for 5 months in the Senate. The nomination was reported favorably by the Judiciary Committee again in March, and incredibly, has been filibustered for another 10 weeks while the country faces concerns about terrorism in the aftermath of the President's successful operation against al-Qaida and Osama bin Laden. It is hard for me to understand how, at a time when experts are concerned that al-Qaida will seek reprisals, the Senate has not acted to ensure that President Obama has his full national security team in place. Instead, Senate Republicans have chosen to delay action on those nominations and to seek to use them as leverage against the administration.

I have urged Senate Republicans to reject this partisan approach and to come together to work with our President to keep America safe. In the aftermath of 9/11, we expedited law enforcement nominations, confirming an additional 58 officials to posts at the Justice Department before the end of 2001. We should have done the same with the nominations of Lisa Monaco and Jim Cole. We should treat Mr. Cole's nomination with the same urgency and seriousness with which we treated all four of the Deputy Attorneys General who served under President Bush. All four were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. No Deputy Attorney General nomination has ever been subjected to a filibuster before. It is wrong and should end.

I am confident that Mr. Verrilli's qualifications, experience, ability, temperament and judgment will lead to an overwhelming bipartisan vote in support of his confirmation to serve as the next Solicitor General of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD copies of the letters to which I referred.

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

FEBRUARY 8, 2011.

Re Nomination of Donald Verrilli as Solicitor General.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, U.S. Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in enthusiastic support of the nomination of Don Verrilli to become the next Solicitor General of the United States. We write as lawyers who are deeply familiar both with the work of the Solicitor General and with Don's own work and character. Some of us have worked jointly with Don, some of us have appeared opposite him in cases, all of us have seen his work. We believe that Don is ideally suited to carry out the crucial tasks assigned to the Solicitor General, chiefly the representation of the United States in the Supreme Court, and to maintain the traditions of the office that the Solicitor General leads. We urge the Senate to confirm him as Solicitor General.

With experience representing a wide variety of clients, and several years serving the United States from within the government at its highest levels, Don is unusually experienced in the vast range of legal issues over which the Solicitor General is responsible on behalf of the United States. He is a quick study, careful listener, and acute judge of legal arguments. He is a masterful writer and oral advocate who knows the importance of clarity, candor, vigor, and responsiveness. The array of departments and agencies the Solicitor General represents, the Congress that enacts the laws being executed, and ultimately the Supreme Court in the performance of its functions all rely on these qualities in a Solicitor General, and all would be well served by Don Verrilli in that position.

As important, the successful functioning of the Solicitor General's office requires an ability to see the effects of particular arguments on the overall interests of the United States, both across agencies and over the long term. Shaping arguments to respect those interests, and to protect the special credibility the office has acquired over the decades of its existence, while maintaining clarity and force in presentations, demands the whole range of knowledge, intelligence, judgment, and other capacities that Don has in abundance. More generally, the rule of law depends on a consistent commitment to reason in the unfolding of legal principles. Don's approach to practicing law throughout his career—his meticulousness in understanding and presenting facts accurately and his insistence on coherently laying out reasons for the positions he is urging—proves beyond question that Don will protect and promote the rule of law.

Finally, Don has a deeply ingrained habit of civility. Not only in court, but in private interactions, with co-counsel, colleagues, and lawyers who are adverse to his clients, Don maintains his equanimity and politeness and engages in calm, reason-based discussion. His character will serve the highest traditions of the Solicitor General's office.

We expect that the Senate, after full inquiry, will see all the virtues we know from firsthand experience that Don possesses. He is the consummate professional, and we hope that the Senate will confirm Don promptly to serve as the Solicitor General.

Sincerely,

RICHARD G. TARANTO,
Farr & Taranto.
CARTER G. PHILLIPS,
Sidley Austin LLP.

The following people have signed on to this letter:

Akin Gump Strauss Hauer & Feld, LLP: Patricia Ann Millett; Arnold & Porter: Lisa S. Blatt; Covington & Burling: Jonathan Marcus; John P. Rupp, Robert Long; Crowell & Moring: Clifton S. Elgarten, Susan Hoffman; Farr & Taranto: Bartow Farr; Finnegan, Henderson, Farabow, Garrett & Dunner: Donald Dunner; Gibson Dunn & Crutcher LLP: Theodore B. Olson, Miguel Estrada, Theodore J. Boutrous Jr., Thomas G. Hungar; Goldstein, Howe & Russell, P.C.: Thomas Goldstein, Amy Howe, Kevin Russell; Hogan Lovells: H. Christopher Bartolomucci, Catherine E. Stetson; Howrey: Gerold Ganzfried; Jenner & Block LLP: Paul Smith; Jones Day: Donald Ayer, Craig E. Stewart, Meir Feder; Kellogg Huber: David Frederick, Michael Kellogg, Aaron M. Panner; Kirkland & Ellis: Christopher Landau; King & Spalding: Daryl Joseffer; Latham & Watkins: Richard P. Bress, Maureen E. Mahoney, Matthew Brill; Jonathan Massey; Mayer Brown LLP: Stephen M. Shapiro, Andrew L. Frey, Andrew Pincus, Evan M. Tager, Charles Rothfeld, Lauren Rosenblum Goldman, David M. Gossett, Jeffrey W. Sarles.

Molo Lamken: Jeffrey Lamken; Morgan, Lewis, & Bockius LLP: Peter Buscemi, Allyson N. Ho; Morrison Foerster: Deanne E. Maynard, Brian R. Matsui; O'Melveny & Myers: Walter Dellinger, Sri Srinivasan, Jonathan Hacker; Orrick, Herrington & Sutcliffe LLP: E. Joshua Rosenkranz; Paul Hastings: Stephen B. Kinnaird; Pillsbury Winthrop: Kevin M. Fong, Claudia W. Frost; Quinn Emanuel Urquhart & Sullivan LLP: Kathleen Sullivan; Robbins Russell: Roy Englert; Ropes & Gray LLP: Douglas H. Hallward-Driemeier; Sidley Austin LLP: George W. Jones, Paul Zidlicky, Rebecca Wood, Jeffrey Green, Jacqueline Cooper, Peter Keisler, Eric Shumsky, Mark Haddad, Joseph Guerra, Robert Hochman, Michelle Goodman; Skadden, Arps, Slate, Meagher & Flom LLP: Cliff Sloan; Venable: John Cooney; Wiley Rein LLP: Andrew G. McBride, Helgi C. Walker; Williams & Connolly: Kannon K. Shanmugam, Stephen Urbanczyk; Willkie Farr: Richard Bernstein; Wilmer Cutler Pickering Hale and Dorr: Seth P. Waxman, Paul R.Q. Wolfson, David Ogden, Randolph Moss; Zuckerman Spaeder LLP: David Reiser.

WASHINGTON, DC,
March 17, 2011.

Re Nomination of Donald B. Verrilli Jr. for the Position of Solicitor General.

Hon. PATRICK J. LEAHY,
Chairman,
Hon. CHARLES GRASSLEY, *Ranking Member, U.S. Senate Committee on the Judiciary, Washington, DC*.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We have served as Solicitors General in the administrations of Presidents Ronald Reagan, George H.W. Bush, William Clinton, and George W. Bush. We write in strong support of the nomination of Donald Verrilli to become Solicitor General of the United States.

Some of us have worked alongside Mr. Verrilli as co-counsel; some of us have appeared opposite him in cases; all of us are familiar with his work, his demeanor, and his well-deserved reputation as a leading member of the Supreme Court bar. We believe Mr. Verrilli is ideally suited to carry out the crucial tasks assigned to the Solicitor General and to maintain the traditions of the Office the Solicitor General.

Mr. Verrilli's long experience representing a wide array of clients, in combination with his recent experience serving in senior positions in government, render him particularly well qualified to address the range of legal issues over which the Solicitor General is responsible on behalf of the United States. His well-deserved, stellar reputation as both a writer and oral advocate, and his deeply ingrained civility and dedication to the rule of law will well serve all three branches of government. We wholeheartedly endorse his confirmation.

Respectfully,

SETH P. WAXMAN
For:
Charles Fried (1985–1989).
Kenneth W. Starr (1989–1993).
Drew S. Days III (1993–1996).
Walter E. Dellinger III (1996–1997).
Seth P. Waxman (1997–2001).
Theodore B. Olson (2001–2004).
Paul D. Clement (2004–2008).
Gregory G. Garre (2008–2009).

Mr. GRASSLEY. Mr. President, I will vote to confirm Donald B. Verrilli, Jr., to be Solicitor General of the United States, but I do so with little enthusiasm. Mr. Verrilli has impressive credentials and noteworthy accomplishments. In addition to his government service in the White House Counsel's Office and at the Department of Justice, he has been a litigator in private practice for more than 20 years. He has argued 12 cases, and participated in more than 100 cases, before the Supreme Court of the United States. Mr. Verrilli served for over 15 years as an adjunct professor of constitutional law at the Georgetown University Law Center. He clerked for Associate Justice William J. Brennan, Jr., of the U.S. Supreme Court, and Judge J. Skelly Wright of the U.S. Court of Appeals for the District of Columbia Circuit.

My concern with this nomination is whether or not the nominee will demonstrate appropriate independence in the office. His testimony at his hearing raised doubts about his ability and commitment to uphold that principle. Mr. Verrilli seemed to buy into the notion that he was still the President's lawyer. He gave lipservice to the two traditional exceptions to the Solicitor General defending a statute—first, if the statute violates separation of powers by infringing on the President's constitutional authority; and second, if there is no reasonable argument that can be advanced in defense of the statute. Mr. Verrilli then appeared to create a third exception one that is not supported by practice or tradition. He stated he would defend a statute's constitutionality ''unless instructed by my superior not to do so.''

This position advocated by the nominee—that interference in the rule of law, by the President or by the Attorney General, is an appropriate reason not to defend statutes—was extremely troubling to me and other members of the committee. That position is not the standard of the office. It is not what the Nation expects from its Solicitor General. His response gave me great pause about supporting his nomination.

Following his hearing, I gave Mr. Verrilli ample opportunity to address my concerns. In extensive written questions I asked the nominee to review and comment on testimony given by previous Solicitor General nominees. In particular, I asked many questions regarding statements by prior Solicitors General regarding the independence of the office. I asked him to review cases where the Department of Justice had made a determination not to defend a statute. I asked him to analyze those cases as to the rationale for not defending the statute. In addition, I asked him to review and comment on a number of Supreme Court cases that address serious constitutional issues.

I reviewed his answers to my written questions for the record. I commend Mr. Verrilli for his serious approach to the task of providing responses. In most cases he gave thoughtful answers.

In many instances he declined to provide his views on the topic but gave general assertions that he would follow the law. In other instances he claimed confidentiality. I do not agree with his assertion of confidentiality in most of the instances where he raised that as a basis for not responding. In other circumstances, such a response would be unacceptable. In the past, such responses, or allegations of similar responses, have resulted in a failed confirmation or withdrawal of the nomination.

Based upon my review of his responses, I am more comfortable with the notion that Mr. Verrilli understands the duty of the Solicitor General. I believe, because of my questions and the time he spent contemplating the issues, he will be a better Solicitor General than he otherwise would have been. Mr. Verrilli has been exposed to decades of thought and experience by this review. On the whole, I concluded that Mr. Verrilli now has a greater sensitivity to the necessity of independence in the office. In numerous answers he provided a much better response than he did at his hearing. He indicated he would not lend his name or that of the office to carry out any order which he believed to be based on partisan political consideration or other illegitimate reasons. Rather than do so, he said he would resign from office. I will hold him to that pledge.

I want to be clear about my tepid support for Mr. Verrilli. He is nominated to an executive branch position, not a lifetime appointment. My lukewarm support is based largely on the nature of the office to which he will be appointed, if confirmed.

I will put the administration on notice, as well as Mr. Verrilli, the Senate, the media, and any other interested party. My less than enthusiastic vote for Mr. Verrilli to be Solicitor General of the United States is limited to that office alone. No entity or individual should presume my support for Mr. Verrilli for any other future office to which he may aspire or to which he may be nominated—be it in the executive, judicial, or legislative branch of government.

Furthermore, as ranking member of the Judiciary Committee, I will vigorously carry out my oversight responsibilities to ensure the Solicitor General and his subordinates are performing as they should. I will be watching to make certain Mr. Verrilli complies with his oath of office, with his obligation to the Constitution and statutes of the United States, with his duties of the office, and with the assurances he has given the Senate in his oral and written testimony. I expect nothing less from all officials of government. I have every expectation that Mr. Verrilli, if confirmed, will honorably live up to those duties, obligations, and assurances.

TENNESSEE TORNADOES

Mr. ALEXANDER. Mr. President, on Wednesday I traveled to Greene and Washington Counties in Upper East Tennessee—up near Virginia and North Carolina—to visit with the victims of tornadoes that swept across our State on April 27 and to see firsthand how the recovery is going.

What I found was what I expected to find. In Washington County and Greene County, the citizens are not complaining. They are cleaning up, and they are helping each other. I also found out there are some things that still need to be ironed out, but so far the recovery from a devastating disaster is going well in East Tennessee. The real work is being done by people affected by those storms and by volunteers, and I think it says that Tennesseans are doing what Tennesseans usually do.

I first met with Alan Broyles, who is the mayor of Greene County, and Bill Brown, who is director of Greene County's Emergency Management and Homeland Security Agency. Seven people lost their lives in Greene County. We visited the Camp Creek and the Horse Creek communities. We saw many of the homes that have been completely leveled, and debris was still being removed. We saw one home where a couple—the Harrisons had been helping neighbors into their basement when the tornadoes swept through and killed both Mr. and Mrs. Harrison, but spared the lives of the neighbors in the basement. There were two crosses there next to what was left of the basement structure of the home.

At the Camp Creek Elementary School where FEMA has set up a disaster recovery center, I met Pamela Ward and her mother-in-law, Betty Ward. Mrs. Ward's home had been completely destroyed by the tornado, and her husband Kevin and their three daughters were staying in a hotel after discovering that the insurance on their home only paid off their mortgage. Mr. Brown and Q. Winfield, who is FEMA's Federal Coordinating Officer for Tennessee, immediately began working to help the Wards. By the next day, Mr. Winfield had called to let me know that FEMA had approved the maximum award to help Pamela Ward and her family get back on their feet.

I also visited Washington County, where I met with Dan Eldridge, who is the mayor of the county, as well as local emergency management officials and families affected by the disaster. One resident was killed in a tornado that touched down in Washington County. Hundreds of homes were damaged. However, it was clear that families and volunteers had been hard at work putting their community back together. Rebuilding had begun, and the debris had already been removed in many areas.

FEMA is doing an excellent job working with State and local officials, but the generosity of the volunteers and the entire community working in a collective way with the churches to help families get back on their feet is an amazing sight. It is still very important for victims to register with FEMA by calling 1–800–321–FEMA (3362). Families are also eligible for other forms of disaster assistance, including loans from the Small Business Administration and unemployment and food stamp benefits. While we cannot make these families whole, there are people who still need help, and we have to make sure they know help is available. I want to make sure that whatever the Federal Government is able to do, it is doing.

Over the past year, Tennessee has experienced disasters of historic proportions. We know very well we are not the only State or the only community where this has happened. Beginning with the 1,000-year flood that struck middle and west Tennessee last May, to the devastating tornado outbreak and river flooding this year in both the eastern and western parts of our State, 74 of Tennessee's 95 counties are currently Presidentially declared disaster areas. Thousands of people are still recovering, and many are only just beginning to put their lives back together. In spite of everything this past year has thrown at us, Tennesseans are going about their business helping themselves and helping others in remarkable and inspiring ways.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

THE ECONOMY

Mr. SESSIONS. Mr. President, I wish to share a few thoughts about the state of the American economy and the lack of effectiveness of this Congress in confronting it—in particular, the lack of the leadership of the U.S. Senate to deal with the crisis we are facing both economically and financially as part of our economic condition. We can't separate those two.

The leading economic indicators are not good. Last week, we were pummeled with a series of reports that were bad news. The numbers continue to be disturbing, actually. The share of our population that is employed today declined to 58.4 percent—the lowest level since 1983. So the percentage of people working today is the lowest we have had since 1983.

The May jobs report that just came in fell well short of projections. The consensus view of economists was for a gain of 165,000 jobs, but, in fact, we gained 111,000 fewer than that. We had a very low job creation month, and it marks the worst jobs report in 8 months. Everybody is saying things are getting better and jobs are getting better, but this is a wake-up call. The numbers have not been strong. They

have actually been very fragile. The jobs have to increase about 180,000 a month to actually stay level, and to begin to increase, we have to be above that. To reduce our unemployment rate, it has to be above 180,000. So we were far below that this month.

The percentage of people who are long-term unemployed—who have been unemployed for 27 weeks or more—jumped nearly 2 percentage points to 45.1. The unemployment rate increased to 9.1 percent from 9 percent. However, the unemployment rate does not take into account those who are underemployed or who may have become discouraged. That is why we have such a low percentage of people working. Many are discouraged and have given up looking for work.

Since its peak of 12,800, the Dow Jones Industrial Average is down now 698 points or more than 5 percent over the last month. I believe this is the sixth consecutive week the Dow has declined.

Consumer confidence is also deteriorating. The Consumer Confidence Survey is down 12 points from its peak in February. It has been steadily going downward. Consumer expectations about the future are even worse, falling more than 20 points in the last 3 months, from 97.5 to 75.2. The last time we experienced a 3-month drop in consumer confidence of more than 20 points was March 2008, during the heart of the great recession.

The Misery Index, which combines the unemployment rate with the 1-year change in inflation growth, hit 12.2 percent, the highest level in a year.

Those are grim statistics. Indeed, I am looking at Barron's and a lead editorial by Mr. Abelson in today's issue. This is something he expressed unease about, very serious concern, in his lead column for the Barron's publication. He quotes a report from the Liscio Report, Philippa Dunne and Doug Henwood, and he quoted from their analysis:

More than a little shocking to Philippa and Doug, and to us as well—

Referring to himself—

is that private employment today is 2 percent below where it stood 10 years ago and, as they've noted before, job loss over a 10-year period is unprecedented.

In other words, over 10 years we have 2 percent fewer people working in the private sector—the first time we have ever identified a 10-year period in our history—and he goes back to 1890—that we have actually seen a decline in employment over 10 years.

It continues:

So far, they point out somewhat grimly, ''We've regained just 1.8 million jobs lost in the Great Recession and its aftermath, or about one out of every five that have been lost.

So we only recovered about one in five of the jobs. We have been reading that job growth is out there, but it hasn't been much. It has been anemic, and so has been GDP growth.

He goes on to note that ''the number of folks out of work increased by 167,000 and a goodly number of those—44.6 percent, to be precise—have been unemployed for 27 weeks or longer, within crying distance of an all-time high. The average stay in the ranks of the jobless has reached the longest in the postwar period.'' That is World War II. So that is the longest time we have gone with almost half the people being unemployed for at least 27 weeks. So it is not a good situation.

We have tried. The Federal Reserve has tried. The Congress rammed through a stimulus bill that didn't work. I felt it wouldn't work, and I explained why at that time, but it passed anyway, adding almost $800 billion, $900 billion to the total debt of our country, and every penny of that was borrowed. It has not worked. But we will pay interest on it.

Last year, our highway spending was about $40 billion. The interest on that stimulus bill will be almost that much unless we find some way to start paying down our debt. And there is no plan on the table to reduce our debt in the immediate future. That is for sure.

So what would I say about where we are today? I believe this Congress cannot justify having created a financial situation in which 40 cents of every $1 we spend is borrowed. We take in $2.2 trillion, and we are spending $3.7 trillion. Every economist has told us in the Budget Committee—I am the ranking Republican there—this is unsustainable.

President Bush's highest deficit was too high: $450 billion. Under the first 2 years of President Obama, we have had $1.2 trillion and $1.3 trillion added to the debt, and this year, on September 30, we expect $1.5 trillion to be added to our debt. We will have doubled the entire debt of the United States under 4 years of his leadership.

His budget he submitted to us earlier this year makes the situation worse. If you take the basic trajectory of the Congressional Budget Office, the President's budget, even though it raises taxes, raises spending more and actually puts us on a more unsustainable path than otherwise would be the case. Over the 10-year budget he proposes, the lowest single deficit is $748 billion, and it is going up to around $1 trillion in the 10th year. These are systemic, unsustainable deficits, and they have to be confronted.

We have to reduce spending. Everybody knows that. But we are not willing to do so. The Democratic leader, when we had the continuing resolution and we had the debate over how much to spend the rest of this fiscal year, proposed a $4 billion reduction in spending. And our deficit will be $1,500 billion this year. He proposed to cut $4 billion in this year's continuing resolution. After much fight—and the House had passed $60 billion or $70 billion in spending reductions through the rest of the year—the Senate finally, under the Democratic leaders here, got it down to $38 billion, I believe.

We are not facing up to reality. So what do you do? The Fed has cut interest rates to zero. We are spending unlimited amounts of money. We have tried all kinds of gimmicks and efforts—reducing the Social Security tax, other things—to try to create growth in the economy, and it has not worked. I suggest part of the problem is the deficit itself.

Professors Rogoff and Reinhart have written a book: ''This Time Is Different.'' In their analysis, when your debt equals 90 percent or more of your economy, you will show at least a 1-percent reduction in economic growth for that year. This year our debt, which is already about 95 percent of GDP, will be 100 percent of GDP by September 30. So the first-quarter growth numbers were 1.8 percent below what had originally been projected. That was a reanalysis of it—1.8 percent. According to their theory, it would be 2.8 percent growth if we did not have debt in excess of 90 percent of the gross domestic product.

I asked Secretary of the Treasury Geithner at the budget hearing whether he agreed with the Rogoff-Reinhart study, which has received quite a bit of attention and a great deal of respectful attention. He said he did. He said that in some ways the situation is worse than that suggests because we could have an economic crisis. When your debt-to-GDP is 90 or 100 percent, that is how you can have a circumstance somewhat like we had with the financial meltdown or like they are having in Greece.

So we have been warned by the fiscal commission Chairman and Cochairman, appointed by President Obama, Mr. Erskine Bowles and Alan Simpson. They testified that we are facing the most predictable economic crisis in our Nation's history—the most predictable. When asked when it might happen, Mr. Bowles said 2 years, give or take. So we do not know what is going to happen.

I think we have to just grow up, realize that we have placed our Nation in financial jeopardy, that this country has spent money it did not have to a degree greater than this Nation has ever spent before, except maybe in the height of World War II when the entire Nation was in a life-and-death struggle. We have never spent this kind of money. We have never had these kinds of deficits.

Many remember the big fight over spending in the mid-1990s that resulted in the balancing of the budget in the late 1990s. That was a much simpler problem than we have today. I have looked at the numbers. I have studied the numbers. To get this country to a balanced budget is going to take some very serious, sustained work. It is going to be much more significant than it was in the mid-1990s. We simply cannot grow this economy—which is the key to getting ourselves out of the mess we are in—we cannot grow it by just passing more taxes. We cannot do that.

Congress has to step up to the plate. I remain extremely disappointed that

the majority in the Senate did not even bring a budget to the floor last year. We are now at 750-, 760-some-odd days without having a budget. That is one reason we are spending so much money we do not have. We do not even have a budget. It was not even brought to the floor last year. Not a single appropriations bill was brought to the floor and passed last year. Since I have been here—and I guess in 20 or more years—our Democratic majority had the largest majority any Senate has ever had. They had 60 votes last year in the Senate. It only takes 50 to pass a budget. You can pass a budget without a supermajority, without a filibuster. It is designed to make sure we pass a budget because it is needed that we pass a budget. But it was not even brought up last year.

So what about this year? We have not even marked one up. We have not had a hearing in the Budget Committee to mark up a budget. Under the Budget Act, the budget is supposed to be passed by April 15. The House has passed a budget, a historic budget, a sound budget. It changes the unsustainable trajectory we are on. It is responsible. It has gotten widespread bipartisan applause for being a serious attempt to confront the financial crisis we are facing.

The Senate has not produced anything. Indeed, my good friend—and he has a tough job—our majority leader, HARRY REID, said it would be foolish to pass a budget. And his staff said something similar to the press. Foolish to pass a budget? What did he mean by that? Would it be against the American interest to pass a budget? Would it make our country less strong financially if we passed a budget? Would it be less responsible to pass a budget than to not pass one? I do not think so.

Actually, I do not think that is what he meant. What he meant was it would be foolish politically to pass a budget. So he did not bring one on the floor last year when he had 60 Senators. He has 53 now. He is not going to bring one up again this year. He would be foolish to. Why? Because when you produce a budget, you have to set forth, for the entire world—the financial world, the American people, the political world, the individual citizens of this Republic—what your plans are for the future. What are we going to do? How much are we going to spend? How much are we going to tax? How much deficit will be created, or surplus, if one is to be found? And it is not going to be found soon—a surplus—trust me. I have looked at the numbers. But we have to get on the right path. So he thinks that is foolish. I guess because, well, if he produced a budget, he might have to cut spending and somebody might complain. If he produced a budget and it is consistent with what some of my tax-and-spend friends believe and he has a bunch of tax increases in there, that might not be popular. So since it is not popular, we are just not going to do it, while we have the lowest number of people working in this economy since 1983 and we are 2 percent below the number of people who were actually working 10 years ago.

This Keynesian spend-tax-spend idea of how to make an economy grow is not sound. We have tried it. It was done over my objection, but it was done. We threw money at this economy the likes of which we have never seen before.

Now, the Brits, they are reducing their spending. They are making some tough choices in the UK. And some have been pushing back: Oh, you are cutting too much. They are having riots in Greece, where people are saying: You are cutting back spending too much. We have to have this money. But what did the International Monetary Fund say today? I believe it was today. They said: The UK, the Brits, stay the course. Stay with your fiscal responsibility that was initiated by the new conservative government. Do not go back to spending. Do not adopt the idea that you can create something out of nothing by borrowing money, money you do not have.

Of course, Julie Andrews laid that out really well in her song. I have thought and always try to remember: Nothing comes from nothing. Nothing ever could.

You cannot borrow your way out of debt, as one person in Evergreen told me his granddaddy said. We have to face the music. We do not have the money to operate at the level we are.

I was at a town meeting in Marion, AL, and an elderly gentleman said he lived through the Depression, he lived through World War II, he lived through the great inflation surge in the 1970s, and he sees this other challenge we face today. He said the problem is not the high cost of living; the problem is the cost of living too high. That just sort of closed the meeting. He was the last one to speak. I thought there was a real silence there—the cost of living too high.

We have just been living on the idea that these brilliant people—the Fed and the Treasury and all—that they can just borrow money and spend it today, and that will make the economy flower, and we will all be successful, and we do not have to worry about paying it off.

What is a little debt? Well, we went down that road, and it has gotten completely out of control, and we cannot sustain it.

We are at a point where our debt threatens our economic growth. According to Rogoff and Reinhart, it is already reducing our growth by 1 percent. And if we have 2 percent growth for the year—if we have 2 percent growth this year instead of 1.8 percent, as we did the first quarter—that means 1 million more people employed. A 1-percent growth, economists tell us, is equal to 1 million people employed. If you get 3 percent, 4 percent, 5 percent growth, like we ought to have coming out of a recession, then you can have millions of jobs created and change this direction of our country.

We have used every weapon we have except common sense and sound policy. So what do we do? How do we get out of the mess we are in? It is not going to be an easy road, but we need to reduce spending. We have increased spending in the last 2 years—the first 2 years under President Obama—24 percent in discretionary nondefense spending.

We cannot cut that back to where we were in a previous day? Is the United States of America going to cease to exist if we reduce spending? We are going to have to. We do not have the money. So we do that. We send a message to the world as the people in England have that we understand the problem. We know we have gone too far. We are going to get on the right road. We are going to put our shoulders to the wheel, and we are going to lift this country forward and put it on a sound path.

We can do that. We will do that. That is what the American people said they wanted—I am convinced—in this last election. They want some responsibility here, and we owe it to them. I hope and pray that we can come together and make some significant changes in the way we spend money and the amount of debt that we have.

Yes, it might be tough for a while, but we will get on the right path. We will get this country going in the right direction. So when we are confused about the future, nobody knows exactly what to do, I think it is time to take a deep breath and go back to the old verities, the old truths that nothing comes from nothing. Hard work pays off. Borrowing, borrowing, borrowing is a road to disaster. We need to start paying down our debt. The kinds of things we tell our children every day, this Nation needs to do.

If the world and if the business community in our country saw us in that direction, nothing could be better for our economic growth. They would say: The United States of America has finally got it. They have their heads on right. They are making the decisions that will lay a foundation for sound, positive growth in the future, and they are not trying to get their way out of the problem they are in by something for nothing, some gimmick.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I would like to share some brief thoughts about the nomination of Donald Verrilli to be Solicitor General of the United States. Solicitor General has been called the greatest lawyer job in the world. It is the position in the

Department of Justice that represents the United States in appellate courts and the Supreme Court. As they said, again, there is no higher honor than to appear in the highest Court in the land and be able to announce that you represent the United States of America. That is what the Solicitor General gets to do and supervises that. It is a very important position.

It requires integrity, independence, and a commitment to the rule of law. Mr. Verrilli, by the account of quite a number of people, is a smart lawyer with significant experience in appellate matters and is respected as to his integrity and his legal ability. I say that because I am not going to be able to vote for him today, but what I am saying about him is not to be personal in any way. I can disagree with someone about their approach to law and still sometimes be able to vote for them.

I voted for most of the President's nominees. I supported Attorney General Holder's nomination. But what I want to say is, we are in a struggle internationally with a most virulent form of terrorism that has been declared by virtually all objective people as a war. We are involved in a war on terrorism. That is just what it is. Bin Laden and the people who attacked us on 9/11 had declared war against the United States. They had officially said they were at war with us. Our President, on occasion, has acknowledged that we are at war. Congress has authorized the use of military force in Iraq, Afghanistan, and against al-Qaida. We have authorized it. We have not in Libya, but we have in those other instances.

So the Department of Justice, of which I was honored to be a member for 15 years as a Federal prosecutor, and U.S. attorney in Alabama for 12—and I loved that great Department and believe in it deeply. I am troubled by the extent to which it is being led by people who have an unwise understanding of the nature of the struggle we are in. One of the ways this plays itself out is to conclude that an individual affiliated with al-Qaida was presumptively to be tried in civilian courts like a normal criminal. But under the rules of war, under our Constitution and laws, and consistent with the history of the United States, it is perfectly permissible to capture an enemy combatant who is threatening us and to put them in jail and detain them, just like all prisoners of war have been detained, until the conflict is over.

No, we do not give them a trial. They are not entitled to lawyers. They are not entitled to go before a judge. They are prisoners of war. They are held in prisoner of war camps. They have to be humanely treated. They cannot be tortured. We have a specific statute about that, and I know we have had some instances where people said we are torturing. Some say it is not. But that is not the situation today. We are not close to the line of what is torture of anybody that is being held in custody today.

So the question is, What does the Department of Justice say? Well, they have made the statement that there is a presumption that these individuals should be tried in civilian courts. Congress, after several years of debate, finally passed a law that prohibited the funding of a civilian trial of any of the 9/11 terrorists who have been captured. Some have been held at the Guantanamo Bay detention facility. They have to be tried, if they are tried, before military commissions.

Military commissions have historical precedent. For example, in World War II, Nazi saboteurs entered the United States and attempted to attack us. They were captured. Trial was held within a few weeks by the military, and most of them were executed promptly. The Supreme Court, in ex parte Quirin, held that was perfectly appropriate.

Now, we cannot try a normal prisoner of war and execute them. We cannot do that. If a prisoner of war, however, violates the rules of war and commits crimes above and beyond the rules of war, then they can be tried and punished appropriately.

The 9/11 conspirators and other terrorists are wholly and totally committed to violating the rules of war. They attack innocent men, women and children. They attack noncombatants. That is all prohibited by the rules of war. They do not wear a uniform. If they want to have the protections of the rules of war, they have to wear a uniform when they go into combat. If they are captured, they have to be treated as prisoners of war. But if they have been sneaking into the United States surreptitiously, with a plot to bomb a target and murder innocent men, women, and children, then they have committed a war crime, and so they can be detained as prisoners of war and can be tried by the military as the war criminals they are.

So this has been a big battle, and we went through it for years. On the Judiciary Committee, of which I am a member, we had quite a bit of discussion about it in hearing after hearing. We somehow have tragically convinced the world that the American military is torturing people at Guantanamo, and it is not so. The people who were found to have been waterboarded and that kind of thing, it was not done at Guantanamo, and it was not done by the U.S. military. Zero.

At any rate, we had all of those debates, and we had fusses. We had lawsuits filed, and people were complaining about President Bush and all his policies. And we remember that. So now we are here with a series of people being appointed to the leadership of the Department of Justice, the law enforcement agency, the top prosecutors in the country, and those positions are being filled by the people—not who are prosecuting terrorists, not who know something about it, not skilled professional prosecutors who know how to do this job. The top positions are being filled with the people who protested.

Attorney General Holder himself has said that these cases ought to be tried in a civilian court. The Acting Deputy Attorney General, Mr. Cole, wrote an op-ed in the Legal Times saying the war on terror was a criminal matter, not a military matter.

Assistant Attorney General for the Civil Division, Tony West, defended John Walker Lindh, the American Taliban; the Acting Solicitor General, Neil Katyal, argued on behalf of Salim Ahmed Hamdan, bodyguard and chauffeur for Osama bin Laden, in Hamdan v. Rumsfeld, arguing that military commissions were illegal. These are some of the top positions in the entire Department of Justice: the Attorney General, a Deputy Attorney General of the Civil Division, and the Acting Solicitor General, and the person who is nominated to fulfill that spot.

So Mr. Verrilli, I believe, is a good man. In normal circumstances I would be willing to accept his nomination and vote for him. I am not going to try to slow it down. I am glad to have the vote and cast my vote. I am sure he will be confirmed. But it has been reported in the media that President Obama has now appointed 13 to 16 lawyers to high-ranking positions in the Department who themselves previously represented alleged terrorists or their supporters or were senior partners at their law firms when their firms decided to accept alleged terrorists as clients. Many of these lawyers, including Mr. Verrilli, support the view that terrorists are criminals and not unlawful combatants. It is all right to defend unpopular people, criminals who are unpopular. It is perfectly all right.

But I just want to say, as someone who loves the Department, I am concerned about the positions they are taking on the questions of the civilian trials of unlawful combatants.

I think it is wrong, and I have voted for the last one I am going to vote for to a top position at the Department of Justice who advocate that view. I think it places our Nation at greater risk. We do not need to be treating these individuals in that fashion.

As a practical matter, it works out this way. If you apprehend the Christmas Day bomber, he is treated as a civilian and he has to be given his Miranda rights within minutes of being arrested, which say that you can have a lawyer, you can remain silent, and you will be appointed a lawyer promptly. He has to be taken before a magistrate promptly—letting all his terrorist associates know he has been captured. He is entitled to discovery in the government's case in short order, and he is entitled to a speedy trial.

All of those things are part and parcel of the civil process. But if a suspected terrorist is captured as an unlawful combatant and detained by the military, he can be held as a prisoner of war, and he can be interrogated—not

tortured—over a period of weeks, or months; and the military does not have to appoint a lawyer for them. Unlawful combatants can be tried at Guantanamo Bay by a military commission—and potentially found in violation of the rules of war—which is what ought to happen in these cases.

But that is not the position of the Department of Justice. The Department has been populated with people who have a different view—I think a wrong view—of it. Although I have great respect for Mr. Verrilli and his record, which seems to be a good one, the fact that he is another voice in the Department for a wrong philosophy is something I will vote against by voting no.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, shall the Senate advise and consent to the nomination of Donald B. Verrilli, to be Solicitor General of the United States.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nebraska (Mr. NELSON), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from North Dakota (Mr. HOEVEN), and the Senator from Mississippi (Mr. WICKER).

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

The result was announced—yeas 72, nays 16, as follows:

[Rollcall Vote No. 85 Ex.]

YEAS—72

Akaka	Cornyn	McCaskill
Alexander	Durbin	McConnell
Ayotte	Enzi	Menendez
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Begich	Gillibrand	Murkowski
Bennet	Grassley	Murray
Bingaman	Hagan	Nelson (FL)
Blumenthal	Hatch	Portman
Blunt	Inouye	Pryor
Boozman	Johanns	Reed
Brown (MA)	Johnson (SD)	Reid
Brown (OH)	Kirk	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kyl	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Snowe
Coats	Lee	Stabenow
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	
Coons	Manchin	
Corker	McCain	
Udall (CO)	Warner	Whitehouse
Udall (NM)	Webb	Wyden

NAYS—16

Burr	Isakson	Rubio
Chambliss	Johnson (WI)	Sessions
Crapo	Moran	Shelby
DeMint	Paul	Vitter
Heller	Risch	
Inhofe	Roberts	

NOT VOTING—12

Boxer	Hoeven	Landrieu
Coburn	Hutchison	Nelson (NE)
Graham	Kerry	Tester
Harkin	Kohl	Wicker

The nomination was confirmed.

● Mr. KERRY. Mr. President, I was necessarily absent for the vote on the motion to invoke cloture on the nomination of Donald B. Verrilli, Jr. to be Solicitor General of the United States. If I were able to attend today's session, I would have supported the motion to invoke cloture.●

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

The majority leader.

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to S. 782, Calendar No. 38.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant 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.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk. I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 38, S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that act, and for other purposes:

HARRY REID, BARBARA BOXER, KENT CONRAD, JOHN F. KERRY, SHELDON WHITEHOUSE, AMY KLOBUCHAR, BENJAMIN L. CARDIN, JEFF BINGAMAN, JEFF MERKLEY, PATTY MURRAY, ROBERT MENENDEZ, JEANNE SHAHEEN, BERNARD SANDERS, FRANK R. LAUTENBERG, JACK REED, RICHARD J. DURBIN, DANIEL K. AKAKA.

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

30TH ANNIVERSARY OF HIV/AIDS IN THE U.S.

Mr. DURBIN. Mr. President, yesterday marked the 30th anniversary of HIV/AIDS in the United States. Thirty years ago, on June 5, 1981, the Centers for Disease Control and Prevention, CDC, published the first scientific report about five previously healthy men with what is now known as human immunodeficiency syndrome, HIV, and acquired immune deficiency syndrome, AIDS. Since that report, the face of HIV/AIDS has changed into a global epidemic with over 33.3 million people living with HIV. In the United States, over 1.1 million people are living with HIV and almost 600,000 people have died from the disease.

For three decades this preventable disease has devastated families and communities. But there has also been a global response from the research community, government, health workers, and patient advocates to fight this disease and save lives. This battle has yielded notable victories. In the U.S., prevention has saved over 350,000 lives and new infections have decreased by more than two-thirds since the height of the epidemic. Advancements have been made in HIV testing, which is at an all time high with 11.4 million more people being tested in 2009 compared to 2006. Biomedical innovations have created powerful drugs that can transform AIDS from a death sentence into a chronic disease.

The advancement in HIV/AIDS treatment is embodied by the experience of Keith Green. In 1994, when Keith was 17 years old and still a senior in high school on Chicago's South side, he was diagnosed with HIV and given 10 years to live. Keith's prognosis dimmed his hope of a future and he lived day to day ignoring the disease and forgoing medication and treatment. When Keith was hospitalized at the age of 25, seriously ill, and 50 pounds underweight, he assumed his 10 years had come a little early. Fortunately, during his hospitalization, Keith learned about HIV treatment options and started to envision a future for himself. Today, with the help of medication and community support, Keith is a leader in the fight against HIV/AIDS.

Keith's story illustrates that progress has certainly been made, but the U.S. must continue to be a leader in the fight against HIV/AIDS. In the United States over 1.1 million people have HIV, but one in five of these people do not know they are infected. Each year 56,300 Americans become infected with HIV. Most of these new infections are among people under the age of 30—young people who have never known a time without effective HIV treatment and who may not fully understand the health threat of HIV.

The burden of HIV/AIDS continues to be disproportionately borne by gay and bisexual men and African Americans

and Latinos. While Black Americans represent 12 percent of the U.S. population, they account for almost half of people living with HIV and half of new infections each year. We can win the fight against HIV/AIDS, but our national strategy must focus on eliminating these disparities.

The U.S. has been at the frontline combating the AIDS pandemic. We have established aggressive and effective programs, notably the Ryan White HIV/AIDS Program and the Tom Lantos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Act, known more commonly as PEPFAR. This year, as part of the National HIV/AIDS Strategy the CDC started implementing a 12 city demonstration project to enhance HIV prevention and reduce disparities. In my home State, Chicago is among the 12 cities included in the demonstration project. With over 14,000 AIDS cases, Chicago has one of the Nation's largest AIDS populations and is an appropriate battleground to enhance HIV/AIDS prevention, treatment, and access to care.

As we enter a fourth decade of the AIDS epidemic, we remember the 25 million people who have been lost to this disease and renew our commitment to fighting the AIDS epidemic, to eliminating stigma against those with this disease, and to stopping the spread of HIV.

I look forward to working with my colleagues to make these goals a reality.

TRIBUTE TO DR. SUSAN STONE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the astounding achievements of a dedicated Kentuckian. Worthy of recognition for her contributions to the advancement of rural health care, Dr. Susan Stone has devoted much of her life to the practice of nursing and bettering the lives of women, children, and families around the country.

Dr. Stone received her first degree in nursing in 1974 and her bachelor's of science from the State University of New York. She obtained her doctor of nursing from the University of Tennessee Health Science Center, as well as her postmasters in nurse midwifery at the very school she is currently president and dean of, the Frontier School of Midwifery and Family Nursing in Hyden, KY.

Educated in many facets of medicine, Dr. Stone has worked as a nurse and a childbirth educator as well as a certified nurse midwife. Then in 2001 she found a way to make an even greater contribution to Kentuckians' health, as she was named president and dean of the Frontier School. Following in the footsteps of the Frontier School's founder, Mary Breckinridge, Dr. Susan Stone continues to seek to improve health care in Kentucky's rural and underserved areas. Expanding the school over the past 5 years to over 1,000 students from across the world, Dr. Stone has made a major impact on its growth. Expected to become the No. 1 education provider of advanced practice nurses in the future, the Frontier School now provides master's as well as doctoral degrees.

About 75 percent of students enrolled in the Frontier School are from rural counties, furthering Dr. Stone's vision of improving health education and the availability of health assistance around the State. And since her involvement with the school, it has recently received three prestigious rankings in U.S. News and World Report.

For her incredible hard work and devotion to medicine, Dr. Susan Stone was named the National Rural Health Association's Distinguished Educator of the Year 2011. Kentucky is fortunate to have driven, focused women like Dr. Susan Stone, as she continues to educate and aid more students who will take their practice of medicine around the world.

Mr. President, the Leslie County News recently published an article highlighting the life and achievements of Dr. Susan Stone. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Leslie County News, May 12, 2011]

FRONTIER SCHOOL'S PRESIDENT AND DEAN, DR. SUSAN STONE, NAMED NRHA'S DISTINGUISHED EDUCATOR OF THE YEAR

With great pride, the Frontier School of Midwifery and Family Nursing announces that Dr. Susan Stone, the school's president and dean, has been named the National Rural Health Association's Distinguished Educator of the Year for 2011. Dr. Stone was honored on May 5 during the 34th Annual Rural Health Conference in Austin, Texas. Dr. Stone's devotion to a career of advancing the education of rural health care providers throughout the United States made her a deserving recipient of this prestigious national award. Dr. Stone, who has led Frontier as its president and dean since 2001, has been instrumental in the growth and success of the Frontier School, a distance-learning graduate school of nursing with a historic campus in Hyden, Kentucky. Today, the school offers nationally rated master's and doctoral degree programs and educates nurses to become nurse-midwives, family nurse practitioners and women's health care nurse practitioners. Enrollment at Frontier has grown from just 200 students in 2006 to a current enrollment of over 1,000 students representing all fifty states and many countries. Stone has maintained a focus on educating nurses who will serve rural and underserved populations which is evidenced by the fact that 75% of students enrolled in 2010 resided in rural counties and/or health professional shortage areas. Thanks to Dr. Stone's commitment and leadership, Frontier graduates are most certainly increasing access to quality healthcare for those that need it most. The school was founded in 1939 by the visionary Mary Breckinridge, who years earlier founded the Frontier Nursing Service in the mountains of southeastern Kentucky to provide healthcare to women, children and families. Frontier is considered the birthplace of nurse-midwifery and family nursing in America. Dr. Stone's passion for the vision of Mary Breckinridge, who with her nurses traveled on horseback to deliver care and attend births in Appalachia, is evidenced by the school's continued commitment to educate advanced practice nurses to serve in rural and underserved areas. Mary Breckinridge wanted to see her work replicated throughout the nation and world, and Dr. Stone has embraced that vision by educating students from all 50 states and several countries, taking Frontier's philosophy of care across the globe. Like Frontier's founder, Dr. Stone has devoted her career to improving healthcare for women and families. Dr. Stone received her first nursing degree in 1974, later followed by a bachelor's of science in nursing from the State University of New York. Dr. Stone worked as nurse, a certified childbirth educator and later as a certified nurse-midwife in New York, after receiving her post-master's certificate in nurse-midwifery from the Frontier School in 1991. During the '90s, while still practicing, she served on the distance-learning faculty of the Frontier School. Dr. Stone, who earned her Doctor of Nursing Practice degree from the University of Tennessee Health Science Center, has been instrumental in expanding the Frontier School's outreach worldwide, through a unique melding of online learning and real-world clinical experiences. The school recently received three high-profile rankings from US News and World Report: Frontier School of Midwifery and Family Nursing is ranked #13 in Nurse-Midwifery programs, #14 in Nurse Practitioner education programs and #50 in Nursing—among all accredited schools in the country. The work and commitment of Frontier graduates toward meeting rural health care needs could fill an entire book. With Dr. Stone's expert guidance, determination, passion and Frontier school is poised to become the No. 1 education provider of advanced practice nurses to serve rural areas, both domestically and internationally.

TRIBUTE TO ERNEST RAY RUDDER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a distinguished Kentuckian, a self-described ''jack of all trades'' who has come through for his family, friends and neighbors time and again. Whether it is as a teacher, a law-enforcement officer, a fireman, a father, a grandfather or a great-grandfather, people know they can always rely on Mr. Ernest Ray Rudder.

Mr. Rudder—or, to those who know him, E.R.—has worn many hats throughout his life. Born in Laurel County, KY, in 1947, E.R. attended Bush School and Berea College, then transferred to Cumberland College where he earned his bachelor of science degree in biology and chemistry. During his college years he also married his childhood sweetheart Judy Hacker, and they have been married now for 44 years.

E.R. began work as a teacher, teaching all subjects, including chemistry and biology, in Clay, Jackson and Laurel Counties. He also worked for many years as a school assistant principal and principal. In 2000, E.R. retired from

teaching after more than three decades of service.

But an easy retirement spent in a rocking chair was not for E.R. He was one of the charter members of the Bush Volunteer Fire Department, organized in 1975. While still serving as a school principal, he had worked occasionally as a sworn-in deputy for the Laurel County Sheriff's Office, transporting inmates. Now in retirement, he renewed his commitment to law enforcement. Recently promoted to administrative sergeant, he has worked for the Laurel County Sheriff's Office for the last 2½ years under two sheriffs.

''No matter how small the complaint, it is a legitimate concern for them,'' E.R. says of the people he works to serve and protect. And luckily for E.R., he has not gotten into any, as he likes to call them, ''bugtussles'' of the dangerous variety.

E.R. has also worked as a school bus driver, an assistant manager at a restaurant and as a chemist for the London Utility Commission. He is a member of Providence Baptist Church and a deacon there since 1985. When his wife Judy is asked what E.R. does in his spare time, she answers, ''He has no spare time.''

Kentucky is lucky to have men like Ernest Ray Rudder, who works hard to protect and provide for his family and his community. I am sure his wife Judy, his children, his grandchildren and his great-grandson are very proud.

Mr. President, the Sentinel Echo recently published an article illuminating Mr. Ernest Ray Rudder's life and his career. I ask unanimous consent that the full article be printed in the RECORD.

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

[From Sentinel Echo Laurel County, Feb. 21, 2011]

RUDDER HAS LIVED EVERY LIL' BOY'S DREAM

(By Sue Minton)

Have you passed someone on the street or in the mall, looked at them in church or school, or just seen them out your car window and wonder where have they been or where are they going, and what is their story?

It's easy to forget that everyone has a story to tell and when we take the time to ask questions and listen, we find that every person has a fascinating story to tell and a unique perspective from which to tell it.

Ernest Ray Rudder's—E.R. to those who know him best—story began May 14, 1947 when he was born, at home, to Birchell and Maxine Rudder, the oldest of three children.

''I was born in a little white house on East 80, grew-up on Tom Cat Trail, and moved back to East 80,'' he said.

Rudder attended Bush School graduating in 1965 and attended Berea College for 1½ years.

He, along with his new bride transferred to Cumberland College graduating in 1969 with a bachelor of science degree in biology and chemistry.

Rudder and his childhood sweetheart, Judy Hacker, will be married 44 years in May.

''She was only girl I ever dated,'' he said. ''We met in Sunday School class.''

Judy said they met when she was in the eighth grade. E.R. said they met before that.

''But I didn't notice you before then,'' Judy said laughing.

''I noticed you,'' he said. ''With your pigtails and big brown eyes.''

''Her mom, Granny Hacker, was my Sunday School teacher, and Judy was in the class.''

After receiving his degree, Rudder began his career as an educator in Clay County, teaching all subjects to seventh and eighth graders at Paces Creek. ''This was an experience,'' he recalled. ''I had some famous people in the class, like Gary Gregory, the current Clay County Commonwealth Attorney, for one. And another was the late Cecil Darrell Hooker.''

Rudder remembers there being seven seventh graders and 17 eighth graders in the class. ''I was 21-years-old and one of the eighth-grade students was 18.''

Rudder taught at Paces Creek for half-a-year and the following two years were spent teaching in Jackson County. After which he returned to Laurel County, teaching chemistry and biology for 13 years at Laurel County High School.

''I absolutely loved teaching. I loved the part where you could teach and actually see the students experience the learning part,'' he said. ''And when you could really have fun teaching.''

''When you saw them light-up, you knew they 'got-it','' he added. ''And the students learned because they wanted to, not because they had to know it on some test.''

Rudder said some of his former students are now doctors, attorneys, teachers and Pentagon officers, and unfortunately some who wear orange jumpsuits.

After 15½ years, Rudder left the classroom for a principal's position at the former Felts Elementary. For 16 years he held principalships at Felts Elementary (four years), assistant principal at Laurel County High School (three years), and Sublimity Elementary (nine years).

Rudder retired in 2000 after 31½ years of teaching and caring for the students of Laurel County.

Rudder recalls the ''editorial'' he included in the last newsletter he prepared for his staff and students at Sublimity Elementary. ''I told them 'Every little boy wants to be a policemen, fireman or teacher and I have been all three. I have been a volunteer fireman for over 30 years and a part-time policeman. So I have succeeded at what all little boys dream of a I threw 30 some years of teaching in there for fun.''

Rudder was one of the charter members of Bush Volunteer Fire Department that was organized in 1975. Except for a couple of years he has been secretary/treasurer.

And during his principalship at Sublimity Elementary he worked occasionally with the Laurel County Sheriff's Office transporting inmates.

''I was sworn-in as a deputy in 1994,'' he said.

''And, I once ran for sheriff,'' he added.

Retirement for Rudder was short lived, lasting less then two weeks.

''I knew when I retired from the school system that I wanted to work with the sheriff's department,'' he said. ''But, I planned on taking some time off. I left school on June 21 and started at the S.O. July 5.''

Ruder has worked for the past two sheriffs and the last 2½ years he has worked the roads. He was recently promoted to administrative sergeant, and some of his duties include walk-in reports, accident reports, sending reports to Frankfort and logging, cataloging and transporting evidence.

''I enjoy answering calls, reacting with and helping the people when you can,'' he said. ''I try to help the S.O. have a good image and know that it is serving the people.''

When Rudder was asked about taking the administrative position he said he was not dumb enough to think that a 63-year-old man should be out there chasing young punks. ''You are inviting trouble,'' he added. ''And I have been lucky, I have not got into any bugtussles, but I have talked several down.''

Rudder said there is something new everyday. ''A lot of times you will hear the same story but from different people. You never know what or who is going to walk in. No matter how small the complaint, it is a legitimate concern for them.''

''People think that everything they see on NCIS or CSI we can do,'' he added. ''I tell them 'if Gil Grissom was here, it is untelling what we could do, but in the real world, we're not able to do all that'.''

''Like teaching, I absolutely love working for the S.O.,'' he added.

Educating and protecting the citizens of Laurel County was only two of Rudder's jobs.

During his teaching career he also drove a school bus, was assistant manager at Burger Queen and was a chemist for the London Utility Commission.

Rudder drove a school for 13 years, mostly the Marydell route.

''But, my first route was in the Sinking Creek area,'' he added. ''Judy took over my route when I quit and drove for seven years and today Kay Bowling (Rudder's sister) drives the route.''

Rudder remembers his Uncle George driving basically the same bus route 50 years ago.

With the jobs Rudder has had and his work schedule today when asked what he does in his spare time, Judy was quick to answer, he has no more spare time.''

But Rudder said he doesn't feel like he is pushed. ''I would go crazy if I didn't have something to do.''

''I like to read history and historical books,'' he said. ''Over Christmas I read George W. Bush's new book ''Decision Points.'' Loved it. I'm now reading ''15 Stars.'' I watch the History Channel and classic westerns, ''Pawn Stars'' and ''The Pickers'' with a cop show or two thrown in.''

''He is also clerk, treasurer and Sunday school director at church,'' Judy added.

Rudder has been a member of Providence Baptist Church since 1964 and a deacon since 1985.

When asked how he keeps finances from the church, fire department and home straight, he replied laughing ''Judy takes care of all personal finances, and I take care of the rest.''

Rudder said his biggest regret was not being around much when his daughter, Dawn, was growing up. And his biggest rewards are his grandchildren and Easton, his great-grandson.

''Dawn and Marc have grown up so fast,'' he said. ''And what can you say about your grandchildren and great-grandchild. And the hardest thing I've ever faced was when we lost Susan, our 18-year-old granddaughter.''

Rudder describes himself as a ''Jack of all trades and a master of none.''

INTENT TO OBJECT

Mr. GRASSLEY. Mr. President, I, Senator Grassley, intend to object to the consideration of S. 520, S. 530, S. 871, and S. 1057. These bills would eliminate or modify current incentives for the production and use of domestic, renewable biofuels. I object to their consideration because they would lead to greater dependence on foreign oil, increased prices at the gas pump for

consumers, increased greenhouse gas emissions, and the loss of U.S. jobs. They also represent poor tax policy.

HONORING OUR ARMED FORCES

STAFF SERGEANT JOSEPH J. HAMSKI

Mr. GRASSLEY. Mr. President, with sadness, I rise to pay tribute to the life of Air Force SSG Joseph J. Hamski who died in the Shorabak district of Kandahar Province, Afghanistan on May 26, 2011, of wounds suffered when enemy forces attacked his unit. My thoughts and prayers go out to his wife, SSG Maria Christina Hamski, his mother Mary Ellen, and all his other family and friends who are grieving his loss.

Staff Sergeant Hamski had served two tours in Iraq and was serving his second tour in Afghanistan. He was an explosives disposal specialist and was reportedly very good at his job. According to his mother, ''He loved life, but when he was working, he was intense.'' She also observed that, ''He was modest: He'd say, 'I just do my job so everyone can do their job.' '' He also told a friend that if he didn't come back, he didn't want people to make it a big deal.

While I don't mean to go contrary to his wishes, I cannot fail to pay tribute to his selfless service and tremendous sacrifice. Where would our country be without humble, hardworking, self-sacrificing patriots like Joseph Hamski? We owe him and his comrades in arms nothing short of our freedom and our way of life, a debt we can never repay but must never forget.

TRIBUTE TO COLONEL LAURA RICHARDSON

Mr. UDALL of Colorado. Mr. President, today I wish to recognize the dedication and selfless service of Colonel Laura J. Richardson, who has served as the chief of the Army's Senate Liaison Division since October, 2009. As a member of the Secretary of the Army's Office of Legislative Liaison, Colonel Richardson was responsible for advising Army senior leadership on legislative and congressional issues and for educating Senators and staff on Army matters. Colonel Richardson's outstanding leadership and hard work was made clear by the tremendous support that she and her office provided to the U.S. Senate for both sessions of the 111th Congress and the first session of the 112th Congress.

It is a personal honor and a privilege to recognize Colonel Richardson today on the floor of the U.S. Senate. She is a native of the great State of Colorado and was a tremendous athlete at Northglenn High School. She attended Metropolitan State College in Denver, and upon graduation; she was commissioned as a second lieutenant in the U.S. Army. She then attended flight school and earned her wings as an Army aviator.

Colonel Richardson's career highlights include a variety of command and staff positions including three years of service in the 17th Aviation Brigade in Korea. She went on to serve on the III Corps Staff, with the 6th Cavalry Brigade, and with the 101st Airborne Division, Air Assault. She was also selected to serve as the military aide to Vice President Gore from 1999 to 2001, and following her tour at the White House, she returned to the 101st to take command of the 5th Battalion, 101st Aviation Regiment. Colonel Richardson's skill and leadership were clearly displayed when she led 5th Battalion into Iraq in support of Operation Iraqi Freedom in March 2003. Following her highly successful battalion command, she served in a variety of positions on the Army staff in the Pentagon and as the installation commander at Fort Myer, VA.

Throughout her service to our Nation Laura has been a shining example for the people of Colorado and the United States. Her selfless service, professionalism, and outstanding performance in each of her assignments led to her recent selection for the rank of brigadier general. This well-deserved promotion will take her to Fort Hood, TX, where she will serve the next commanding general of the Operational Test Command. That move will also reunite Laura with her husband, BG Jim Richardson, who is currently serving at Fort Hood. I want to say a special thank you to their daughter Lauren. She is a wonderful young woman, and she is a great role model for other military children.

I am proud to call Colonel Richardson a friend and a fellow Coloradan. Her tireless work helped to further strengthen the relationship between the Senate and the Department of the Army, and through her leadership, new doors were opened between our proud institutions. We will miss her here in the Senate, but I know that she will continue to excel in her next assignment and any endeavor that follows. On behalf of my colleagues and all Coloradans, thank you for your service, Laura, and all the best to you and your family.

NORTH CAROLINA VETERANS PARK

Mrs. HAGAN. Mr. President, it is with great pride that I recognize the dedication of the North Carolina Veterans Park. This park will give visitors the opportunity to reflect on the sacrifices made by the courageous women and men of our armed services. The park and its beautiful visitor center, walking paths, and public art honor the lives and service of North Carolina veterans. As a Senator from North Carolina and a member of the Armed Services Committee, I am committed to ensuring our veterans receive the respect they deserve.

Mr. President, I ask unanimous consent to have printed in the RECORD a resolution that was passed unanimously by the North Carolina House and North Carolina Senate. The resolution honors the dedication of the North Carolina Veterans Park in Fayetteville, NC.

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

Whereas, the citizens of North Carolina have a long and proud history, dating to this country's birth, of paying special honor and respect to its sons and daughters who protect our country's freedoms; and

Whereas, the lands of North Carolina and our country are enjoyed by all its citizens due to the unending efforts and sacrifices made by all of our veterans; and

Whereas, North Carolina is proud to be the home to Cherry Point Air Station, 8 Charlotte Air National Guard, Camp Lejeune, U.S. Coast Guard Air Station Elizabeth City, Fort Bragg, Pope Air Force Base, New River Air Station, and Seymour Johnson Air Force Base; and

Whereas, North Carolina is proud to call itself the most military friendly state in America and, as a state, North Carolina has one of the highest percentages of veterans in America; and

Whereas, July 4, 2011, will mark the dedication of the North Carolina Veterans Park; and

Whereas, the purpose of the North Carolina Veterans Park is to honor all North Carolina veterans and be a composition of objects, spaces, and images that symbolize gratitude, reflection, celebration, and education, and commemorate achievement, service, dedication, and sacrifice; and

Whereas, the North Carolina Veterans Park is located in Fayetteville, North Carolina, home of Fort Bragg and Pope Air Force Base, and is adjacent to the Airborne and Special Operations Museum, which is a part of the United States Army Museum System, providing an exciting educational experience and preserving the legend of airborne and special operation forces; and

Whereas, the North Carolina Veterans Park will consist of seven water features and public art representing participation of individuals from across the State; and

Whereas, the hands of 100 veterans were cast to honor and represent every county in North Carolina and are displayed in this park's Wall of Oath; and

Whereas, soil from each of the State's 100 counties will be included in the construction of the columns in the park; and

Whereas, public art sculptures in the public plaza at the North Carolina Veterans Park signify our veterans' commitment, courage, dedication, heroism, sacrifice, service, and strength, as well as the incredible talents of our State's artist; and

Whereas, the city of Fayetteville has directed the design and construction of the North Carolina Veterans Park to meet or exceed all guidelines and guidance provided by a large segment of the veteran population, including Content Committee members from all five branches of the military service;

Now, therefore, be it resolved by the Senate:

SECTION 1. The Senate joins the citizens of this State in expressing its pride and gratitude to the veterans of this State for their service, dedication, and sacrifice in protecting the freedoms of this country and designates July 4, 2011, as North Carolina Veterans Park Day.''

SECTION 2. This resolution is effective upon adoption.

ADDITIONAL STATEMENTS

TRIBUTE TO PETER P. HENRY

• Mr. THUNE. Mr. President, today I wish to recognize Peter P. Henry for his many years of service to the veterans of our country, including a very long and successful career spent serving as the senior executive director of the Department of Veterans Affairs Black Hills Health Care System. He will be retiring in July after 41 years of Federal service which includes a 16-year period with the Black Hills Veterans Affairs, VA.

A strong advocate of personal and professional development, Peter enhanced his skills and experience through completion of a graduate degree in health care administration before going on to become executive director of the Black Hills VA. Throughout his tenure with the VA, he has worked tirelessly to provide services to all South Dakota veterans, even those from rural and reservation areas, making sure that every veteran has access to quality care. During his years of public service, he has provided care to over 400,000 veterans and touched the lives of over 20,000 VA health administration staff members.

In his time with the VA, Peter has received many notable awards, including the Meritorious Presidential Rank Award. He was awarded this prestigious honor in 1998 and 2010. It is awarded to only 1 percent of career civil service executives who consistently demonstrate strength, integrity, and a persistent commitment to excellence in civic service.

I would like to express my personal and sincere appreciation to Peter for his outstanding service to the veterans of our great country. I wish him and his family happiness in the years to come.•

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 26, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

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

Under the authority of the order of the Senate of May 26, 2011, the enrolled bill was subsequently signed on May 26, 2011 by the Acting President pro tempore (Ms. KLOBUCHAR).

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 31, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following resolution:

H. Res. 278. Resolution that Father Patrick J. Conroy of the State of Oregon, be, and is hereby, chosen Chaplain of the House of Representatives.

The message also announced that pursuant to 22 U.S.C. 1928a, clause 10 of rule 1, and the order of the House of January 5, 2011, the Speaker appointed the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. LARSON of Connecticut.

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on June 1, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following bill, without amendment:

S. 1082. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 16. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on June 1, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 754. An act to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 1082. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

Under the authority of the order of the Senate of May 26, 2011, the enrolled bills were subsequently signed on June 1, 2011 by the Acting President pro tempore (Mr. WEBB).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 802. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a VetStar Award Program.

H.R. 1194. An act to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs.

H.R. 1484. An act to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs.

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal years, and for other purposes.

H.R. 2017. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

MEASURES REFERRED

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

H.R. 802. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a VetStar Award Program; to the Committee on Veterans' Affairs.

H. R. 1194. An act to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs; to the Committee on Finance.

H.R. 1484. An act to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

H.R. 2017. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 26, 2011 she had presented to the President of the United States the following enrolled bill:

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

The Secretary of the Senate reported that on June 1, 2011, she had presented to the President of the United States the following enrolled bill:

S. 1082. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business

Investment Act of 1958, and for other purposes.

MEASURES PLACED ON THE CALENDAR

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

S. 1125. A bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1884. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 08–02; to the Committee on Appropriations.

EC–1885. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John T. Sheridan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1886. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Donald C. Wurster, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1887. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General William G. Webster, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1888. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1889. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1890. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1891. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Roswell Springsnail, Koster's Springsnail, Noel's Amphipod, and Pecos Assiminea'' (RIN1018-AW50) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Environment and Public Works.

EC–1892. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Reclassification of the Tulotoma Snail from Endangered to Threatened'' (RIN1018-AX01) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Environment and Public Works.

EC–1893. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Revised Designation of Critical Habitat for Astragalus jaegerianus (Lane Mountain milk-vetch)'' (RIN1018-AW53) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Environment and Public Works.

EC–1894. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC–1895. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Oman and Greece for the sale of three C-130J aircraft including associated spares and support equipment; to the Committee on Foreign Relations.

EC–1896. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Italy in support of the manufacture, test, repair and maintenance of the G-2000 Dynamically Tuned Gyroscope product family for end use in the Joint Strike Fighter, Turret Stabilization, and ASPIDE and ASTER missile programs; to the Committee on Foreign Relations.

EC–1897. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture of select F110–GE–129 engine components; to the Committee on Foreign Relations.

EC–1898. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the proposed transfer of major defense equipment from the Government of the Netherlands to the government of Jordan with an original acquisition cost of $25,000,000; to the Committee on Foreign Relations.

EC–1899. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Algeria for the manufacture of the various RF Tactical Radio Systems and Accessories in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–1900. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0068–2011–0089); to the Committee on Foreign Relations.

EC–1901. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Jurisdictional Separations and Referral to the Federal-State Joint Board'' ((RIN3060–AJ06) (FCC 11–71)) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1902. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Kalispell, MT'' (MB Docket No. 11–20; RM–11619) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Commerce, Science, and Transportation.

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. DEMINT:

S. 1143. A bill to amend title 5, United States Code, to provide that agencies may not deduct labor organization dues from the pay of Federal employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself, Mr. ENZI, Mr. BARRASSO, and Mr. MERKLEY):

S. 1144. A bill to amend the Soda Ash Royalty Reduction Act of 2006 to extend the reduced royalty rate for soda ash; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. FRANKEN):

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; to the Committee on the Judiciary.

By Mr. BEGICH:

S. 1146. A bill to establish a pilot program under which veterans in the State of Alaska may receive health care benefits from the Department of Veterans Affairs at non-Department medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL (for himself, Mr. MORAN, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. GRASSLEY):

S. 1147. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and service to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 1148. A bill to amend title 38, United States Code, to improve the provision of assistance to homeless veterans, to improve

the regulation of fiduciaries who represent individuals for purposes of receiving benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. CHAMBLISS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 13, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 20

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 28

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 219

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 418

At the request of Mr. HARKIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 462

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 462, a bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 556

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 570

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mr. NELSON) 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. 648

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

S. 649

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 649, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 703

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 703, a bill to amend the Long-Term Leasing Act, and for other purposes.

S. 717

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 717, a bill to establish an advisory committee to issue nonbinding governmentwide guidelines on making public information available on the Internet, to require publicly available Government information held by the executive branch to be made available on the Internet, to express the sense of Congress that publicly available information held by the legislative and judicial branches should be available on the Internet, and for other purposes.

S. 740

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

S. 741

At the request of Mr. UDALL of New Mexico, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 741, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 800

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 814

At the request of Mr. MANCHIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 814, a bill to require the public disclosure of audits conducted with respect to entities receiving funds under title X of the Public Health Service Act.

S. 866

At the request of Mr. TESTER, the names of the Senator from Oregon (Mr. WYDEN), the Senator from North Carolina (Mrs. HAGAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 868

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 868, a bill to restore the long-standing partnership between the States and the Federal Government in managing the Medicaid program.

S. 877

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 877, a bill to prevent taxpayer-funded elective abortions by applying the longstanding policy of the Hyde amendment to the new health care law.

S. 906

At the request of Mr. WICKER, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 958

At the request of Mr. CASEY, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Kansas (Mr. MORAN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors 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. 960

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1006

At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1006, a bill to allow seniors to file their Federal income tax on a new Form 1040SR.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. TOOMEY) 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. 1045

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1045, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, burns, infection, tumor, or disease.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Delaware (Mr. COONS), the Senator from Oregon (Mr. WYDEN) and the Senator from Connecticut (Mr. BLUMENTHAL) 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. 1053

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1053, a bill to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) 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. 1064

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1064, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. 1097

At the request of Mr. KYL, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1097, a bill to strengthen the strategic force posture of the United States by implementing and supplementing certain provisions of the New START Treaty and the Resolution of Ratification, and for other purposes.

S. 1113

At the request of Ms. MURKOWSKI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1113, a bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. COONS), the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Idaho (Mr. CRAPO) and the Senator from Louisiana (Mr. VITTER) 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. 199

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 199, a resolution supporting the goals and ideals of ''Crohn's and Colitis Awareness Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. ENZI, Mr. BARRASSO, and Mr. MERKLEY):

S. 1144. A bill to amend the Soda Ash Royalty Reduction Act of 2006 to extend the reduced royalty rate for soda ash; to the Committee on Energy and Natural Resources.

Mr. President, today my colleagues Sen. BARRASSO, Sen. ENZI, Sen. MERKLEY, and I are introducing the Soda Ash Competition Act. Soda ash, or ''disodium carbonate'', is an industrial mineral used in the production of glass and other products. In 2006, in response to efforts by foreign competitors to subsidize non-U.S. production and gain competitive advantages in the world market, including the partial suspension of value added taxes, VAT, by China, Congress enacted legislation to provide a partial suspension of Federal royalties on the ore mined to produce soda ash on Federal lands for 5 years. This royalty relief reduced the Federal royalty rate from 6 percent to 2 percent and helped U.S. soda ash producers to remain competitive in the international market. Over the past 5 years, the U.S. industry has been able

to invest hundreds of millions of dollars in production capacity and maintain its market here and abroad. As a result, American companies and workers have provided important economic activity here at home, provided a U.S. export valued at nearly $1 billion a year, all while continuing to generate tens of millions of dollars to the Treasury in mineral royalties.

Foreign competition continues to be an issue for the U.S. soda ash industry, including unfair manipulation of value added taxes that would otherwise be levied on competing foreign supplies. In 2007, China resumed its practice of suspending part of the 17 percent VAT on synthetic soda ash to aid its domestic producers. On May 31, 2011, members of both the House and Senate wrote to Commerce Secretary Gary Locke and U.S. Trade Representative Ron Kirk requesting this unfair trade practice be raised with China through the Joint Commission on Commerce and Trade.

The current statutory royalty relief authority for soda ash expires on October 12, 2011, and this bill would extend that authority for five more years. The Department of Interior is currently preparing an analysis, which will provide further information on the impact of the current soda ash royalty relief and foreign competition on U.S. producers. This study is required by the same 2006 law that authorized the current royalty reduction in order to give Congress additional information to consider a future extension. We had hoped that this analysis would have been completed by now and first wrote to the Secretary of Interior over a year ago seeking to expedite completion of the Department's work. Unfortunately, the analysis has not been completed and the statutory clock is ticking. My colleagues and I are introducing the bill at this time because, given the looming deadline, the Senate needs to begin examination of this matter sooner rather than later.

We look forward to working with our colleagues on the Energy and Natural Resources Committee and the Senate to address this issue before time runs out on the current authority and U.S. soda ash production of this important mineral loses this tool to offset foreign production subsidies.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, May 31, 2011.

Hon. GARY LOCKE,
U.S. Secretary of Commerce, Constitution Ave., NW., Washington, DC.

Hon. RON KIRK,
U.S. Trade Representative, 600 17th Street, NW., Washington, DC.

DEAR SECRETARY LOCKE AND AMBASSADOR KIRK: We are writing to express our continued concerns about China's use of a Value-Added Tax (VAT) rebate to promote its soda ash industry at the expense of U.S. exports. For over two years, China has provided its domestic manufacturers with an artificial incentive to export through a 9% rebate of the 17% VAT. For a number of reasons, we ask that the issue of the soda ash VAT rebate be specifically included on the JCCT agenda this fall.

After suspending its VAT rebate for soda ash in July 2007, China reinstated the soda ash rebate in April 2009 to encourage its own exports during the global economic crisis. China's state-supported soda ash industry is the largest in the world and this policy is harmful to its international competitors, particularly U.S. soda ash manufacturers. As you may know, U.S. soda ash has a natural advantage over Chinese soda ash, based on a manufacturing process that is much more sustainable in terms of environmental protection and energy use than the synthetic processes used in China. China's manipulation of the VAT rebate to support its domestic soda ash industry also has wider implications—not only is it economically unjustified, it contravenes China's own interests in shifting energy resources from more productive and efficient industries.

We must focus on Chinese policies that are a direct threat to U.S. exports and U.S. jobs. The soda ash VAT rebate is one such policy. Chinese exports compete directly with U.S. soda ash exports in the Asia-Pacific market and beyond. Although the VAT is just one part of China's overall industrial policy, the soda ash VAT rebate is a distinct threat to U.S. manufacturing in a sector where the United States enjoys a natural competitive advantage. If we don't stand up for the pillars of our export-based manufacturers like the soda ash industry—and the U.S. workers employed throughout the soda ash supply chain—we cannot seriously contend we are doing everything we can to support U.S. exports.

We ask that the Department of Commerce and the U.S. Trade Representative's Office ensure that the soda ash VAT rebate is raised at the highest levels with Chinese officials at the JCCT meetings this year. The message should be as clear as it is convincing; namely, China should live up to its repeated pledge to discourage the expansion of highly-polluting and energy-intensive sectors such as its own soda ash industry. Policies aimed at promoting soda ash exports, such as the VAT rebate, are inconsistent with China's own stated goals and a direct threat to U.S. interests.

We greatly appreciate your consideration of this request and look forward to your response.

Senator Michael B. Enzi; Senator John Barrasso, M.D.; Representative David Wu; Senator Joseph I. Lieberman; Senator Robert Menendez; Representative Cynthia Lummis; Senator Ron Wyden; Senator Jeff Merkley; Representative James A. Himes; Senator Frank Lautenberg.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. FRANKEN):

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; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I reintroduce the Civilian Extraterritorial Jurisdiction Act, CEJA. The United States has dramatically more Government employees and contractors working overseas than ever before, but the legal framework governing them is unclear and outdated. To promote accountability, Congress must make sure that our criminal laws reach serious misconduct by American Government employees and contractors wherever they act. The Civilian Extraterritorial Jurisdiction Act accomplishes this important and common sense goal by allowing United States contractors and employees working overseas who commit specific crimes to be tried and sentenced under U.S. law.

Tragic events in Iraq and Afghanistan highlight the need to strengthen the laws providing for jurisdiction over American Government employees and contractors working abroad. In September 2007, Blackwater security contractors working for the State Department shot more than 20 unarmed civilians on the streets of Baghdad, killing at least 14 of them, and causing a rift in our relations with the Iraqi government. Efforts to prosecute those responsible for these shootings have been fraught with difficulties, and our ability to hold the wrongdoers in this case accountable remains in doubt.

I worked with Senator SESSIONS and others in 2000 to pass the Military Extraterritorial Jurisdiction Act, MEJA, and then, again, to amend it in 2004, so that U.S. criminal laws would extend to all members of the U.S. military, to those who accompany them, and to contractors who work with the military. That law provides criminal jurisdiction over Defense Department employees and contractors, but it does not explicitly cover people working for other Federal agencies, like the Blackwater security contractors. Had jurisdiction in the tragic Blackwater incident been clear, FBI agents likely would have been on the scene immediately, which could well have prevented some of the problems that have plagued the case.

Other incidents have made all too clear that the Blackwater case was not an isolated incident. Private security contractors have been involved in violent incidents and serious misconduct in Iraq and Afghanistan, including other shooting incidents in which civilians have been seriously injured or killed. As the military missions in Iraq and Afghanistan wind down, MEJA will no longer cover the thousands of contractors and employees who stay on. The legislation I introduce today fills this gap.

Last month, the Senate Judiciary Committee heard testimony from the Justice Department and from experts in the area of contractor accountability about the many diplomatic and national security benefits of expanding criminal jurisdiction over American employees and contractors overseas. The hearing also explored how best to ensure that our Nation's intelligence activities would not be impaired by CEJA. The legislation I propose today has been carefully crafted to ensure that the intelligence community can continue its activities unimpeded.

This bill would also provide greater protection to Americans, as it would lead to more accountability for crimes committed by U.S. government contractors and employees against Americans working abroad. In the last Congress, the Committee heard testimony from Jamie Leigh Jones, a young woman from Texas who took a job with Halliburton in Iraq in 2005 when she was 20 years old. In her first week on the job, she was drugged and gangraped by coworkers. When she reported this assault, her employers moved her to a locked trailer, where she was kept by armed guards and freed only when the State Department intervened.

Ms. Jones testified about the arbitration clause in her contract that prevented her from suing Halliburton for this outrageous conduct, and Congress has moved to change the civil law to prevent that kind of injustice. Criminal jurisdiction over these kinds of atrocious crimes abroad, however, remains complicated and depends too greatly on the specific location of the crime, which makes prosecutions inconsistent and sometimes impossible. We must fix the law to help avoid arbitrary injustice and ensure that victims will not see their attackers escape accountability.

Ensuring criminal accountability will also improve our national security and protect Americans overseas. Importantly, in those instances where the local justice system may be less than fair, this explicit jurisdiction will also protect Americans by providing the option of prosecuting them in the United States, rather than leaving them subject to hostile and unpredictable local courts. Our allies, including those countries most essential to our counter-terrorism and national security efforts, work best with us when we hold our own accountable.

In the past, legislation in this area has been bipartisan. I hope Senators of both parties will work together to pass this important reform.

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. 1145

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 ''Civilian Extraterritorial Jurisdiction Act (CEJA) of 2011''.

SEC. 2. CLARIFICATION AND EXPANSION OF FEDERAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.—

(1) IN GENERAL.—Chapter 212A of title 18, United States Code, is amended—

(A) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking ''this chapter'' and inserting ''this section'';

(B) by striking the heading of section 3272; and

(C) by adding after section 3271, as amended by this paragraph, the following new sections:

''§ 3272. Offenses committed by Federal contractors and employees outside the United States

''(a) Whoever, while employed by or accompanying any department or agency of the United States other than the Department of Defense, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in subsection (c) had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

''(b) No prosecution for an offense may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

''(c) The offenses covered by subsection (a) are the following:

''(1) Any offense under chapter 5 (arson) of this title.

''(2) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

''(3) Any offense under section 201 (bribery of public officials and witnesses) of this title.

''(4) Any offense under section 499 (military, naval, or official passes) of this title.

''(5) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

''(6) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

''(7) Any offense under chapter 42 (extortionate credit transactions) of this title.

''(8) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

''(9) Any offense under chapter 50A (genocide) of this title.

''(10) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

''(11) Any offense under chapter 55 (kidnapping) of this title.

''(12) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

''(13) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

''(14) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

''(15) Any offense under chapter 109A (sexual abuse) of this title.

''(16) Any offense under chapter 113B (terrorism) of this title.

''(17) Any offense under chapter 113C (torture) of this title.

''(18) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

''(19) Any offense under section 2442 (child soldiers) of this title.

''(20) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

''(d) In this section:

''(1) The term 'employed by any department or agency of the United States other than the Department of Defense' means—

''(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense;

''(B) present or residing outside the United States in connection with such employment;

''(C) in the case of such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States; and

''(D) not a national of or ordinarily resident in the host nation.

''(2) The term 'accompanying any department or agency of the United States other than the Department of Defense' means—

''(A) a dependant, family member, or member of household of—

''(i) a civilian employee of any department or agency of the United States other than the Department of Defense; or

''(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense, which contractor, contractor employee, grantee, or grantee employee is supporting a program, project, or activity for a department or agency of the United States other than the Department of Defense;

''(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

''(C) not a national of or ordinarily resident in the host nation.

''(3) The term 'grant agreement' means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

''(4) The term 'grantee' means a party, other than the United States, to a grant agreement.

''(5) The term 'host nation' means the country outside of the United States where the employee or contractor resides, the country where the employee or contractor commits the alleged offense at issue, or both.

''§ 3273. Regulations

''The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3267(1) of such title is amended to read as follows:

''(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Defense (including a nonappropriated fund instrumentality of the Department);''.

(b) VENUE.—Chapter 211 of such title is amended by adding at the end the following new section:

''§ 3245. Optional venue for offenses involving Federal employees and contractors overseas

''In addition to any venue otherwise provided in this chapter, the trial of any offense involving a violation of section 3261, 3271, or 3272 of this title may be brought—

''(1) in the district in which is headquartered the department or agency of the United States that employs the offender, or any one of two or more joint offenders, or

''(2) in the district in which is headquartered the department or agency of the United States that the offender is accompanying, or that any one of two or more joint offenders is accompanying.''.

(c) SUSPENSION OF STATUTE OF LIMITATIONS.—Chapter 213 of such title is amended by inserting after section 3287 the following new section:

''§ 3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas

''The time during which a person who has committed an offense constituting a violation of section 3272 of this title is outside the United States, or is a fugitive from justice within the meaning of section 3290 of this title, shall not be taken as any part of the time limited by law for commencement of prosecution of the offense.''.

(d) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of chapter 212A of such title is amended to read as follows:

''CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT''.

(2) TABLES OF SECTIONS.—(A) The table of sections at the beginning of chapter 211 of such title is amended by adding at the end the following new item:

''3245. Optional venue for offenses involving Federal employees and contractors overseas.''.

(B) The table of sections at the beginning of chapter 212A of such title is amended by striking the item relating to section 3272 and inserting the following new items:

''3272. Offenses committed by Federal contractors and employees outside the United States.

''3273. Regulations.''.

(C) The table of sections at the beginning of chapter 213 of such title is amended by inserting after the item relating to section 3287 the following new item:

''3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas.''.

(3) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters at the beginning of part II of such title is amended to read as follows:

''212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government ..... 3271''.

SEC. 3. INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other departments or agencies of the Federal Government responsible for employing contractors or persons overseas shall assign adequate personnel and resources, including through the creation of task forces, to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other government personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of chapter 212A of title 18, United States Code (as so amended), and shall have the authority to initiate, conduct, and supervise investigations of any alleged offenses under such chapter.

(2) LAW ENFORCEMENT AUTHORITY.—With respect to violations of sections 3271 and 3272 of title 18, United States Code (as so amended), the Attorney General may authorize any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to exercise investigative and law enforcement authority, including those powers that may be exercised under section 3052 of title 18, United States Code, subject to such guidelines or policies as the Attorney General considers appropriate for the exercise of such powers.

(3) PROSECUTION.—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as so amended), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional personnel and resources to task forces established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of State, submit to Congress a report containing the following:

(A) The number of prosecutions under chapter 212A of title 18, United States Code (as so amended), including the nature of the offenses and any dispositions reached, during the previous year.

(B) The actions taken to implement subsection (a)(1), including the organization and training of personnel and the use of task forces, during the previous year.

(C) Such recommendations for legislative or administrative action as the President considers appropriate to enforce chapter 212A of title 18, United States Code (as so amended), and the provisions of this section.

(c) EXECUTIVE AGENCY.—In this section, the term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

SEC. 4. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this Act applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this Act.

SEC. 5. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act or any amendment made by this Act shall be construed—

(1) to limit or affect the application of extraterritorial jurisdiction related to any other Federal law; or

(2) to limit or affect any authority or responsibility of a Chief of Mission as provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) INTELLIGENCE ACTIVITIES.—Nothing in this Act or any amendment made by this Act shall be construed—

(1) to apply to authorized intelligence activities that are carried out by or on behalf of any element of the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) and conducted in accordance with the United States laws, authorities, and regulations governing such intelligence activities; or

(2) to provide immunity or an affirmative defense to an individual solely on the basis that the individual is working for or on behalf of the intelligence community.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

For each of the fiscal years 2012 through 2017, there are authorized to be appropriated to the Attorney General such sums as are necessary to carry out this Act.

By Mrs. MURRAY:

S. 1148. A bill to amend title 38, United States Code, to improve the provision of assistance to homeless veterans, to improve the regulation of fiduciaries who represent individuals for

purposes of receiving benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am pleased to introduce the Veterans Programs Improvement Act of 2011.

The bill I am introducing today would allow the Department of Veterans Affairs to continue the important work of ending veteran homelessness, improve the quality of the fiduciary program administered by VA, improve claims processing and make a number of other improvements to VA programs. This statement is not a full summary of all the provisions within this legislation. However, I would like to provide an overview of the major benefits this legislation would provide.

The administration recently reported that as many as 76,000 veterans experienced homelessness on a given night in 2009. Many of these veterans face significant challenges such as mental illness, physical disability, and substance abuse. In order to heal and remain in stable housing, these veterans will need a great deal of support. I want to commend the VA for working tirelessly to reduce the number of veterans sleeping in the streets. We are certainly off to a good start, but I recognize that there is still much more work to be done.

This bill will extend the life and improve upon several critical programs in the ongoing effort to get homeless veterans off the streets and into secure housing. Current law requires that VA diagnose ''serious mental illness'' or a ''substance abuse issue'' before it can use its authority to contract for emergency shelter services. In the tough economic times this country is experiencing, homeless veterans in need of these services do not always suffer from serious mental illness or substance abuse issues, and would not be eligible. This legislation will ensure that these services are available to all homeless veterans who need them.

One of the keys to ending veteran homelessness is VA's Grant and Per Diem program, which was established to assist public and nonprofit private entities in furnishing services to homeless veterans. This bill will enhance this essential program by allowing grant funds to be used for new construction, in addition to currently approved uses such as expansion, remodeling, and acquisition. It will also allow grant funds to be used as a match for funding from other sources, and will require VA to take a hard look at how per diem payments are made in order to recommend improvements. This bill also seeks to include male homeless veterans with minor dependents as an additional population with special needs, for eligibility under VA's special needs grant program.

The unemployment rate for returning veterans has reached as high as high as one in five this year. Sadly, we are seeing some of these new veterans appearing in homeless shelters. This is not just a VA problem, nor is it just a HUD problem—we all have an obligation to collaborate and address these unmet needs. To better assist in the effort to end homelessness among veterans, Congress needs more details surrounding the plan to end veteran homelessness. This legislation would require the Administration to expand upon their existing plan and submit a plan that includes details, such as a timeline, benchmarks, and recommendations. We will only be successful if we can work together to provide the appropriate tools to ensure access to medical care, affordable housing, and education and jobs.

Committee oversight has identified claims where frustrated families of veterans and survivors with severe dementia, such as those who seek VA pension benefits for home or institutional care see months go by because VA refuses to accept signatures from representatives or family caregivers. The situation is sometimes resolved by having the claimant mark an ''X'' or sign a claims form even when the claimant lacks the ability to understand what is written on the form. In other cases, it appeared that the caregiver gave up and no benefits were paid to otherwise eligible beneficiaries. This is unacceptable treatment for some of our most vulnerable veterans, and my legislation would improve the quality of VA's fiduciary program.

This legislation would make a number of additional improvements to VA programs. It would grow certain servicemembers to be eligible for a VA guaranteed home loan. Right now, to satisfy the occupancy requirement for a VA home loan, a veteran or servicemember or their spouse must be living in the home. Under this standard, a servicemember who is a single parent and is away on active duty is not eligible for a guaranteed home loan, even if that veteran's child is living in the home. This is unfair and wrong. Under this bill, a servicemember or veteran's dependent child will now satisfy the occupancy requirement. This change will help our servicemen and women better use their VA home loan benefits.

It is important that our disabled veterans face as few barriers as possible when attempting to obtain VA home loans. My legislation would allow an individual to receive a fee waiver if, during a pre-discharge program, he or she receives a disability rating for purposes of VA compensation based on existing medical evidence, such as service medical and treatment records. This change would allow an eligible individual to purchase a home without having to pay a VA funding fee, even if he or she has not undergone a pre-discharge examination or a VA disability evaluation. Specially Adapted Housing assistance provides critical support for our veterans in need. This bill extends VA's authority to provide Specially Adapted Housing assistance to eligible veterans who are residing temporarily with family members. In addition, the assistance provided to such veterans would be annually adjusted based on a cost-of-construction index already in effect for other Specially Adapted Housing grants.

By honoring servicemembers who have died while on active duty, we ensure that their sacrifice and service will never be forgotten. Providing a presidential memorial certificate to the survivors of fallen servicemembers is one such way for our country to honor their service. Under current law, survivors of active duty servicemembers who have died are not eligible to receive a presidential memorial certificate. This is because eligibility is limited to survivors of veterans who were discharged under honorable conditions. Because a servicemember who died in active service is not defined by law as a ''veteran,'' his or her survivors are not eligible to receive a memorial certificate. This bill would authorize VA to provide a presidential memorial certificate to the next of kin, relatives, or friends of servicemembers who have fallen while on active duty. In so doing, we express our country's deepest thanks for that servicemember's ultimate sacrifice.

Addressing the claims backlog and ensuring veterans receive the benefits they have earned is one of my top priorities. One of the reasons for the unreasonably long delays that occur in VA decision-making is the time it takes, often in excess of one and a half years, for the VA to forward an appeal to the Board of Veterans' Appeals. This bill would waive agency of original jurisdiction review over new evidence submitted after a veteran has filed a substantive appeal, unless the veteran requests it. Presuming a waiver of AOJ review would improve the timeliness of processing appeals, while at the same time preserve the veteran's right to request initial review by the AOJ, should he or she so desire.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide.

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. 1148

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 ''Veterans Programs Improvement Act of 2011''.

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—HOMELESS VETERANS MATTERS

SEC. 101. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.

(a) ENHANCEMENT OF GRANTS.—Section 2011 is amended—

(1) in subsection (b)(1)(A), by striking ''expansion, remodeling, or alteration of existing facilities, or acquisition of facilities,'' and inserting ''new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities''; and

(2) in subsection (c)—

(A) in the first sentence, by striking ''A grant'' and inserting ''(1) A grant'';

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking ''The amount'' and inserting the following:

''(2) The amount''; and

(C) by adding at the end the following new paragraph:

''(3)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

''(B) In this paragraph, the term 'private nonprofit organization' means the following:

''(i) An incorporated private institution, organization, or foundation—

''(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraph (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

''(II) for which no part of the net earnings of the institution, organization, or foundation inures to the benefit of any member, founder, or contributor of the institution, organization, or foundation; and

''(III) that the Secretary determines is financially responsible.

''(ii) A for-profit limited partnership or limited liability company, the sole general partner or manager of which is an organization that is described by subclauses (I) through (III) of clause (i).

''(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).''.

(b) GRANT AND PER DIEM PAYMENTS.—

(1) STUDY AND DEVELOPMENT OF PAYMENT METHOD.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code; and

(B) develop an improved method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) CONSIDERATION.—In developing the method required by paragraph (1)(B), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the method developed under subparagraph (B) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2013 is amended by striking ''subchapter'' and all that follows through the period and inserting the following: ''subchapter amounts as follows:

''(1) $150,000,000 for each of fiscal years 2007 through 2009.

''(2) $175,100,000 for fiscal year 2010.

''(3) $217,700,000 for fiscal year 2011.

''(4) $250,000,000 for fiscal year 2012 and each fiscal year thereafter.''.

SEC. 102. MODIFICATION OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

(a) INCLUSION OF ENTITIES ELIGIBLE FOR COMPREHENSIVE SERVICE PROGRAM GRANTS AND PER DIEM PAYMENTS FOR SERVICES TO HOMELESS VETERANS.—Subsection (a) of section 2061 is amended—

(1) by striking ''to grant and per diem providers'' and inserting ''to entities eligible for grants and per diem payments under sections 2011 and 2012 of this title''; and

(2) by striking ''by those facilities and providers'' and inserting ''by those facilities and entities''.

(b) INCLUSION OF MALE HOMELESS VETERANS WITH MINOR DEPENDENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking '', including women who have care of minor dependents'';

(2) in paragraph (3), by striking ''or'';

(3) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following new paragraph:

''(5) individuals who have care of minor dependents.''.

(c) AUTHORIZATION OF PROVISION OF SERVICES TO DEPENDENTS.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) PROVISION OF SERVICES TO DEPENDENTS.—A recipient of a grant under subsection (a) may use amounts under the grant to provide services directly to a dependent of a homeless veteran with special needs who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient under this section.''.

SEC. 103. MODIFICATION OF AUTHORITY FOR PROVISION OF TREATMENT AND REHABILITATION TO CERTAIN VETERANS TO INCLUDE PROVISION OF TREATMENT AND REHABILITATION TO HOMELESS VETERANS WHO ARE NOT SERIOUSLY MENTALLY ILL.

Section 2031(a) is amended in the matter before paragraph (1) by striking '', including'' and inserting ''and to''.

SEC. 104. PLAN TO END VETERAN HOMELESSNESS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a comprehensive plan to end homelessness among veterans.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) An analysis of programs of the Department of Veterans Affairs and other departments and agencies of the Federal Government that are designed to prevent homelessness among veterans and assist veterans who are homeless.

(2) An evaluation of whether and how coordination between the programs described in paragraph (1) would contribute to ending homelessness among veterans.

(3) Recommendations for improving the programs described in paragraph (1), enhancing coordination between such programs, or eliminating programs that are no longer effective.

(4) Recommendations for new programs to prevent and end homelessness among veterans, including an estimate of the cost of such programs.

(5) A timeline for implementing the plan, including milestones to track the implementation of the plan.

(6) Benchmarks to measure the effectiveness of the plan and the efforts of the Secretary to implement the plan.

(7) Such other matters as the Secretary considers necessary.

(c) CONSIDERATION OF VETERANS LOCATED IN RURAL AREAS.—The analysis, evaluation, and recommendations included in the report required by subsection (a) shall include consideration of the circumstances and requirements that are unique to veterans located in rural areas.

SEC. 105. EXTENSION OF CERTAIN AUTHORITIES RELATING TO HOMELESS VETERANS.

(a) HEALTH CARE FOR HOMELESS VETERANS.—Section 2031(b) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2014''.

(b) CENTERS FOR PROVISION OF COMPREHENSIVE SERVICES TO HOMELESS VETERANS.—Section 2033(d) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2014''.

(c) PROPERTY TRANSFERS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 2041(c) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2014''.

(d) ADVISORY COMMITTEE ON HOMELESS VETERANS.—Section 2066(d) is amended by striking ''December 30, 2011'' and inserting ''December 30, 2013''.

SEC. 106. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.

Section 2021(e)(1) is amended adding at the end the following new subparagraph:

''(G) $50,000,000 for each of fiscal years 2012 and 2013.''.

SEC. 107. REAUTHORIZATION OF APPROPRIATIONS FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

(a) IN GENERAL.—Section 2044(e) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(D) $100,000,000 for fiscal year 2012.''; and

(2) in paragraph (3), by striking ''2011'' and inserting ''2012''.

(b) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking ''carry out subsection (a), (b), and (c)'' and inserting ''carry out subsections (a), (b), and (c)''.

SEC. 108. REAUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(c)(1) is amended by striking ''2011'' and inserting ''2013''.

TITLE II—FIDUCIARY MATTERS

SEC. 201. APPOINTMENT OF CAREGIVERS AND PERSONS NAMED UNDER DURABLE POWER OF ATTORNEY AS FIDUCIARIES FOR PURPOSES OF BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subsection (a) of section 5502 is amended—

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

(2) in paragraph (1) by striking ''Where, in'' and inserting the following:

''(2) In the absence of special circumstances the Secretary determines necessitate otherwise, payment to a fiduciary under paragraph (1) shall be made to the person or entity caring for or having primary custody of the beneficiary or the beneficiary's estate, including a person or entity who has been named by the incompetent beneficiary under a durable power of attorney.

''(3) Where, in''.

(b) CLARIFICATION REGARDING DISTRIBUTION OF BENEFITS WHEN PAYMENT SUSPENDED OR WITHHELD FROM FIDUCIARY.—Subsection (d) of such section is amended to read as follows:

''(d)(1) All or any part of any benefits the payment of which is suspended or withheld under this section may, in the discretion of the Secretary, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary, to be used solely for the benefit of such beneficiary, or, in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any of such veteran.

''(2)(A)(i) Any part not so paid and any funds of a mentally incompetent veteran not paid to the chief officer of the institution in which such veteran is a patient nor apportioned to the veterans' dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary.

''(ii) All funds so held shall be disbursed under the order and in the discretion of the Secretary for the benefit of such beneficiary or the beneficiary's dependents.

''(B)(i) Except as provided in this subparagraph or as otherwise provided by law, any balance remaining in such fund to the credit of any beneficiary may be paid to the beneficiary if the beneficiary recovers and is found competent, or if a minor, attains majority, or otherwise to the beneficiary's fiduciary, or, in the event of the beneficiary's death, to the beneficiary's personal representative.

''(ii) Payment shall not be made to the beneficiary's personal representative under clause (i) if, under the law of the beneficiary's last legal residence, the beneficiary's estate would escheat to the State.

''(iii) In the event of the death of a mentally incompetent veteran, all gratuitous benefits under laws administered by the Secretary deposited before or after August 7, 1959, in the personal funds of patients trust fund on account of such veteran shall not be paid to the personal representative of such veteran, but shall be paid to the following persons living at the time of settlement, and in the order named:

''(I) The surviving spouse.

''(II) The children (without regard to age or marital status), in equal parts.

''(III) The dependent parents of such veteran, in equal parts.

''(iv) If any balance remains after the application of clause (iii), such balance shall be deposited to the credit of the applicable current appropriation, except that there may be paid only so much of such balance as may be necessary to reimburse a person (other than a political subdivision of the United States) who bore the expenses of last sickness or burial of the veteran for such expenses.

''(v) No payment shall be made under clauses (iii) or (iv) unless claim therefor is filed with the Secretary within five years after the death of the veteran, except that, if any person so entitled under such clauses is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability.''.

(c) CLARIFICATION THAT DEFINITION OF FIDUCIARY INCLUDES PERSONS NAMED UNDER DURABLE POWER OF ATTORNEY.—Section 5506(1) is amended by inserting '', including a person named as an agent under a durable power of attorney'' before ''; or''.

SEC. 202. ACCESS BY SECRETARY OF VETERANS AFFAIRS TO FINANCIAL RECORDS OF INDIVIDUALS REPRESENTED BY FIDUCIARIES AND RECEIVING BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY.

(a) IN GENERAL.—Section 5502, as amended by section 201, is further amended by adding at the end the following new subsection:

''(f)(1) The Secretary may require any person or State or local governmental entity appointed or recognized as a fiduciary for a Department beneficiary under this section to provide authorization for the Secretary to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3415)) from any financial institution any financial record held by the institution with respect to an account of the fiduciary or the beneficiary which contains an amount paid by the Secretary to the fiduciary for the benefit of the beneficiary whenever the Secretary determines that the financial record is necessary—

''(A) for the administration of a program administered by the Secretary; or

''(B) in order to safeguard the beneficiary's benefits against neglect, misappropriation, misuse, embezzlement, or fraud.

''(2) Notwithstanding section 1104(a)(1) of such Act (12 U.S.C. 3404(a)(1)), an authorization provided by a fiduciary under paragraph (1) with respect to a beneficiary shall remain effective until the earliest of—

''(A) the approval by a court or the Secretary of a final accounting of payment of benefits under any law administered by the Secretary to a fiduciary on behalf of such beneficiary;

''(B) in the absence of any evidence of neglect, misappropriation, misuse, embezzlement, or fraud, the express revocation by the fiduciary of the authorization in a written notification to the Secretary; or

''(C) the date that is three years after the date of the authorization.

''(3)(A) An authorization obtained by the Secretary pursuant to this subsection shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) for purposes of section 1103(a) of such Act (12 U.S.C. 3403(a)), and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act (12 U.S.C. 3404(a)), if the Secretary provides a copy of the authorization to the financial institution.

''(B) The certification requirements of section 1103(b) of such Act (12 U.S.C. 3403(b)) shall not apply to requests by the Secretary pursuant to an authorization provided under this subsection.

''(C) A request for a financial record by the Secretary pursuant to an authorization provided by a fiduciary under this subsection is deemed to meet the requirements of section 1104(a)(3) of such Act (12 U.S.C. 3404(a)(3)) and the matter in section 1102 of such Act (12 U.S.C. 3402) that precedes paragraph (1) of such section if such request identifies the fiduciary and the beneficiary concerned.

''(D) The Secretary shall inform any person or State or local governmental entity who provides authorization under this subsection of the duration and scope of the authorization.

''(E) If a fiduciary of a Department beneficiary refuses to provide, or revokes, any authorization to permit the Secretary to obtain from any financial institution any financial record concerning benefits paid by the Secretary for such beneficiary, the Secretary may, on that basis, revoke the appointment or the recognition of the fiduciary for such beneficiary and for any other Department beneficiary for whom such fiduciary has been appointed or recognized. If

the appointment or recognition of a fiduciary is revoked, benefits may be paid as provided in subsection (d).

''(4) For purposes of section 1113(d) of such Act (12 U.S.C. 3413(d)), a disclosure pursuant to this subsection shall be considered a disclosure pursuant to a Federal statute.

''(5) In this subsection:

''(A) The term 'financial institution' has the meaning given such term in section 1101 of such Act (12 U.S.C. 3401), except that such term shall also include any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in any State.

''(B) The term 'financial record' has the meaning given such term in such section.''.

(b) MODIFICATION OF DEFINITION OF FIDUCIARY TO INCLUDE STATE AND LOCAL GOVERNMENTAL ENTITIES.—Section 5506, as amended by section 201(c), is further amended—

(1) by inserting ''or State or local governmental entity'' after ''person'' each place it appears; and

(2) in paragraph (1), by striking ''who'' and inserting ''that''.

(c) CONFORMING AMENDMENT.—Section 5508 is amended—

(1) by striking ''or agency'' both places it appears and inserting ''or State or local governmental entity''; and

(2) in the heading, by striking ''**institutional**''.

SEC. 203. CONFIDENTIAL NATURE OF CREDIT REPORTS AND DOCUMENTS PERTAINING TO THE APPOINTMENT OF A FIDUCIARY.

(a) CREDIT REPORTS AND CRIMINAL BACKGROUND REPORTS.—Section 5507 is amended by adding at the end the following new subsection:

''(e) Except as provided under section 5701 of this title, credit reports obtained under subsection (a)(1)(C) and criminal background reports obtained under subsection (b) shall be segregated from the claimant's file and may be disclosed only by a signed release executed by the person to whom it relates.''.

(b) FILES, RECORDS, AND REPORTS.—Section 5701 is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''All''; and

(B) by adding at the end the following new paragraph:

''(2) All files, records, reports, and other papers and documents pertaining to any credit report, criminal background evaluation, or financial record obtained in connection with the evaluation, appointment, or removal of a person who is considered for appointment or has been appointed a fiduciary for a beneficiary under chapter 55 of this title and the names and addresses of such persons in the possession of the Department shall be confidential and privileged, and no disclosure thereof shall be made except as provided in this section.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) Except as otherwise provided by law, to a person who has submitted personal identifying information, financial information, or criminal background information to the Department in connection with an appointment as a fiduciary for a beneficiary as to matters concerning such person or duly authorized agent or representative of such person upon written request of the person or agent.''; and

(C) in paragraph (3), as redesignated by subparagraph (A)—

(i) by inserting ''(A)'' before ''When''; and

(ii) by adding at the end the following new subparagraph:

''(B) Unless a court orders otherwise, in an electronic or paper filing with a court that contains an individual's social security number, TIN (within the meaning of section 7701(a)(41) of the Internal Revenue Code of 1986), claim number, birth date, the name of an individual known to be a minor, the name of an individual who has been determined by the Secretary to be incompetent under chapter 55 of this title, or a financial-account number, a party or nonparty making the filing shall include only the following:

''(i) The last four digits of the person's social-security number, TIN, or claim number.

''(ii) The year of the individual's birth.

''(iii) The initials of the individual known to be a minor or determined to be incompetent.

''(iv) The last four digits of the financial account number.''; and

(3) in subsection (h)(2)—

(A) in subparagraph (A), by striking ''who has'' and all that follows through ''an offer'' and inserting the following: ''who—

''(i) has applied for any benefit under chapter 37 of this title;

''(ii) is, or is being considered for an appointment as, a fiduciary for a beneficiary for monetary benefits provided under this title; or

''(iii) has submitted an offer'';

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) verifying, either before or after the Secretary has approved a person to serve as a fiduciary for a beneficiary under chapter 55 of this title, the creditworthiness, credit capacity, income, or financial resources of such person;''.

SEC. 204. AUTHORITY FOR CERTAIN PERSONS TO SIGN CLAIMS FILED WITH SECRETARY OF VETERANS AFFAIRS ON BEHALF OF CLAIMANTS.

(a) IN GENERAL.—Section 5101 is amended—

(1) in subsection (a)—

(A) by striking ''A specific'' and inserting ''(1) A specific''; and

(B) by adding at the end the following new paragraph:

''(2) If an individual has not attained the age of 18 years, is mentally incompetent, or is physically unable to sign a form, a form filed under paragraph (1) for the individual may be signed by a court-appointed representative, a person who is responsible for the care of the individual, including a spouse or other relative, or an attorney in fact or agent authorized to act on behalf of the individual under a durable power of attorney. If the individual is in the care of an institution, the manager or principal officer of the institution may sign the form.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting '', signs a form on behalf of an individual to apply for,'' after ''who applies for''; and

(ii) by inserting '', or TIN in the case that the person is not an individual,'' after ''of such person''; and

(B) in paragraph (2), by inserting ''or TIN'' after ''social security number'' each place it appears; and

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

''(d) In this section:

''(1) The term 'mentally incompetent' with respect to an individual means that the individual lacks the mental capacity—

''(A) to provide substantially accurate information needed to complete a form; or

''(B) to certify that the statements made on a form are true and complete.

''(2) The term 'TIN' has the meaning given the term in section 7701(a)(41) of the Internal Revenue Code of 1986.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

SEC. 205. IMPROVEMENT OF PROCESS FOR FILING JOINTLY FOR SOCIAL SECURITY AND DEPENDENCY AND INDEMNITY COMPENSATION.

Section 5105 is amended—

(1) in subsection (a)—

(A) by striking ''shall'' and inserting ''may''; and

(B) by striking ''Each such form'' and inserting ''Such forms''; and

(2) in subsection (b), by striking ''on such a form'' and inserting ''on any document indicating an intent to apply for survivor benefits''.

SEC. 206. DURABLE POWER OF ATTORNEY DEFINED.

Section 101 is amended by adding at the end the following new paragraph:

''(34) The term 'durable power of attorney' means a written document signed by a person appointing an individual to act on the person's behalf for the purposes stated in the document and which contains words 'This power of attorney is not affected by subsequent disability or incapacity of the principal', 'This power of attorney becomes effective on the disability or incapacity of the principal', or similar words showing the principal's intent that the authority conferred on the attorney in fact or agent shall be exercised notwithstanding the principal's subsequent disability, incapacity, or incompetence.''.

TITLE III—OTHER ADMINISTRATIVE AND BENEFITS MATTERS

SEC. 301. OCCUPANCY OF PROPERTY BY DEPENDENT CHILD OF VETERAN FOR PURPOSES OF MEETING OCCUPANCY REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS.

Paragraph (2) of section 3704(c) is amended to read as follows:

''(2) In any case in which a veteran is in active-duty status as a member of the Armed Forces and is unable to occupy a property because of such status, the occupancy requirements of this chapter shall be considered to be satisfied if—

''(A) the spouse of the veteran occupies or intends to occupy the property as a home and the spouse makes the certification required by paragraph (1) of this subsection; or

''(B) a dependent child of the veteran occupies or will occupy the property as a home and the veteran's attorney-in-fact or legal guardian of the dependent child makes the certification required by paragraph (1) of this subsection.''.

SEC. 302. WAIVER OF LOAN FEE FOR INDIVIDUALS WITH DISABILITY RATINGS ISSUED DURING PRE-DISCHARGE PROGRAMS.

Paragraph (2) of section 3729(c) is amended to read as follows:

''(2)(A) A veteran described in subparagraph (B) shall be treated as receiving compensation for purposes of this subsection as of the date of the rating described in such subparagraph without regard to whether an effective date of the award of compensation is established as of that date.

''(B) A veteran described in this subparagraph is a veteran who is rated eligible to receive compensation—

''(i) as the result of a pre-discharge disability examination and rating; or

''(ii) based on a pre-discharge review of existing medical evidence (including service medical and treatment records) that results in the issuance of a memorandum rating.''.

SEC. 303. EXTENSION OF AUTHORITY FOR ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY FAMILY MEMBERS.

Section 2102A(e) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2021''.

SEC. 304. INDEXING OF LEVELS OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY FAMILY MEMBERS.

Section 2102A(b) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by inserting ''(1)'' before ''The''; and

(3) by adding at the end the following new paragraph (2):

''(2) Effective on October 1 of each year (beginning in 2011), the Secretary shall use the same percentage calculated pursuant to section 2102(e) of this title to increase the amounts described in paragraph (1) of this subsection.''.

SEC. 305. EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL MEMORIAL CERTIFICATES TO PERSONS WHO DIED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE.

Section 112(a) is amended—

(1) by inserting ''and persons who died in the active military, naval, or air service,'' after ''under honorable conditions,''; and

(2) by striking ''veteran's'' and inserting ''deceased individual's''.

SEC. 306. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE.

(a) IN GENERAL.—Section 7105 is amended by adding at the end the following new subsection:

''(e)(1) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant's representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans' Appeals for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant's representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence.

''(2) A request for review of evidence under paragraph (1) shall accompany the submittal of the evidence.''.

(b) EFFECTIVE DATE.—Subsection (e) of such section, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims for which a substantive appeal is filed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 307. EXTENSION OF AUTHORITIES OF SECRETARY OF VETERANS AFFAIRS TO USE INFORMATION FROM OTHER AGENCIES.

(a) AUTHORITY TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.—Section 5317(g) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

(b) AUTHORITY TO USE DATA PROVIDED BY DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ADJUSTING VETERANS BENEFITS.—

(1) IN GENERAL.—Section 5317A(d) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2021''.

(2) CONFORMING AMENDMENT.—Section 453(j)(11)(G) of the Social Security Act (42 U.S.C. 653(j)(11)(G)) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2021''.

SEC. 308. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE OF DEPARTMENT OF VETERANS AFFAIRS IN REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information 531 of the Senate and the public of an addition to a previously announced hearing before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 7, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

In addition to the other measures previously announced, the Committee will also consider S. 1067, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes.

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 should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Abigail_Campbell@energy.senate.gov.

For further information, please contact Jonathan Epstein or Abby Campbell.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 9, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled ''Setting the Standard: Domestic Policy Implications of the UN Declaration on the Rights of Indigenous Peoples.''

Those wishing additional information may contact the Indian Affairs Committee.

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 Energy of the Energy and Natural Resources Committee. The hearing will be held on Thursday, June 9, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on critical minerals and materials legislation, including S. 383, S. 421, and S. 1113.

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 email to Abigail_Campbell@energy.senate.gov.

For further information, please contact Allyson Anderson or Abigail Campbell.

APPOINTMENT

(Ommitted from Thursday, May 26, 2011 RECORD)

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Republican leader, pursuant to Public Law 106–286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Honorable SUSAN COLLINS of Maine, and the Honorable JAMES E. RISCH of Idaho.

ORDERS FOR TUESDAY, JUNE 7, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., on Tuesday, June 7; 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 proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 782, the Economic Development Act; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for weekly caucus meetings.

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

PROGRAM

Mr. REID. Mr. President, tonight, I filed cloture on the motion to proceed to S. 782, the Economic Development Act. I hope it is not necessary that we vote to invoke cloture on this matter on Wednesday, and I hope we can get to it tomorrow. If we cannot move to it under consent, then we will have the cloture vote Wednesday morning.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator BROWN of Ohio.

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

MEDICARE

Mr. BROWN of Ohio. Mr. President, for the last couple weeks, I traveled to senior centers from Toledo to Youngstown to Columbus to talk with seniors and health professionals about the threats facing their Medicare benefits. We owe it to our children, we owe it to our grandchildren, we owe it to succeeding generations to reduce our Nation's deficit. We know almost exactly one decade ago we had the largest budget surplus in the history of our country. We know during the next 8 years—as Congress and President Bush cut taxes mostly on the wealthy in 2001 and 2003, began two wars with Iraq and Afghanistan and didn't pay for them, did a prescription drug benefit, a supposed benefit that was, in many ways, a bailout for the drug and insurance companies and didn't pay for it, and deregulated Wall Street—during those 8 years, we had the largest budget deficit in American history. We went from the largest budget surplus in American history to the largest budget deficit in American history.

What we see in the Republican budget now, as we talk about Medicare and as they talk about Medicare—ending Medicare as we know it, turning Medicare over to the insurance companies—what we are seeing is sort of the same old game, the same old song from people who do not much like Medicare; that is, cut taxes on the wealthy again and pay for those tax cuts—you have to find a way to pay for them—I guess, pay for those tax cuts by cutting the Medicare benefits seniors have earned. That is what is troubling to me about this Republican budget.

Too many Americans are facing a middle-class squeeze, working hard, playing by the rules, finding it still hard to get ahead in this economy. Many parents, many Americans in their forties and fifties and sixties are part of a sandwich generation. They are helping their parents as their medical costs go up and their parents are not earning very much. They are maybe getting Social Security, maybe something else, and they are trying to pay for their children's college, so this is the wrong time, as if there would ever be a right time, to turn Medicare over to the insurance industry, Medicare as we know it.

That is why Senators CARDIN from Maryland, MCCASKILL of Missouri, and TESTER of Montana wrote a letter to the Vice President calling for the Republican plan to end Medicare as we know it to be taken off the table during the deficit reduction negotiations.

I want to see our deficit reduced. I want to see us have a long-term plan to get our budget deficit under control the way we did in the 1990s and turned budget problems inherited by President Clinton—bequeathed by Presidents Reagan and Bush, inherited by President Clinton—how we got from a budget deficit to a budget surplus.

The statistics behind Medicare are clear. The number of seniors lifted out of poverty in these 45 years, the number of families who have the help to care for a parent or grandparent—we can't reverse those gains for the ultimate form of rationing health care for seniors. Make no mistake, this is rationing health care. When you shift the cost, you give a senior citizen a voucher—you give them an $8,000 check, and that check goes to insurance companies to pay for health insurance. If it runs short, what happens—and it likely will—they pay out-of-pocket. That really is rationing. If you are not a fairly wealthy senior and you run out of this privatized Medicare voucher, you will reach into your pockets and pay for it. That is rationing because many seniors won't be able to pay for it.

When I hear the terms ''death panels'' and ''rationing'' and all these things that conservative politicians usually enthralled in the insurance industry are telling this Chamber and down the hall in the House of Representatives—real rationing is when seniors can not afford to pay out-of-pocket for their health insurance costs because of what this Republican budget plan does. Their plan calls for vouchers for private health coverage, doubling their out-of-pocket costs in the first year alone. The average senior would receive an $8,000 voucher; however, in the first year of the voucher program, out-of-pocket expenses would, according to the Congressional Budget Office—not a Democratic group, not a Republican group, a down-the-middle group—the Congressional Budget Office said seniors' out-of-pocket expenses would double to more than $12,500 annually. As I said, at the same time, Republicans are going to take these savings to the budget, these cuts to senior care, to Medicare, and finance tax cuts for those people who earn 10 times or more than the average retirement income of a Medicare recipient.

Seniors would see their prescription drug costs explode. In the health care bill, we cut the costs of prescription drugs to those seniors who are in the coverage gap, the so-called doughnut hole, cut them in half. That would go away. In other words, the Republican budget plan in my State across the river from the Presiding Officer's State would hand an $89 million prescription drug bill tab to split among 139,000 Ohio seniors. Tens of thousands of Ohio seniors, thousands of West Virginia seniors, tens of thousands of seniors in the assistant majority leader's State of Illinois would be paying tens of millions of dollars in higher drug costs as a result of the Republican budget bill. The Senate voted that bill down, largely along party lines.

Republicans continue to want to privatize Medicare, to turn Medicare over to the insurance industry. It simply would put insurance companies in charge of Medicare. It would put insurance companies in charge of the health of our seniors.

Is that what we want? That is why we had Medicare in 1965, because insurance companies were in charge of health care for seniors, meaning half of the seniors had no health insurance—people over 65 in the year 1965. Now roughly 99 percent of seniors have health insurance, and that is because of this program that most of us dearly love and the huge majority of our constituents in West Virginia, Illinois, and Ohio love, and that is called Medicare.

Now, Mr. President, put aside all I have said for a moment. Forget about vouchers, forget about privatization, forget about insurance companies even, and think in a personal way about what Medicare has done in this country.

Medicare was created in 1965, passed mostly by Democrats in the House and Senate, signed by President Lyndon Johnson in July of 1965. We have had Medicare for 45 years. Think about what it has done. Forget all the academic and policy questions. What Medicare has done is helped people in this country live longer, healthier lives. What that means is people have been able to get to know their grandchildren. Somebody who is 65 or 70 or 75 or 80, and enjoys generally good health, has had years—maybe decades—of helping to raise a grandchild, getting to know their granddaughter, getting to play with their grandson, all the things grandparents want to do. Senior citizens have had a greater quality of life because of what we call Medicare, and they have gotten to know their grandchildren better.

Think what that means to children. They have gotten to know their grandparents better and have gotten the kind of guidance only grandparents can give. Margaret Mead, the great anthropologist, a few decades ago said ''wisdom and knowledge are passed from grandparent to grandchild.'' Wisdom and knowledge are passed from grandparent to grandchild, because we all know if we have children, our kids don't always listen to us but our grandchildren do.

I have a 3-year-old grandson named Clayton who lives in Columbus, OH. When I am in Washington, my wife picks him up a lot of days after school. We don't live in Columbus, but she goes down there and picks him up after school. Every day Clayton gets to spend with his grandmother and, when I am home, every weekend with his grandfather. I get to see Clayton not as often as I want but fairly often.

What Margaret Mead said is right. Grandparents impart a special wisdom and knowledge to grandchildren. Think of the benefit grandchildren have because of their grandparents. I wouldn't have looked at it quite the same way until I had my first grandson 3 years ago, but I understand that now.

That, to me, is the real beauty of Medicare. It has helped this country's seniors live longer healthier lives and has helped this country's children be raised in a moral way, in a practical way, in an educational way, better than they would have if their grandparents hadn't been around.

When I hear Republicans say they want to get rid of Medicare as we know it, they want to turn Medicare and senior health care over to the insurance industry, we know what will happen. Seniors won't live longer healthier lives because they will have lost Medicare as we know it.

That is why we sent a letter to Vice President BIDEN—Senator TESTER, Senator MCCASKILL, Senator CARDIN, and I did—to say, take Medicare off the table. We need to deal with this budget deficit, but don't mess with Medicare while we are doing it. It is that simple.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

INTERCHANGE FEES

Mr. DURBIN. Mr. President, later this week we are going to consider an issue which is complicated, but it is an issue that affects every single American who ever takes a piece of plastic and pays for anything at a hotel, a restaurant, a convenience store, tuition at a school, or a charitable deduction to the Red Cross in the midst of a disaster. If you use plastic, every time that debit card—we are talking just about debit cards for this conversation—every time that debit card is swiped, there is a fee that goes to the bank that issued the card. One may think to oneself, I wonder how they negotiate those fees. The answer is, they don't. What happens is the credit card companies—the two giants, Visa and MasterCard, working through the issuing banks—determine what is going to be charged every time someone swipes the card.

What does a local grocery store have to say about it? Nothing. Their alternative is to not accept plastic at all. Visa and MasterCard say, you want to use our card, you play by our rules and our rules will tell you how much we take every time you swipe a card. I have seen it happen, and my colleagues have too, where you go into a store and shake your head because that young person in front of you just bought a candy bar and is using a piece of plastic to pay for it and you think to yourself, Why didn't they reach in their pocket and pull out a dollar bill to pay for it. Instead, they swipe the card, and we know what happens. That person selling the candy bar just lost money, because the banks and the credit card companies are going to get that swipe fee which happens to be more than the profit this little grocery store is going to make on a candy bar.

Naturally, retailers across America have said, this isn't fair to us. We have no negotiating power when it comes to how much is taken out each time there is a plastic transaction for debit cards, and the consumers don't know. We know as retailers, but the consumers don't even know. There is no transparency. There is no competition. What is wrong with this picture?

If we believe in a free market, we believe in those two things. We ought to believe there would be some competition so maybe there would be one debit card company that charges a lower fee. Maybe there would be special consideration given if somebody paid in cash.

I guess this dates me, but there was a time when people paid in cash for almost everything, except when they used a check, and that was rare. And when they processed the check, it was pennies. Right now, the Federal Reserve tells us that for each and every debit card transaction, the average fee charged is 44 cents.

When we passed an amendment here last year, we said to the Federal Reserve, What is the actual cost to the company, the issuing bank and the credit card, debit card company, for processing this transaction? They said, 10 cents or 12 cents, and they are charging over 40 cents on each transaction. Who pays it? We all pay it. Even if you walk into a store to pay cash, that merchant has put a price on a good that considers the fact that most people are using plastic so they have to raise the price to cover that fee. So we said to the Federal Reserve, Sit down and figure out what is reasonable and proportional in terms of the cost that should be collected every time someone swipes a card.

Well, this is a big political issue, one of the biggest. One might say it is a multibillion-dollar issue, and it is. Because each month in America, over $1.3 billion is collected from customers all across America when they swipe their debit cards. Where does the money go? Most of it goes to the biggest banks on Wall Street—the same banks that were just moaning and groaning a few years ago about how they needed a bailout because they made some big mistakes. They are back again. They want a bailout when it comes to these debit cards. They want to be able to continue to collect 40 cents and more on every transaction.

We passed a law that said the party is over. Starting July 21, there will be a new rule that will establish a reasonable fee, and they have been fighting this with all of their might, all of their lobbyists, all of their workers, all the letters they can send, against this reform. Why? Because it involves huge amounts of money for these major Wall Street banks and credit card companies.

We have to bring an end to this. Consumer groups across America, labor groups, and small business groups—retail federations, merchants, saloon keepers, hotel owners, restaurant owners, convenience store owners—all across America have said we have to quit this. This isn't fair to us and to our customers. Let us have a reasonable amount charged for what is actually taking place with the debit card and we can live with it, but not four times as much as they are charging today. Incidentally, go up to Canada—not a lot different than the United States. They have debit cards and credit cards there, issued by banks. Do my colleagues know what the interchange fee is charged in Canada today? Zero. No charge. No charge at all to the merchant who takes a debit card to Canada. The same companies, Visa and MasterCard, charge zero in Canada and 40 cents in the United States. Aren't we blessed to have two great credit card companies who dreamed up how to stick it to American consumers at the benefit of American banks on Wall Street particularly? That is what this is about.

Most of my colleagues have gone home over the last week or two and they have heard about this issue because it means a lot to a lot of people. What we did was exempt in this law credit unions and community banks. Some people say, Why did you exempt them? Why shouldn't they have reduced fees too? Well, we want to make sure that financially they are not disadvantaged by this, and we put in a specific exemption, sent it to the Federal Reserve to write up their rules to protect them. I have said on the floor and I will say it again, if at the end of the day the rule from the Federal Reserve does not provide adequate protection for credit unions and community banks, I am ready to sign up today to put in even more protection in the law. I will be there. I want to make sure they understand. They were exempted because I believe they should be, and I want to make sure that exemption works.

But I don't care what happens to the Wall Street banks. I don't care what happens to these credit card companies. They seem to end up on their feet when it is all over anyway. After giving them billions of dollars in taxpayers' money to bail them out of their mess that they made of things in this recession, what did they do? They sent us a big wet kiss in the form of multimillion-dollar bonuses for all of their officers, smiling all the way to the bank with taxpayers' money. We don't owe them a thing.

The Members who will come to the floor this week and vote with those big banks and those credit card companies really have to ask themselves: When are you ever going to stand up for consumers and retailers and merchants and small businesses across America? Is somebody going to speak up for them in this Chamber?

That is what this debate is about, and I hope at the end of the day my colleagues will stand tall and say no to Wall Street, no to the credit card companies; that they will stand by the retailers and merchants, to give them a chance for transparency and competition, to give them a chance for a reasonable—reasonable—fee for what is actually transpiring in this transaction.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 6:30 p.m., adjourned until Tuesday, June 7, 2011, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 152 AND 601:

To be general

GEN. MARTIN E. DEMPSEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be admiral

ADM. JAMES A. WINNEFELD, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3033:

To be general

GEN. RAYMOND T. ODIERNO

CONFIRMATION

Executive nomination confirmed by the Senate Monday, June 6, 2011:

DEPARTMENT OF JUSTICE

DONALD B. VERRILLI, JR., OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES.