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# Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

## PRAYER

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

Let us pray.

Infinite goodness, creator of the sea, Earth, sky, and air, enable our lawmakers to serve You in all holiness and to experience Your love which passes understanding. Let Your providential hand be over them and Your Holy Spirit ever be with them as they submit themselves entirely to Your will. Lord, direct their thoughts, words, and works to Your glory, as You increase their desire to please You. Give them grace to forgive their enemies, even as You have forgiven them.

Lord, we ask that You would be with all those affected by the recent tornadoes and storms.

We pray in Your merciful Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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, May 24, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## RESERVATION OF LEADER TIME

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

## PATRIOT SUNSETS EXTENSION ACT OF 2011—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1038, which the clerk will report by title.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 1038) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will resume consideration of the motion to proceed to S. 1038, the PATRIOT Act extension, postcloture. There will be a joint meeting of Congress at 11 a.m. with Israeli Prime Minister Netanyahu. Senators should gather in the Senate Chamber at 10:30 to proceed over to the House at about 10:40. We will proceed there as a body.

### MEASURES PLACED ON THE CALENDAR—S. 1050, S.J. RES. 13, S.J. RES. 14

Mr. REID. Madam President, I understand there are three measures at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 1050) to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches, and for other purposes.

A joint resolution (S.J. Res. 13) declaring that a state of war exists between the Government of Libya and the Government and the people of the United States, and making provision to prosecute the same.

A joint resolution (S.J. Res. 14) declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

Mr. REID. I would object to any further proceedings with respect to these bills en bloc.

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

### RECOGNITION OF THE MINORITY LEADER

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

### PRIME MINISTER NETANYAHU'S ADDRESS TO CONGRESS

Mr. MCCONNELL. Madam President, later this morning Israeli Prime Minister Benjamin Netanyahu will address a joint meeting of Congress.

His remarks come at a time of great unrest and instability in the Middle East. So we are all eager to hear his

perspective on how our two countries can work together to further our shared interests. Israel is, of course, a great friend and an ally to the United States, and the Prime Minister should be reassured that Israel will not be alone during this time of uncertainty. He should return home knowing that at a time when the Middle East is awash in instability, his relationship with the Congress is strong. We always welcome the Prime Minister to Washington. We are happy to be able to host him today.

LACK OF A BUDGET

Sometime before the end of this week, Democrats in the Senate will have wrapped up their efforts for the current work period and flown home for the Memorial Day recess. So it is not too early to ask what they have accomplished over the past several weeks. More specifically, what have they done about a looming fiscal crisis in the 6 weeks since one of the cochairs of the President's debt commission called it the most predictable crisis in history?

Well, the short answer is not much. Six weeks after the Democratic cochairman of the President's own debt commission told us that our Nation's deficits and debt are like a cancer that threatens to destroy America from within, and nearly a year after the Chairman of the Joint Chiefs of Staff declared our debt to be the single biggest threat to our national security, Democrats are ready to call it a work period—after producing no budget, after offering no plan, and with no plan in sight.

Why?

Well, evidently Democrats have decided that avoiding this crisis helps them in the next election. That is why they plan to vote against every budget plan that comes to the floor this week, including the President's.

Democrats are apparently operating under the assumption that if they are on the record opposing everything, it helps them politically. So, in other words, we might not leave here this week with a solution to our nation's looming debt crisis, but Democrats are pretty confident they will leave with some good material for campaign ads.

Here is how the senior Senator from New York put it yesterday in a moment of candor:

''To put other budgets out there is not the point,'' he said, ''This issue will have staying power and be a defining issue for 2012.''

They are not even pretending to put principle over politics here. According to Senator SCHUMER, their focus is on an election that is still almost 2 years away.

Well, my suggestion is that Democrats start thinking about putting their names on something other than an attack ad. They could start with a budget. How about that?

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

The President's plan is to keep deficits like this in place for years to come.

That is the scenario Admiral Mullen and Erskine Bowles are worried about.

Meanwhile, entitlement spending is growing faster than inflation, meaning sooner or later these programs will either consume all the money we have or these programs are forced to change.

Members of the President's own Cabinet admitted this last week when they signed a report showing that Medicare is running out of money and urging prompt reform of the program.

So the question is not whether these programs need reform, the question is how it is done.

Do we do it now, together, or do we wait until we are absolutely forced to do it? There is no other choice.

Congressman RYAN has shown a lot of courage by proposing a budget that would tackle a big part of the problem. Democrats are showing none by ignoring our problems altogether. This is the contrast Americans will see in the Senate this week.

Republicans will vote on several possible approaches to our fiscal crisis this week, including the Ryan plan.

Democrats will vote against every one.

We will also have a vote on the President's budget, which Democrats also plan to oppose.

They say they prefer the ideas the President outlined in a speech he gave last month. Well, unfortunately, we can't vote on a speech. But if that is what it takes to get Democrats engaged in this debate, maybe we should revisit the rules.

More than 2 years have passed since Democrats have produced a budget of their own. This is a complete and total abdication of their responsibilities as a majority party. And there is no excuse for it.

Every year, Congress appropriates nearly $100 million to support the Office of Management and Budget. This money supports a staff of 529 people. OMB's job is to put together a budget. Why exactly haven't they been able to turn the President's speech into a budget we can vote on? They have had 6 weeks to do it. What is the problem?

If Democrats can't get 529 people to put some numbers together based on the budget plan the President outlined in his speech, then they have problems over there. Either that or Democrats are just looking for excuses so they don't have to vote for anything of their own. And they had rather put together political ads than a solution to this crisis. And this is inexcusable.

We have an obligation to our country to come up with a plan. Democrats are officially abdicating that responsibility this week. But Americans will remember. As the crisis approached, Democrats did nothing.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, nearly 10 years after the attacks of September 11, 2001, every one of us in the Senate knows America continues to face threats of terrorism. Our allies know this, as well. The President's dogged pursuit and success earlier this month against Osama bin Laden does not mean we can become complacent or less vigilant. We must remain vigilant and ensure the men and women of our law enforcement and intelligence agencies have all the appropriate tools necessary to protect our Nation and the American people. But as every Vermonter knows, tools are only useful if they are regularly checked and maintained. Otherwise they become blunt instruments that can do harm, rather than accomplish the job.

Congress recognized this basic notion in 2001, when we first wrote the USA PATRIOT Act. I worked with the then-Republican House majority leader, Dick Armey to include sunsets on certain surveillance authorities in the bill. Even though we had vastly different political philosophies, we both agreed we had to have sunset provisions. In 2006, when Congress reauthorized the USA PATRIOT Act, I worked to ensure that certain sunsets were renewed, and added audits on the use of powers with the potential to unnecessarily intrude on the privacy of Americans. We should not give a blank check to anybody—whether it is a Republican or Democratic administration. We are, after all, Americans who believe in our individual liberties.

Having granted the Government broad authority to gather vast amounts of information about the daily lives of Americans, I wanted to do what we could to ensure that unfettered information gathering did not occur at the expense of Americans' basic constitutional rights and civil liberties. The sunsets and audits provide Congress an opportunity to examine whether the PATRIOT Act tools are being used appropriately, and if not, to sharpen, refine, or restrain those tools accordingly.

The audits we added in 2005 or 2006 proved to be very helpful because they identified that there were abuses in the way the PATRIOT Act was being used, specifically with respect to national security letters and the use of ''exigent letters.'' Without this oversight, we probably never would have found out about those abuses. But we found out about them and we worked with the FBI to correct those matters.

That brings us to today. The Senate has the opportunity to reexamine and redefine key PATRIOT Act provisions, and I think we should take that opportunity to make improvements to our

current law. That is why I have led the Senate Judiciary Committee to diligently consider these matters through a series of hearings and meetings. The committee responded by reporting improvements, both last year and again this year, through bipartisan legislation. They are good measures, and we have worked to ensure that they would not compromise the effectiveness of our law enforcement and intelligence capabilities. In fact, much of the language was derived after consultation with the administration, including the intelligence community.

The Attorney General and others have repeatedly assured us that the measures to enhance oversight and accountability—such as audits and public reporting—would not sacrifice ''the operational effectiveness and flexibility needed to protect our citizens from terrorism'' or undermine ''the collection of vital foreign intelligence and counterintelligence information.''

In fact, the Attorney General has consistently said the bill passed out by the Senate Judiciary Committee struck ''a good balance'' by extending the PATRIOT Act authorities while adding accountability and civil liberties protections. For additional detail and legislative history, I refer Senators to the Senate report on the bill reported by the Senate Judiciary Committee this year, Senate Report No. 112–13.

I ask unanimous consent that a December 9, 2010, letter from the Attorney General to me making these points be printed in the RECORD, along with a February 19, 2010, letter from the Director of National Intelligence to House leaders.

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

(See exhibit 1.)

Mr. LEAHY. Unfortunately, the bill now before the Senate merely extends the expiring authorities to June 1, 2015. Regrettably, these authorities have not been refined since 2006. If that remains the case through the extensions that are contemplated by this bill, it will amount to 9 years of this law without any legislative improvement. I think most of us understand that we can do better. The amendment I have filed seeks to change that by improving the PATRIOT Act.

I appreciate the efforts made by the majority leader to craft a compromise. I am sorry that the Republican leadership in Congress has insisted on an extension of authorities without any improvements. The amendment I have filed and wish to offer along with Senators PAUL, CARDIN, BINGAMAN, COONS, SHAHEEN, WYDEN, FRANKEN, GILLIBRAND, HARKIN, DURBIN, MERKLEY, BOXER, and AKAKA, makes significant improvements to current law, promotes transparency, and expands privacy and civil liberties safeguards.

I ask unanimous consent to have a sectional analysis of the amendment printed in the RECORD.

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

(See exhibit 2.)

Mr. LEAHY. One of the improvements Congress should make is to repair a constitutional infirmity in the current law. Three years ago, in Doe v. Mukasey, the U.S. Court of Appeals for the Second Circuit found that the nondisclosure provision of the statute authorizing issuance of national security letters was constitutionally defective. If we do not make a change, that constitutionally defective part of the national security letter provision would remain. As part of the comprehensive set of reforms in the bill reported favorably by the Judiciary Committee, I proposed a simple statutory fix that would enable the FBI to obtain the information it needs, while addressing the constitutional concerns. In fact, this proposal has never been controversial. In fact, during the last Congress, Senator SESSIONS and Senator Bond, the ranking Republicans on the Senate Judiciary and Intelligence Committees, cosponsored a bill incorporating the very legislative remedy I proposed.

This is a straightforward matter that needs to be fixed. The underlying bill does not fix the problem; our amendment would. I trust Senators would not want to proceed to vote on an unconstitutional law, one that violates our fundamental charter as a nation and, of course, the liberty of all Americans. No one who claims to honor the Constitution should proceed in so cavalier a manner. If we are to restore the constitutional underpinning of the NSL authority, the Senate should adopt this needed improvement.

I am also troubled by the refusal of the Republican leadership to agree on periodic audits on the use by the government of PATRIOT Act surveillance authorities. When I speak of the Republican position, I want to mention that this is not uniform within the Republican Party, as there are many Republicans who believe we should have these audits. Basic transparency and accountability are vital to ensuring that the government does not overstep its legal authority. We grant many authorities to our government, but we should do so with the confidence that if the Government oversteps its authority, Congress has the power to bring it back in line. In fact, it is only because of the audits that were mandated by the 2006 PATRIOT Act reauthorization bill that the American public became aware of some of the abuses and misuses of the national security letters, which were significant.

Without that public accountability and congressional oversight, the FBI would not have made improvements to its system of tracking NSL issuance. Because of those audits, we are more confident today that FBI agents are following proper procedures for obtaining private information about Americans—rather than improperly using ''exigent letters'' to circumvent the rules, or using Post-it Notes to keep track of records. Yet the underlying bill omits audits and public reporting; our amendment includes important audit requirements and public reporting to provide accountability and protect Americans' rights.

No one can seriously contend that audits by the inspector general of past operations present any operational concerns to law enforcement or intelligence gathering. Audits do not interfere; they provide accountability and ensure that government follows the rules.

Mr. President, you and I and 98 other Members of this body have to follow the rules. Certainly, those in law enforcement should have to follow the rules, as well. These audits have been demonstrated to be vital oversight tools, and they should be incorporated into the law. The language in our amendment is the product of more than a year and a half of extensive negotiations with Republicans and Democrats, the intelligence community, the Department of Justice. This year, the Senate Judiciary Committee bill won the support of Senator LEE. Last Congress, a virtually identical bill received the votes of Senators KYL and CORNYN and was reported favorably by the Senate Judiciary Committee to the Senate. The bipartisan amendment we seek to offer is a reasonable package of reforms that preserves the ability of the government to use the PATRIOT Act surveillance tools, while promoting transparency, accountability, and oversight.

I have often said that the Senate should not shirk its duty to reexamine carefully and critically the provisions of the PATRIOT Act. We should consider ways to improve the law consistent with our core constitutional principles. That is what I have tried to do. That is what Vermonters expect. I intend to vigilantly guard Americans' privacy and civil liberties, while doing all I can to keep all Americans secure. That is what we expect in Vermont, and I must assume that is what we expect in the other 49 States. Without a single improvement or reform, without even a word that recognizes the importance of protecting the civil liberties and constitutional privacy rights of Americans, the underlying bill represents a missed opportunity. Let us provide our law enforcement and intelligence professionals with the tools they need and give these professionals the security and certainty they need to protect our Nation. But let us also at the same time faithfully perform our duty to protect the constitutional principles and civil liberties upon which this Nation was founded and on which the American people depend.

The vast majority of the 300 million Americans in this great country are law-abiding, honest men and women. We should protect against arbitrarily lumping them all into the category of potential lawbreakers, or enabling the government to search homes or businesses without proper reason. We fought a revolution in this country to stop that from happening, and it is no different today.

One of the things that has kept us so strong as a nation is our ability to protect the individual rights of all Americans. We can go after the lawbreakers, just as we got Osama bin Laden, while at the same time protecting the principles of our country. We must not let the terrorists win by compromising our own rights and liberties in this country. The terrorists who seek to harm us would certainly take away from all of us—women and men alike—the constitutional rights we hold dear. We must not allow that.

The American people expect us both to protect our rights and to keep us safe, and I believe our amendment does just that. That is why I hope all Senators will support the Leahy-Paul amendment.

EXHIBIT 1

*Washington, DC, December 9, 2010.*

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

DEAR CHAIRMAN LEAHY: This responds to your letter of March 17, 2010, which asked the Department of Justice to consider implementing administratively certain enhanced civil liberties protections that were included in S. 1692, the USA PATRIOT Act Sunset Extension Act, as reported by the Senate Judiciary Committee.

In my letter of November 9, 2009, I expressed strong support on behalf of the Department for the bill as reported, which would reauthorize several important Foreign Intelligence Surveillance Act (FISA) authorities while enhancing protections for civil liberties and privacy in the exercise of these essential national security tools.

The bill would reauthorize section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps that thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides authority to compel production of business records and other tangible things with the approval of the Foreign Intelligence Surveillance Court (the FISA Court); and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides authority to target with FISA searches or surveillance non-United States persons who engage in international terrorist activities but are not necessarily associated with an identified terrorist group. Earlier this year, Congress acted to extend the expiring authorities until February 28, 2011. As that date approaches, I strongly urge that Congress again take action to ensure that these provisions remain in force.

Assuming these authorities are reauthorized, the Department has determined that many of the privacy and civil liberties provisions of S. 1692 can be implemented without legislation. Indeed, in a number of instances, we have already taken steps to do so. I am confident that these measures will enhance standards, oversight, and accountability, especially with respect to how information about U.S. persons is retained and disseminated, without sacrificing the operational effectiveness and flexibility needed to protect our citizens from terrorism and facilitate the collection of vital foreign intelligence and counterintelligence information.

NATIONAL SECURITY LETTERS

Your letter seeks our response regarding several matters related to National Security Letters (NSLs): notification to recipients of NSLs of their opportunity to contest the nondisclosure requirement; issuance of procedures related to the collection, use and storage of information obtained in response to NSLs; retention of a statement of specific facts that the information sought is relevant to an authorized investigation; and increased public reporting on the use of NSLs.

You will be pleased to know that as of February 2009, all NSLs are required to include a notice that informs recipients of the opportunity to contest the nondisclosure requirement through the government initiated judicial review. In most cases, this notice is automatically generated by the NSL subsystem. Domestic Investigations and Operations Guide (DIOG) 11.9.3.E. The FBI also will ensure that in any case in which a recipient challenges a nondisclosure order, the recipient is notified when compliance with the order is no longer required. Thus far, there have been only four challenges to the non-disclosure requirement, and in two of the challenges, the FBI permitted the recipient to disclose the fact that an NSL was received. If and when the volume of such requests becomes sufficiently large that solutions beyond ''one-off' notifications are required, the FBI will develop appropriate policies and procedures to notify the recipient when non-disclosure is no longer required.

I also am pleased to report that I approved Procedures for the Collection, Use and Storage of Information Derived from. National Security Letters on October 1, 2010, and these procedures have been provided to the Judiciary and Intelligence Committees. The FBI's current practice is consistent with the procedures and the FBI is working on formal policy to implement them. In addition, DOJ and ODNI will shortly complete work on a joint report to Congress on NSL ''minimization'' as required by the PATRIOT Reauthorization Act of 2005.

As to the information retained internally in connection with the issuance of NSLs, it is current policy for the FBI to retain a statement of specific facts showing that the information sought through NSLs is relevant to an authorized investigation. DIOG §11.9.3.C.

The Department appreciates the desire of the Committee for enhanced public reporting on the use of NSLs. Accordingly, although the FBI cannot provide information regarding subcategories of NSLs in a public setting, it will continue to report publicly the aggregate numbers of NSLs on an annual basis and will evaluate whether any additional information can be publicly reported.

SECTION 215 ORDERS

Your letter also raises a number of matters related to section 215 orders. You seek assurances that the government will not rely on the conclusive presumption in section 215 and will present the FISA Court with a complete statement of facts sufficient to show relevance of the tangible things requested to an authorized investigation. It is current FBI practice to provide the Foreign Intelligence Surveillance Court with a complete statement of facts to support issuance of an order. The FBI is reviewing the DIOG to determine whether changes need to be made to reflect this practice. With respect to section 215 records that contain bookseller records, or are from a library and contain personally identifiable information about a patron of the library, we are prepared to require a statement of specific and articulable facts as would have been required under S. 1692, and to notify Congress should it become necessary to change that practice.

You ask the Department to issue policy guidance providing that certifications accompanying applications for section 215 nondisclosure orders must include an appropriately thorough statement of facts that sets forth the need for nondisclosure. I am pleased to report that this is current FBI practice, and the FBI is reviewing the DIOG to determine whether revisions should be made to reflect this practice.

You also ask the Department to institute guidelines to require court-approved minimization procedures for section 215 orders and pen register and trap and trace (PR/TT) devices. Minimization procedures are already required by statute in relation to section 215 orders. 50 USC 1861(b)(2)(B). The proposal to extend this requirement to PR/TT orders is intended to apply only to certain intelligence collection activities. Procedures governing these operations are currently in effect, having been proposed by the government and approved by the FISA Court.

Finally, you ask the Department to consider providing an annual unclassified report on the use of FISA authorities and the impact on privacy of United States persons. I believe that providing greater transparency regarding the U.S. government's exercise of FISA authorities is an important objective, and will show the care taken by officials to implement and comply with constitutional and statutory requirements to protect the privacy of United States persons. Although the Department has concerns that there may be little additional information that can be provided in an unclassified format and that such unclassified information could be unintentionally misleading, we are prepared to work with the committee and our partners in the Intelligence Community to determine whether there is a way to overcome these difficulties and make additional information publicly available regarding the use of these authorities.

Taken together, I believe these measures will advance the goals of S. 1692 by enhancing the privacy and civil liberties our citizens enjoy without compromising our ability to keep our nation safe and secure.

I hope this information is helpful. The Department stands ready to work with Congress to ensure that the expiring FISA authorities are reauthorized in a timely way.

Sincerely,

ERIC H. HOLDER, Jr.,
*Attorney General.*

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FEBRUARY 19, 2010.

Hon. HARRY REID,
*Majority Leader, U.S. Senate, Washington, DC.*
Hon. NANCY PELOSI,
*Speaker, House of Representatives, Washington, DC.*

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: Over the past several months, Congress has been considering the reauthorization of three important provisions of the Foreign Intelligence Surveillance Act (FISA), which are scheduled to expire on February 28, 2010: section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps to thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides authority to compel production of business records and other tangible things with the approval of the FISA court; and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides authority to target with FISA surveillance non-United States persons who engage in international terrorist activities but are not necessarily associated with an identified terrorist group. National security requires that these provisions reauthorized before they expire.

As discussed in the Attorney General's November 9, 2009 letter, we believe that S. 1692. the USA PATRIOT Act Sunset Extension Act, as reported by the Senate Judiciary Committee, strikes the right balance by both reauthorizing these essential national security tools and enhancing statutory protections for civil liberties and privacy in the exercise of these and related authorities. We

were very pleased that the bill received bipartisan support in the Committee.

Since the bill was reported, we have negotiated a number of specific changes with the sponsors of the bill which we support including in the final version of this legislation. Among these are several provisions derived from the bills reported by the House Judiciary Committee and introduced by House Permanent Select Committee on Intelligence Chairman Silvestre Reyes in November.

We strongly support the prompt consideration of USA PATRIOT Act reauthorization legislation based on S. 1692, together with the changes to which our staffs have informally agreed. However, if Congress is unable to complete work on this measure before these authorities expire, it is imperative that Congress pass a temporary extension of sufficient length to ensure that there is no disruption to the availability of these vital tools in the fight against terrorists.

As was previously noted in a September 14 letter from the Department of Justice to Senator Patrick Leahy, the business records authority has been used to support important and highly sensitive intelligence collection operations, of which both Senate and House leadership, as well as Members of the Intelligence and Judiciary Committees and their staffs are aware. We can provide additional information to Members concerning these and related operations in a classified setting.

Finally, we remain committed to working with Congress to examine additional ways to enhance protection for civil liberties and privacy consistent with effective use of these important authorities.

The Office of Management and Budget has advised us that there is no objection to this letter from the perspective of the Administration's program.

Sincerely,

ERIC H. HOLDER, Jr.
DENNIS C. BLAIR.

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EXHIBIT 2

SECTION-BY-SECTION SUMMARY OF SA334 TO S.1038 THE LEAHY-PAUL-CARDIN-BINGAMAN-COONS-SHAHEEN-WYDEN-FRANKEN-GILLIBRAND-HARKIN-DURBIN-MERKLEY-BOXER-AKAKA AMENDMENT (HEN11338)

This amendment adds the following sections at the end of S.1038:

*Section 3. Additional Sunsets.*

This section establishes a new sunset of December 31, 2013, on the use of NSLs. This section also changes the sunset dates for provisions under the FISA Amendments Act of 2008 (Pub. L. No. 110–261) from December 31, 2012 to December 31, 2013. This section also makes conforming amendments to FISA and other applicable laws consistent with the sunsets.

*Section 4. Orders for Access to Certain Business Records and Tangible Things.*

This section modifies the standard for obtaining a court order for tangible things under FISA. Current law requires the Government to submit a statement of facts showing reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation. However, current law states that the tangible things sought are presumptively relevant if the Government shows that they pertain to (a) a foreign power or an agent of a foreign power, (b) the activities of a suspected agent of a foreign power who is the subject of such an authorized investigation, or (c) an individual in contact with, or known to, an agent of a foreign power who is the subject of such authorized investigation. This section removes the presumption of relevance described above. It requires the Government to provide a statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that the tangible things sought are relevant. This ensures that the Government is presenting a thorough statement of facts to the court and strengthens judicial oversight. The Department of Justice has indicated that it does not rely on this presumption, and that its current practice is to provide the Foreign Intelligence Surveillance Court with a complete statement of facts to support issuance of an order.

Section 3(a)(2)(A) alters certain requirements with respect to applications made pursuant to 50 U.S.C. 1861. These changes are not intended to affect or restrict any activities approved by the FISA court under existing statutory authorities. Rather, this provision is intended to ensure that in applications made pursuant to 50 U.S.C. 1861, the Government must submit a statement of the facts it relies on to support its belief that the items or information sought are relevant to an authorized investigation and that such relevance is not to be presumed based on the presence of certain factors.

To obtain bookseller records or library records that contain personally identifiable information, the Government must provide a statement of facts showing reasonable grounds to believe the tangible things are relevant to an authorized investigation and pertain to (a) an agent of a foreign power, (b) the activities of a suspected agent, or (c) an individual in contact with or known to a suspected agent of foreign power subject to the investigation. ''Bookseller records'' are defined as meaning any transactional records reflecting the purchase or rental of books, journals, or magazines, whether in digital or print form. The Department of Justice has already agreed to implement this requirement administratively.

This section also requires court review of minimization procedures. Finally, this section includes transition procedures to ensure that any order in effect at the time of enactment remains in effect until the expiration of the order.

*Section 5. Orders for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes.*

Under current law, in order to obtain a FISA pen/trap, the Government must certify that the information sought is merely foreign intelligence information or is relevant to an investigation to protect against terrorism. The bill modifies the standard for obtaining a pen/trap to require the Government to provide a statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that the information likely to be obtained is relevant. This ensures that the Government is presenting a thorough statement of facts to the court and strengthens judicial oversight.

Section 4(a)(2)(A) alters certain requirements with respect to applications made pursuant to 50 U.S.C. 1842. These changes are not intended to affect or restrict any activities approved by the FISA court under existing statutory authorities. Rather, this provision is intended to ensure that in applications made pursuant to 50 U.S.C. 1842, the Government must submit a statement of the facts it relies on to support its belief that the items or information sought are relevant to an authorized investigation.

This section also requires minimization procedures, which are not required under current law, and makes those procedures subject to court review. Section 4(b) governs procedures for minimization of the retention and dissemination of information obtained pursuant to 50 U.S.C. 1842 where appropriate in exceptional circumstances. This provision is intended to provide a statutory footing for the existing practice whereby specialized minimization procedures are implemented in certain limited circumstances under FISA court authorization and oversight.

Finally, this section includes transition procedures to ensure that any order in effect at the time of enactment remains in effect until the expiration of the order.

*Section 6. Limitations on Disclosure of National Security Letters.*

This section authorizes the Government to prohibit disclosure of the receipt of an NSL (there are four different statutes that authorize NSLs) where a high level official certifies that disclosure may result in danger to the national security, interference with an investigation, or danger to the life or safety of a person. The FBI has stated that its current practice is to require such a certification to include an appropriately thorough statement of facts setting forth the need for nondisclosure.

The recipient of an NSL nondisclosure order may challenge the nondisclosure at any time by notifying the Government of a desire to not comply. Section 7 (below) details the process for doing so.

*Section 7. Judicial Review of FISA Orders and NSL Nondisclosure Orders.*

This section allows the recipient of a section 215 order for tangible things to challenge the order itself and any nondisclosure order associated with it. Current law requires a recipient to wait a year before challenging a nondisclosure order. This section repeals that one-year mandated delay before a recipient of an order for tangible things can challenge such a nondisclosure order in court. It also repeals a provision added to the law in 2006 stating that a conclusive presumption in favor of the Government shall apply where a high level official certifies that disclosure of the order for tangible things would endanger national security or interfere with diplomatic relations.

This section also corrects the constitutional defects in the issuance of nondisclosure orders on NSLs as found by the Second Circuit Court of Appeals in Doe v. Mukasey, 549 F.3d 861 (2d Cir. 2008), and adopts the concepts suggested by that court for a constitutionally sound process. Id. at 883–84. The bill allows the recipient of an NSL with a nondisclosure order to notify the Government at any time that it wishes to challenge the nondisclosure order. The Government then has 30 days to seek a court order in Federal district court to compel compliance with the nondisclosure order. The court has authority to set the terms of a nondisclosure order as appropriate to the circumstances, but must afford substantial weight to the Government's argument in favor of nondisclosure.

According to current Department of Justice policy, all NSLs must include a notice that informs recipients of the opportunity to contest the nondisclosure requirement through the Government-initiated judicial review. This section states that the government's application for an NSL nondisclosure order may be filed either in the district within which the authorized investigation is conducted or in the jurisdiction where the recipient's business is located. This option will ease the burden on the recipient in challenging the nondisclosure order.

This section requires the Government to notify any entity that challenges a nondisclosure order when the need for nondisclosure is terminated. The Department of Justice agreed to implement this measure administratively in December 2010; therefore, this section will codify current practice.

The bill also requires FISA court approval of minimization procedures in relation to the issuance of a section 215 order for production of tangible things, similar to the

court approval required for other FISA authorities such as wiretaps, physical searches, and pen register and trap and trace devices.

*Section 8. Certification for Access to Telephone Toll and Transactional Records.*

This section codifies current FBI practice in issuing an NSL, and augments oversight and transparency. Current law requires only that an official certify that the information requested in the NSL is relevant to, or sought for, an authorized investigation to protect against international terrorism or clandestine intelligence activities, or for a law enforcement investigation, counterintelligence inquiry, or security determination. This section adds a requirement that the FBI retain a written statement of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to such an authorized investigation. This statement of specific facts will not be included in the NSL itself, but will be available for internal review and Office of Inspector General audits. The Department of Justice has stated that it is current policy for the FBI to retain a statement of specific facts showing the information sought through NSLs is relevant to an authorized investigation.

*Section 9. Public Reporting on National Security Letters.*

This section requires reporting of aggregate numbers based upon the total number of all NSLs issued each year, as opposed to by individual NSL. This section ensures that the FBI can keep an accurate record of the information it must disclose by allowing it to report both on persons who are the subject of an authorized national security investigation, and on individuals who have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

*Section 10. Public Reporting on the Foreign Intelligence Surveillance Act.*

This section requires that the Government produce an annual unclassified report on how the authorities under FISA are used, including their impact on the privacy of United States persons. This report shall be easily accessible on the Internet.

*Section 11. Audits.*

This section requires the DOJ Office of Inspector General to conduct audits of the use of three surveillance tools: 1) orders for tangible things under section 215 of the 2001 Patriot Act, or section 501 of FISA; 2) pen registers and trap and trace devices under section 402 of FISA; and 3) the use of NSLs. The audits will cover the years 2007 through 2013. The scope of such audits includes a comprehensive analysis of the effectiveness and use of the investigative authorities provided to the Government, including any improper or illegal use of such authorities. This section also requires the Inspectors General of the Intelligence Community to submit separate reports that also review these three provisions. The audits covering the years 2007–2009 must be completed by March 31, 2012. The audits for the years 2010–2011 must be completed by March, 31, 2013. The audits for the years 2012–2013 must be completed by March, 31, 2015. These due dates ensure that Congress will have time to fully consider the findings of the audits prior to the June 1, 2015 sunsets in the underlying bill.

*Section 12. Delayed Notice Search Warrants.*

Current law requires notification of a delayed notice search warrant within 30 days. This section requires notification of a delayed notice search warrant within seven days, or a longer period if justified.

*Section 13. NSL Procedures.*

Current law does not require minimization procedures be established, but on October 1, 2010, the Attorney General adopted procedures concerning the collection, use, and storage of information obtained in response to NSLs. This section requires that the Attorney General periodically review, and revise as necessary, those procedures, and to give due consideration to the privacy interests of individuals and the need to protect national security. If the Attorney General makes any significant changes to these NSL procedures, the Attorney General is required under this section to notify Congress, and to submit a copy of the changes.

*Section 14. Severability.*

This section includes a severability clause that will ensure that in the event any part of the bill or any amendment to the bill is found to be unconstitutional the remainder of the bill will not be affected.

*Section 15. Offset.*

This section includes a $9,000,000 offset from the Department of Justice Assets Forfeiture Fund for any direct spending that could be incurred by the provisions of the bill.

*Section 16. Electronic Surveillance.*

This section is intended to amend the FISA wiretap statute (50 U.S.C. 1805(c)(1)(A)) so as to require law enforcement to identify ''with particularity'' the target of a wiretap request under FISA. The Department of Justice has testified that, in applications to the FISA court for ''roving'' wiretaps, it must provide the court sufficient detail to identify the target with particularity.

*Section 17. Effective Date.*

This section includes an effective date of 120 days from the date of enactment for the statutory revisions made by this legislation to take effect. This period of time will provide the Government an appropriate amount of time to implement the new procedures required by the legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I am going to speak a little bit about the PATRIOT Act, and then do I have to have consent to do anything else other than that?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. OK. I ask unanimous consent that I be able to speak about two issues.

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

Mrs. BOXER. I just want to acknowledge the hard work of the chairman of the Intelligence Committee and the chairman of the Judiciary Committee on the PATRIOT Act and to state I am on an amendment Senator LEAHY has authored which has bipartisan support. I think Senator LEAHY's amendment puts a couple of checks and balances in this bill that I think are essential. But I hope we do not have delays because delays would cause trouble for law enforcement people and for the work we are doing to make sure we continue making progress against those who would harm this country.

I fully agree with the statements we have the balance of security and liberty, and I think the Leahy amendment goes a long way toward that. But, again, we need to give law enforcement the tools they need.

HOUSE BUDGET

Mr. President, as we look at what is ahead for us this week, it is not only the PATRIOT Act, but we also are going to be looking for votes on a couple of different budget proposals, and I want to spend some time talking about the Republican budget that passed the House that was originally authored by Representative PAUL RYAN. It sort of got to be known as the Ryan budget, but let's be very clear about this: It is no longer the Ryan budget. It is the Republican budget.

This is why I say this. Out of all the Republicans in the House—and there are a lot of them over there; they run the place; well over 100—every one of them voted for this budget except for, and on our side, not one Democrat.

So let's be clear what a budget is. I served on the Budget Committee in the House and in the Senate. A budget is a very important document, whether you write it in your own home for your own family or you write it in the Senate of the United States. Why? Because in a budget you are looking at all your resources and what your priorities are.

If you have an issue with spending—which a lot of us have in our homes, as well as having it right here; we know that; and certainly in my State—this is when the rubber meets the road and you have to say: What is important to us and what is less important?

The questions you ask when you write a budget around here are: Are our children important? The answer is, yes. Is it important we have clean air to breathe? For me, absolutely. Should the water be pure? Should we make sure the environment is protected? Yes. Should we have a transportation system so we can move people and goods in this century and be the economic world leader? Yes. That is an investment. We go through the budget piece by piece and we decide what is crucial.

Of course, we need a strong military. Having said that, some of us believe it is time to wind down the two wars we are in in Afghanistan and Iraq that is costing us $12 billion a month. We can use those funds back home and still keep the kind of counterterrorism forces we must keep, I believe, in the region and bring that money home.

There is a lot of talk, a lot of words are thrown around about how to balance a budget. I have to say, I was fortunate enough to be here, thanks to the good people of my State, during the Clinton years, and we had similar issues. What were the issues? We were running in the red. We had a deficit, we had a debt, and we had to make sure the economy kept growing in a robust fashion. Do you know what we did? We sat around and said: These are the investments that are important to us.

Today I would argue it is still education, it is infrastructure, it is the environment, it is clean energy. Those are what will move us forward. Over here are the issues where we look out and say: How can we get some revenue? One of the ways is what the Democrats said the other day. We said it is time to end corporate welfare for the biggest oil companies in the world that are—listen to this—two, three, and four on the Fortune 500 and are paying a lower tax rate than a nurse. Can I say that one more time? These big multinational oil companies that are charging us an arm and a leg are paying a lower tax rate than a nurse or a truckdriver or a firefighter in an effective tax rate. That is the truth. But yet and still, the power of those special interests looms over this Chamber, and we were not able to end that corporate welfare and start to reduce this deficit.

So there are places to go to reduce the deficit. I say, start by eliminating corporate welfare for the people who do not need it. Start by asking billionaires and multimillionaires to pay their fair share. Then we do not have to hurt the people of this country, the great middle class of this country, the children. But every day in every way, that is what these battles are about.

So today I want to talk about the Republican budget and just look at it from the standpoint of Medicare and look at it from the standpoint of seniors and, more specifically, look at it from the standpoint of women on Medicare who make up 56 percent of those on Medicare.

Thank goodness the people in this country are tuning in to this debate. They are tuning in. A lot of what we say here just flies over the country and no one pays attention. It is complex, it is wonky, and the rest. This is an easy one. The Republican budget kills Medicare as we know it. Pretty simple. People are asking themselves across this Nation: Do they want to kill Medicare as I know it?

Senator MIKULSKI, who has just arrived on the Senate floor, has organized the women. In the next 5 minutes I will summarize what I said and turn to her.

The Republican budget is a disaster for seniors and for those on Medicare. It is worse than a disaster. Newt Gingrich said, 15 years ago: Let Medicare wither on the vine. That means starving it. The Republican budget just kills it outright. They lost patience with that idea. The Republican House-passed budget brings a devastating cost to seniors for Medicare.

Let me show you the cost. Listen to this: The average income of senior women in this country in a year is $14,430. The health care cost they will have to pay under the Ryan budget is almost all that money, $12,500. So the Ryan Republican budget devastates Medicare and says to a senior woman, who makes $14,000 a year, that her health care costs are going to cost her $12,000.

What is she going to do with the other $2,000? Well, that would be probably, if she is fortunate, maybe 3 months' rent; in California, 1 month's rent. Then what does she do? Starve? I will tell you what she will do. She will not have health coverage.

This is America under the Republican vision? Going back to the days where our senior citizens had no dignity? I just cannot imagine it. I cannot imagine it.

The woman earns $14,000. She is supposed to spend $12,000 on health care. Forget it. She is not going to do it. Who in their right mind would ask a woman—a senior woman, who worked and played by the rules, who more than likely is a widow, who is living off Social Security—who in their right mind would ask her to face double—double—the cost of health care she now pays? I will give you the answer. House Republicans. That is what they voted for. I am not making it up. This is what they voted for.

Now you have people running away from it, running toward it. They do not know which way to go on it. But do you know what. When we vote, I hope they run far away from this because this is a disaster.

Let me show you another chart. This Republican budget ends Medicare as we know it, and it takes the benefit away from the senior and gives it straight to this guy. Who is this guy? He is very happy. Behind him is a chart that says: ''Health Care Profits.'' On the other side it talks about the CEO of the company and his income. The House Republican budget takes the benefit away from the senior and gives it straight to the insurance company. Imagine. Do you know what this guy makes, the average CEO of a health insurance company? Mr. President, remember, I told you the average senior woman makes $14,000 a year. He makes $12.2 million a year. Oh, hooray for the Republicans. They are taking a benefit away from a woman who has lived by the rules, who has raised a family and stood by that family, and in her golden years they take away her money and they give it to this fat cat over here. It makes me ill. But I better watch out because the next thing you know, they will take away my health care, and where will I go?

Profits in these companies are up 41 percent from the previous year. Every once in a while a political party stands for something that shows who they are, and I think we are seeing it here. They voted to continue corporate welfare for the biggest multinational oil companies that are just running to the bank, and their CEOs make more than this guy by a few million. Now, this week, we are voting on their budget, which gives more to the CEO of an insurance company and steals it away from the average senior woman.

The last chart I am going to show is this one: There is a health care benefit in place for senior citizens who are on Medicare. By the way, I was very disturbed when we voted for it because in that bill, at the insistence of the Republicans, we told Medicare they cannot negotiate for reasonable drug prices, and that is the way it went down. It was very sad.

Having said that, we have a benefit for senior citizens now. One of the leaders in trying to make sure they get their full benefit has been Senator STABENOW, who is joining us now in the Chamber.

So I will close with this: What we did in our health care reform budget is to say that seniors will now be covered for basically all of their health care costs. The Republican budget cancels that out, and they now say seniors have to pay for all of their prescription drugs. Even with their insurance, there will be this period of time: the uncovered benefit called the doughnut hole. People call it different things. That means immediately—if the Republican budget passed now—my seniors in California, who are in that category getting help on their prescription drugs, 400,000 of them, would have to pay $9,000 more over the next decade—$9,000 more—for their prescription drugs.

Mr. President, I have given you just a bit of the picture of what the Ryan budget does. I have just focused on the Medicare piece. That whole budget—the Republican budget, started by Ryan, embraced by the Republicans—is a disaster for seniors, for women, for children, and it is a hot time in the old town tonight for big CEOs of health insurance companies. That is what it is, and we should bring it down.

I am happy to now yield for Senator MIKULSKI, who will have the time in her own right.

I say to Senator MIKULSKI, thank you very much for your leadership on this issue.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank Senator BOXER very much for her steadfast stance for American women.

Today, the Democratic women have come to the floor to talk about the terrible impact the Republican budget coming from the House and getting started in the Senate has on women.

After I speak, I will be followed by Senators STABENOW and SHAHEEN and then Senator BLUMENTHAL. Other colleagues want to join us. Senator MCCASKILL is in Missouri, as she should be, with her constituents. Senators FEINSTEIN and KLOBUCHAR are chairing hearings.

But let me get right to my position. You know, the Republicans—we are not going to call this the Ryan budget because whether it is the Ryan budget, the Toomey budget, whatever, it is the wrong budget for America, and it continues the radical Republican attack on women they began in H.R. 1. They started to attack us by taking away our health care, our family planning. Now they are back at it again.

The Republican budget takes away our health care, and there are no ifs,

ands, or buts about it. We are not going to put up with it. No matter what they try to take away from us, we are not going to let it happen.

What do I mean by that? Well, let's start with Medicare. Medicare is the single most important health care program in America for seniors. Women are the majority users of Medicare because we live longer.

When the Republicans want to talk about taking away or changing Medicare as we know it, what is it that they mean? They are going to take away a guaranteed benefit and convert it into guaranteed profits for insurance companies. They talk about a voucher program. It is a payment for care that does not go to a senior but goes to an insurance company. People believe Medicare should be that they go to the doctors they need, get the prescriptions their doctors say they need, and they have follow-up and consistent care. No matter what, when the Republicans say this is going to give grandma more choice, more choice to do what? Be at the mercy of insurance company executives who ever-shrink benefits package and ever-expand premiums, all of which—government subsidizes their profits instead of providing a safety net so that if you are old and sick in America, you get the care you need, choose the doctor you want, and get the prescription drugs necessary. Under the Republican budget, Federal dollars turned over to the insurance companies will force people to pay more. In my own home State, it will mean $6,000 more in health care.

But they don't stop just at Medicare; they go on to Medicaid. Now, ''Medicaid'' sounds like a bad word or they have made it sound like a bad word, that it is a budget-buster. But, make no mistake, Medicaid primarily pays for nursing home bills, nursing home bills for middle-class Americans who need it to turn to nursing home care for a loved one who may have Alzheimer's or Parkinson's or Lou Gehrig's disease. You don't go into a nursing home because it is a lifestyle choice; it is usually a lifesaving mandate. In order to do that, there is no government program to help you, so you have to spend down your life savings to qualify for Medicaid, and then Medicaid will help you pay for those bills. But under the Republican budget, they are going to pull the rug out from anyone who has a loved one in a nursing home.

Go out and talk to young families who are part of the sandwich generation, those who are caring for their aging parents and know they have to make sure they can help pay these long-term care costs while they are worrying about how to send their kids to college. Once more, they are trying to undermine the safety-net protections for middle-class Americans.

One thing the Republican plan does—it is a guaranteed bailout for insurance companies. Then they even go a step further. And I know my colleagues will talk about what the defunding of health care will do. I want to talk about the defunding of NIH, the cuts to NIH.

The National Institutes of Health will also be cut under the Republican assault on women. What are they talking about by shrinking NIH? When you shrink the National Institutes of Health, that means there will be setbacks and delays to find that cure for Alzheimer's, that cure for Lou Gehrig's disease, that cure for Parkinson's disease. Right now, there are 5.5 million people living with Alzheimer's. It is predicted that by the year 2050, 50 million Americans will have Alzheimer's. And 1.5 million have Parkinson's disease.

These are not numbers and statistics; these are families who need help. They certainly need Medicare. They might need long-term care. But they also need to know their government is on their side. We can have races for cures, and we can have walks for the memory programs with the Alzheimer's Association. We can't find cures for diseases on private philanthropy, and the drug companies aren't investing the way they should in finding these new cures. We can't undermine this, whether you are cutting Medicare, which women need; Medicaid, which is the safety net for nursing home care; and even the research to find the cure for these diseases.

Now, whom does this affect? It affects people at all ages. It affects constituents of mine who have worked very hard building automobiles and working in steel mills, working in offices, working hard to be good patriotic people. It goes to even a former member of our Supreme Court, Sandra Day O'Connor, whose husband was gripped by Alzheimer's, and that is one of the reasons she stepped down when she did, because she was going to take care of him. Alzheimer's is an equal-opportunity disease. It hits all incomes and all ZIP Codes. But they are going to take a hit because of the Republican budget.

We are just going to shine a light on this. This is not about a more frugal government. This is not about limited government. This is about government abandoning its responsibility to the American people. And while we are busy promoting democracy over there, let's make sure we continue to provide health care right back here in America.

I now yield the floor for a real champion to women and seniors, my colleague, Senator STABENOW.

The PRESIDING OFFICER (Mr. BLUMENTHAL.) The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President, and thank you so much to our dean of the delegation, our dean of the women Senators, who has not only been here the longest but has been the strongest advocate, the strongest consistent voice for women, for seniors, and for children that we have had in our country. We thank you for that and for bringing us together and your leadership in giving us the opportunity to come and talk about what are very serious ramifications of the budget passed by the House of Representatives.

Let me first start—I want to talk about Medicare because that has the biggest impact, but let me say that as we look at the budgets that have been proposed by the House, by House Republicans this year, the current budget as well as next year's budget that was passed, we are seeing attacks on women and children, from prenatal care forward to nursing homes at the end of life.

With my hat on as chair of the Agriculture Committee, we oversee the nutrition programs for the country, and I was absolutely appalled that the largest cuts that were proposed as we were negotiating the budget for this year in the Department of Agriculture was the WIC Program—Women, Infants and Children—prenatal nutrition for moms who are pregnant and healthy foods for moms and babies as they move forward through their first year of life and beyond. It is hard to believe that would be the No. 1 cut, the largest cut in the Department of Agriculture budget, but that was the original proposal from this year. Now we go forward and we look at the budget that was actually passed for the coming year by the Republican House, and it is really astounding when we look at the priorities.

The Republican budget essentially ends Medicare. It eliminates Medicare as we know it. Folks have said to me: Oh, they really do not mean that; they really are not going to do that. Yes. They passed that. It is not just a proposal someone had; they actually passed it as an intact insurance plan.

Medicare has been a wonderful success story for our country. Social Security and Medicare together have been great American success stories, lifting a generation of older Americans, the majority of them women, out of poverty and allowing them to be healthy longer in life, a generation of people, a generation of women, because the majority of women—particularly as we look at people of older age, the majority of people on Medicare are women.

I think about my own mom at 85 going strong and the blessing to watch her on Mother's Day be able to play with my two grandchildren—they are the most beautiful grandchildren in the world—3-year-old Lily and 1-year-old Walter, and to have my mother still be healthy because of access to health care at age 85, that is a success story. That is a gift we have all joined together as a country to give to our families, to older Americans, to our parents and grandparents and to future generations. That gift would be eliminated, that ability to have Medicare, and most of that elimination would be, unfortunately, an attack on women.

Seniors will pay double. The amount they will pay under the plan passed by

the House is $6,359 more than they currently pay now. Really, what does that mean? Well, right now under Medicare, the current system in copays and deductibles and so on for the average senior is about $6,000, $6,154. Under the Republican plan passed by the House, that would double—more than double.

What does that mean to the average women who is retired? Well, the average woman senior has an income of $14,430—$14,430—and under the Republican plan her health care costs would be $12,500. I don't know about you, Mr. President, but the idea of living on roughly $2,000 for the year, for your rent or mortgage or food or clothing or gasoline—certainly not gasoline, given that the price of gas is impossible. It is absolutely impossible. And this is what is coming for the average woman who is retired, over age 65, under the plan passed by the House of Representatives.

Now, why would they be doing this? Why would they be doing this? Well, unfortunately, it is to continue to allow them to provide tax breaks for the wealthiest Americans, those earning over $1 million a year, and they add more tax breaks in their budget while they are cutting Medicare, and it also protects the special perks for special interests such as the oil companies.

The reality is this: We know there is a huge budget deficit we have to tackle. We also understand that people are living longer and there is work we need to do around both Medicare and Social Security. We have already begun that process in health reform—lengthening the solvency of Medicare for a number of years, taking away overpayments for for-profit insurance companies to save dollars, and focusing on prevention, which saves $500 billion over the next 10 years in Medicare, lengthens the trust fund, and does not cut benefits to seniors. It does not eliminate Medicare. It does not eliminate other insurance plans. It strengthens it for the future. That is one way to go.

But our colleagues in the other House, the Republicans, said: We need to balance the budget, so let's start by eliminating Medicare as we know it. Let's start there, doubling the cost for the average senior, most of whom are women.

We said: Well, there are a lot of choices about where to start to balance the budget. Let's start with the top five oil companies that right now are earning the largest corporate profits in history and still get taxpayer subsidies, some of which started almost 100 years ago when it probably made sense—over 100 years ago—when oil prices were $17 a barrel. Now they are over $100 a barrel—the largest corporate profits ever. They still get taxpayer subsidies.

People in my State are scratching their heads as they are paying higher prices out of one pocket and, as taxpayers, are subsidizing the prices out of the other pocket. Let's start with the billions of dollars that are certainly no longer needed by an industry that is doing extremely well. Let's take away those taxpayer subsidies as a place to start to balance the budget. Let's not start with the tens of millions of people who currently get health care through Medicare, most of whom are women.

The Republican plan goes even further because it also attacks and dramatically cuts and weakens Medicaid, most of which is for low-income seniors in nursing homes, and 77 percent of the people in nursing homes or long-term care facilities are women. Again, 77 percent of those in nursing homes or long-term care facilities who are using Medicaid to help them are women. Again, from prenatal care in the beginning of life to what happens to seniors at the end of life, women in nursing homes across the board are being attacked on women's health care. That makes absolutely no sense.

Certainly those are not the values I believe in—the values we believe in as a country. Certainly those are not the values the people in Michigan have. Starting to balance the budget by going back to seniors, women, and middle-class families who are already taking hit after hit in this economy is not fair. It is certainly not the place I am going to vote to start or I know our Democratic majority will start.

We are going to have an opportunity very soon—in the next day or two—to say yes or no about this plan that was passed by the House, the plan that eliminates Medicare as we know it and puts an insurance company bureaucrat between you and your doctor. Every woman on Medicare would be put into a situation where an insurance company bureaucrat would, once again, be back between her and her doctor as she tries to get the care she needs.

In my judgment, the Republicans' plan has its priorities upside down. Their plan to eliminate Medicare as we know it is good for insurance companies, no question about it. Every single woman would have to go back to a private insurance company, and then the insurance company would get a subsidy at that point. It may be good for insurance companies, but it is bad for seniors, for taxpayers, and certainly bad for American women.

I encourage and implore our colleagues on the other side of the aisle to join with us in saying no and supporting Medicare—the great American success story that it is—and saying no to the efforts to eliminate Medicare as we know it, saying no to the Republican budget, which puts insurance company bureaucrats between you and your doctor. Let's say yes to other areas where we can reduce the deficit, without hurting middle-class families and seniors in this country.

It is my great pleasure to yield for a champion for women's health care and for the State of New Hampshire, Senator JEANNE SHAHEEN.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I commend my colleague, Senator STABENOW, for the great work she has done over a long period of time for women and families in her State of Michigan and throughout the country. I remember her telling me she got involved in politics in order to address a nursing home issue, which disproportionately affects women—just as this budget that passed the House disproportionately affects women and children. I am pleased to be able to join her on the floor, along with my other colleagues.

I also appreciate Senator MIKULSKI's leadership in bringing us together today.

There is no doubt that everybody in the Senate—and those who spoke today—understands we need to deal with this country's debt and deficit. There is no question about that. But the question is, Are we going to do that in a way that is fair to everyone? Unfortunately, the House Republican plan would disproportionately impact women and, in particular, older women.

Make no mistake about it, the Republican budget that passed the House will end Medicare as we know it today. Since women are a majority of all Medicare beneficiaries, any radical change to the Medicare system will disproportionately affect women, and it will, in the long term, hurt so many women in this country. For example, if we take a typical senior on Medicare in my home State of New Hampshire, under the House Republican plan that senior's out-of-pocket health care costs are going to double to $12,000 a year.

As time goes on, those out-of-pocket costs are going to continue to increase. This health care impact on senior women is especially hard because, during most women's working years, they earn less than men. That is still true today—women earn less than men. Women often work part time or leave the workforce while raising families. As a result, they have less retirement savings, on average, and lower Social Security benefits.

So for women who already have earned less, Medicare is a critical source of financial security. It keeps many women out of poverty. The House-passed Republican budget will end that security for seniors who rely on prescription drugs—a real improvement we made when we passed the affordable health care plan because we made great progress toward closing that doughnut hole and helping seniors with the cost of prescription drugs. But what the House Republican plan will do is dramatically increase those costs. Again, in New Hampshire, we have 15,200 seniors who will pay $8.5 million more in just 1 year for their medication. Of course, we all know women tend to live longer than men. As a result, women represent three-quarters of our most vulnerable Medicare beneficiaries—those who are living in nursing homes and assisted living or other long-term care facilities.

When their savings run out—which happens often, given the costs of long-term care—seniors must turn to Medicaid to pay their bills. However, the House Republican budget would also make radical changes to the Medicaid system. So their proposal not only threatens Medicare but it threatens long-term care for millions of women who rely on Medicaid.

The House Republican proposal eliminates the current Medicare system and puts private insurance companies in charge of the health benefits seniors receive. The Republican plan does nothing to reduce the cost of health care. It just shifts that cost of health care onto seniors. What is going to happen when we shift the cost to seniors who can no longer afford to pay for their health care is that they are going to go to emergency rooms, and emergency rooms are not only the most expensive care because we would have eliminated the preventive care that is part of the new Medicare proposal we passed for health care, but everybody who has health insurance winds up paying for those emergency room costs that seniors would not be able to afford to pay. So it is a double cost shifting—a shifting to seniors for the cost of their health care and a shifting of those health care costs to everybody who has insurance.

The House Republican budget will hurt all seniors, but it will especially hurt women because they are the most vulnerable. I hope all our colleagues will join us in voting against the House Republican budget that is on our desk that we expect to take up this week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Madam President, I am very pleased and honored to join my distinguished colleagues—most recently the occupant of the chair—as we pledge to continue to fight to stand for women's health care and to fight the devastating cuts that are incorporated in the House Republican budget.

This fight against these cuts is essential not only for the health of millions of women across the United States but also for our health care system and even for the effort to cut the debt and deficit, which has to be one of our most important goals.

In the end, these cuts are as far from cost-effective as any could possibly be. In the end, they will actually raise the cost of health care in this country because they will deny millions of women and girls preventive health care, which saves money in the long run. Preventive health care enables everyone to avoid the most costly consequences—costly in terms of the pain and suffering and worry and concern that comes from failure to diagnose and treat problems earlier rather than later.

Indisputably, preventive and coordinated health care saves money. This Republican budget will cost more money. It also will have an impact on States, unquestionably. In Connecticut, 114,000 people will lose Medicaid if this program is changed into a block grant program, and Connecticut will lose $16.1 billion in health care benefits if our government in the State of Connecticut will have to shoulder this greater financial burden. The same will be true of other States across the country that will have to bear more of the costs. Taxpayers at the State level will pay those costs.

Again, that is as far from cost-effective as any program could be. The real consequences—the most dramatic and most immediate effect of this very misguided and cruel House Republican budget will be on women and children predominantly because Medicaid and Medicare serve them more than any other part of our population. Medicaid provides, in Connecticut, for example, 77 percent of the public funding for family planning. Medicaid pays for 35 percent of all the births in the State of Connecticut. The burden will fall on them disproportionately, and it will have real human consequences for women and children.

In a very pernicious way, it will also enable and encourage States to wage, at their level, the kind of ideological war on women's health we have seen, unfortunately and unconscionably, at the Federal level. We can already see the beginnings of it. In the State of Indiana, for example, they enacted legislation to prohibit Planned Parenthood from receiving Medicaid funds to be used for women's health care.

Think of it—Medicaid money cut completely for family planning, for cancer screening, for all kinds of preventive services that constitute the bulk of what Planned Parenthood does in Indiana and across the country under a law that is not only bad public policy but also illegal.

I thank the administration for recognizing the illegality of this law. It has done so in a statement recently issued by the Department of Health and Human Services. It has said unequivocally that this Indiana law that prohibits Planned Parenthood health centers from receiving Federal funds for family planning services under Medicaid and title X contravenes Federal law. Now we will ask—and I am circulating a letter to my colleagues to this effect—the Federal Government to take action that will provide real teeth for this statement and show that similar laws now pending in other legislatures, such as Kansas, Oklahoma, and elsewhere, will also bring compliance action from the Federal Government.

The fact of the matter is family planning services provided by Medicaid are a mandatory benefit under Federal law. Congress created this legal program for beneficiaries in 1972, and it was so concerned about the availability of family planning services that the Federal Government and this Congress required that they cover 90 percent of all of the cost of services in this area—an unprecedented incentive and a clear signal as to the importance of these services.

The Indiana law threatens access to vital preventive health care for millions of women in that State. Its precedent threatens the same kind of family planning and preventive care for millions more women across the country. And this body has, in effect, rejected that kind of restriction by a vote of 58 to 42 when we had to consider the continuing resolution just weeks ago.

Finally, this ideological war in Indiana is misguided, it is costly in dollars and in lives, and it should not be tolerated. Certainly it should not be permitted by the kind of approach that is embodied in the House Republican budget. I believe the Members of this body will take a stand against it and fight the kind of war on women's health care the House Republican budget so dramatically reflects.

Mrs. FEINSTEIN. Madam President, I rise to discuss the devastating impact that the House Republican budget would have on seniors, women, children, and families nationwide.

On April 15, 2011, House Republicans passed H. Con. Res. 34, Chairman RYAN's budget. Under the guise of entitlement reform and deficit reduction, House Republicans would instead ensure that the elderly, the poor, pregnant women, and children will be unable to afford health care.

The House Republican budget essentially ends the important entitlement programs Medicare and Medicaid as we know them, all while 72 percent of the budget cuts go to fund tax cuts for the rich. The budget claims $1.5 trillion in savings from winding down the wars in Iraq and Afghanistan, which are already savings that will happen. If you discount those savings, the House Republican budget cuts $4.3 trillion over 10 years, while spending $4.2 trillion on tax cuts for the wealthy, resulting in only $100 billion in deficit reduction. To be blunt, House Republicans are trying to balance the budget on the backs of the poor, the elderly, and our children while rewarding the wealthy.

This budget changes Medicaid from a State-Federal matching program that can adjust to changes in unemployment, poverty, or aging of the population, to a capped amount of Federal funds per State—a block grant. The budget also repeals the health reform law.

Medicaid is the health insurance program for low-income or disabled individuals and families, many of whom are parents in working families. This is not a population who can easily access health insurance elsewhere if their benefits are cut.

If Medicaid was converted to a block grant and the health reform law repealed, California stands to lose an estimated $147.8 billion over the next decade—$87.7 billion through Federal investments in Medi-Cal and $60.1 billion from the Medicaid expansion in health reform. Under the House Republican budget, California would see a 31-percent reduction in Federal dollars over the first 10 years, and by 2021 there would likely be a 41-percent cut in Medicaid enrollment. Mr. President, 7.2 million Medicaid beneficiaries in California could see either reduced benefits or increased out-of-pocket costs, and at least 2 million poor Californians could be kicked off the program.

Low-income pregnant women who depend on Medicaid as a key source of health coverage could be dropped from the program. By converting Medicaid into a block grant, House Republicans would inevitably force States to drop coverage or change eligibility levels, and many more babies could be at risk. Without Medicaid, pregnant women who rely on the program would likely be uninsured and forgo critical prenatal care. This is a serious concern for the health of both the mother and the baby. Babies born to mothers who do not receive prenatal care are three times as likely to be born at a low birth weight and five times more likely to die. A block grant could also result in States dropping coverage for children who need it the most, such as those receiving special needs care.

In California alone, Medicaid care for seniors and the disabled, including nursing home care, would be slashed by almost $54 billion over 10 years.

This budget hurts women, it hurts children, and it hurts the elderly.

The House Republican budget also eliminates Medicare as we know it. Instead of a guaranteed set of health benefits, seniors would receive roughly $8,000 to purchase insurance on the private market. This sounds good, but the bottom line is that it won't cover the costs. Our current Medicare Program has been more effective than the private insurance market at keeping costs down. This means that for an equivalent package of benefits in 2022, under this budget, health care costs for an average 65-year-old will be 40 percent higher. Because the $8,000 will be insufficient to cover the increased cost of care, annual costs the seniors pay out of their own pocket for health care will more than double in 2022, from an estimated $6,150 to $12,500. Essentially, seniors would be getting less money to purchase more expensive care. In 2010, half of all Medicare beneficiaries had incomes less than $21,000. You can see the problem.

Furthermore, the House GOP budget would repeal the health reform law. Repealing the health reform law would reopen the drug-coverage Medicare drug-coverage gap or doughnut hole, that is closed in health reform. This gap forced beneficiaries to pay 100 percent of their drug costs after they exceeded an initial coverage limit. Over 381,000 California seniors are in this coverage gap. House Republicans want these seniors to have to pay $214 million more for prescriptions next year and $4.3 billion more in 2030.

Furthermore, there would no longer be free annual wellness exams under Medicare, meaning over 106,000 Californians could pay over $11.1 million more for annual wellness visits in 2012.

Repealing the health reform law also hurts women. Women in Medicare would no longer receive free mammograms—an important measure to find breast cancer early.

Because of the new health care reform law, in 2014, insurance companies will no longer be able to discriminate based on preexisting health conditions and will no longer be able to charge different premiums for women and men. House Republicans want insurance companies to get back in the driver's seat and be able to charge higher rates based on gender and deny coverage to people with preexisting conditions. About 80 percent of Americans age 65 and older have at least one chronic health condition, meaning it would be more difficult for them to find insurance coverage. Under this budget, pregnancy would once again be considered a preexisting condition. We all know how difficult it is to get coverage. It is a travesty to deny health insurance to women for this reason.

With these and other benefits in the law, women make great strides toward equality in the insurance market. But House Republicans want to eliminate these strides.

The House Republican budget also targets a critical nutrition program for low-income families. It would cut $127 billion, or 20 percent, to the Supplemental Nutrition Assistance Program, SNAP, in the next 10 years alone. In my State alone, 3.7 million individuals are expected to receive food stamps in 2012. Under the House Republican budget, California would lose over $10 billion in food stamp benefits over the next 10 years. As a result, families would see their benefits cut. Low-income families, with average salaries of $28,000 a year, would see their benefits cut by $147 a month.

The continued assault on health care for the poor, the elderly, women, and children is astounding to me. We need to look carefully at our spending and we need to make cuts, and I believe we need to include entitlement programs in the discussion. But changes to these programs and any cuts we make have to be carefully crafted to ensure that the most vulnerable populations receive the least amount of harm. The House Republican budget does not follow this philosophy; instead, it attacks the poor and elderly in the guise of deficit reduction.

I will be voting against this budget when it comes before the full Senate for a vote.

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

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

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

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

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

Mr. UDALL of Colorado. Mr. President, I rise today to speak in opposition to the proposed reauthorization of the expiring provisions of the PATRIOT Act incorporated in S. 1038. I have to tell you, I find reauthorization especially troubling since we have waited until the last minute and are now being told we must rush this bill through the Senate of the United States.

There are a number of PATRIOT Act provisions that are permanent, and they remain in place to give our intelligence community important tools to fight terrorism. But there are three controversial provisions we are debating, commonly known as roving wiretap, lone wolf, and business records. I have to tell you, at least from my point of view—and I think there are other Senators here who agree with me—they are ripe for abuse, and they threaten Americans' constitutional freedoms.

As I start my remarks at the onset, I want to state that I firmly believe, as we all do, that terrorism is a serious threat to our great country, the United States, and we have to be focused like no other time in our history in seeking to protect our people, the American people.

I sit on the Senate Armed Services Committee and the Senate Intelligence Committee. On those two committees, much of my attention is centered on keeping Americans safe, both here and abroad. I recognize that despite bin Laden's death—which we all celebrate because justice was delivered—we still live in a world where terrorism is a serious threat to our country, our economy, and to American lives.

Our government does need the appropriate surveillance and antiterrorism tools to achieve these important goals—indeed, many of the PATRIOT Act's provisions which I support and have made our Nation safer since those devastating attacks on that day we will always remember, on 9/11, we know that for a fact. But the problem we confront today is there are three provisions we are debating that fail to strike the right balance between keeping us safe, while protecting the privacy rights of Coloradans and all Americans.

Instead, these three provisions are far too susceptible to abuse by the Federal Government, even in the name of keeping us safe from terrorism. I do not say this lightly, but my concerns about some of these provisions have only grown since I have been briefed on their interpretation and their implementation as a member of the Intelligence Committee.

Let me share some examples. Currently, the intelligence community can place wide-ranging wiretaps on Americans without even identifying the target or the location of such surveillance. That is one concern. Second concern. The intelligence community can target individuals who have no connection to terrorist organizations. A third concern I have is they can collect business records on law-abiding Americans who have no connection to terrorism. We ought to be able to at least agree that the source of an investigation under the PATRIOT Act should have a terrorist-related focus. If we cannot limit investigations to terrorism, my concern is, where do they end? Is there no amount of information our government can collect that should be off-limits? I know Coloradans are demanding that we at least place commonsense limits on government investigations and link data collection to terrorist-related activities.

If we pass this bill to extend the PATRIOT Act until 2015, it would mean that for 4 more years the Federal Government will continue to have unrestrained access to private information about Americans who have no connection to terrorism, with little to no accountability as to how these powers are used.

Again, I wish to go back because we all agree the intelligence community needs effective tools to combat terrorism. But we must provide those tools in a way that protects the constitutional freedoms of our people and lives up to the standard of transparency democracy demands.

The three controversial provisions I have mentioned can be much better balanced to protect our people. Yet it seems to me that many of my colleagues, many of our colleagues, oppose any changes. By making the PATRIOT Act provisions I have outlined permanent, we would be, in effect, preventing debate on them ever again.

To travel that path would be to threaten constitutional and civil liberties we hold dear in this country. That is not the right path. Let me be clear. I do not oppose the reauthorization of these three provisions of the PATRIOT Act, but I do aim to bring forward some commonsense reforms that will allow us to strike an important balance between keeping our Nation safe, on the one hand, while also protecting privacy and civil liberties.

Toward that goal, I have worked side by side with my colleagues in coming up with commonsense fixes that could receive bipartisan support. Senator WYDEN from Oregon has filed an amendment, which I have cosponsored, that would require the Department of Justice disclose to Congress the official legal interpretation of the provisions of the PATRIOT Act. While I believe our intelligence practices should be kept secret, I do not believe the government's official interpretation of these laws should be kept secret.

I have also filed my own amendments to address some of the problems I see with the three expiring provisions. The first amendment I have filed is bipartisan with Senator PAUL of Kentucky, who is on the floor, and Senator WYDEN, who has joined as well. Our amendment would modify the roving wiretap authority under section 206 of the PATRIOT Act.

Specifically, our bipartisan amendment would require intelligence agencies to identify either the target or the place to be wiretapped. They currently do not have to do so. I believe that when seeking to collect intelligence, law enforcement should at least have to identify who is being targeted.

I have also filed an amendment to address the so-called ''lone wolf'' provision which currently allows the government to conduct wiretap surveillance on individuals, even when that person has no connection to a government or a terrorist organization.

This amendment would simply require that should the intelligence community use the ''lone wolf'' provision, that Congress simply be notified—again, a safeguard that is not in place as we stand here today. Without safeguards like that, how do we in this body conduct our constitutional duties of oversight?

Finally, I was joined by Senator WYDEN in filing an amendment designed to narrow the scope of business record materials that can be collected under section 215 of the PATRIOT Act. This amendment would still allow law enforcement to use the PATRIOT Act to obtain such records but would require these entities to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities.

Right now, law enforcement can currently obtain any kind of records. In fact, the PATRIOT Act's only limitation states that such information has to be related to any tangible thing. That is right. As long as these business records are related to any tangible thing, the U.S. Government can require businesses to turn over information on all their customers, whether or not there is any link to terrorism.

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

Mr. UDALL of Colorado. Yes.

Mr. WYDEN. It seems to me the Senator has laid out the case for why there needs to be a thoughtful debate about the PATRIOT Act and what is necessary to strike the key balance between fighting terrorism ferociously and protecting our liberties.

I am interested in what my colleague thinks about the proposition of how you have a thoughtful debate on these issues, when there is secret law where, in effect, the interpretation of the law, as it stands today, is kept secret. So here we are, Senators on the floor, and we have colleagues of both political parties wanting to participate. Certainly, if you are an American, you are in Oregon or Colorado, you are listening in, you want to be part of this discussion. But yet the executive branch keeps secret how they are interpreting the law.

What is the Senator's sense about how we have a thoughtful debate if that continues?

Mr. UDALL of Colorado. The Senator from Oregon has put his finger on why it is so important to have a debate on the floor and not rush these provisions to the House because of a deadline that I think we can push back. We can, as you know, extend the PATRIOT Act in its present form a number of other days or a number of weeks in order to get this right.

But the Senator from Oregon makes the powerful point that the law should not be classified—as far as its interpretation goes. Of course, we can protect sources and methods and operations, as we well should. Both of us serve on the Intelligence Committee. We are privy to some information that should be classified. But we have come to the floor to make this case because of what we have learned on the Intelligence Committee.

Mr. WYDEN. Well said.

Mr. UDALL of Colorado. I thank the Senator for his question. I look forward to his comments in a few minutes. The Senator from Oregon, in effect, points out that these are just a few of the reform ideas we could debate. But without further debate on any of these issues, this or any other administration can abuse the PATRIOT Act and could actually deny us, as Members of Congress, whether in this Congress or future Congresses, the opportunity to fulfill our oversight responsibilities on behalf of the American people.

I voted against the original passage of the PATRIOT Act in 2001, and I plan to vote against the reauthorization of the expiring provisions this week, unless we implement some reforms that will sensibly restrain these overly broad provisions. Simply put—again, to make the point that the Senator from Oregon made so importantly—I believe Congress is granting powers to the executive branch that lead to abuse and, frankly, shield the executive branch from accountability.

It has been 10 years since we first passed this law, and there has been very little opportunity to improve the law. I resist this rush to again rubberstamp policies that threaten the very liberty we hold dear. I recently supported a short-term extensions of the expiring provisions before us as a bridge to take time and debate and amend the PATRIOT Act and its controversial provisions.

But we were notified—unfortunately, a few days ago—that we would be voting on a 4-year extension of these expiring provisions. That is not the way to assure Americans that we are diligently considering these important public decisions.

In Federalist 51, James Madison, whom we venerate, who was the author of many of the documents that structure the way in which we organize and operate our democracy, wrote: ''In

framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.''

The bill before us does not live up to that standard. I believe it seriously risks the constitutional freedoms of our people. We need to strike a better balance between giving our national security and law enforcement officials the tools necessary to keep us safe, while not damaging the very Constitution we have sworn to support and defend.

By passing an unamended reauthorization, we are assuring that Americans will live with the status quo for 4 more long years. I believe this bill may well be a lost opportunity to improve the balance between our security and our civil liberties. That is not the result that our Founding Fathers envisioned, and it is not a result that our constituents want.

For these reasons, if the PATRIOT Act provisions are not amended, I plan to vote no on the motion to invoke cloture and on passage of S. 1038. Before I yield the floor, I wish to make one last historical reference.

Ben Franklin, one of our Founding Fathers, said, compellingly and presciently: ''A society that would sacrifice essential liberties for short-term security deserves neither.''

I think that is the question before us. There is a way forward. There is a way to keep the PATRIOT Act in place to protect our national security but also to protect our essential liberties. But in order to do that, we have to have a chance to debate and pass these important amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before my colleague leaves the Chamber, I wished to tell him what a welcome addition he has been to the Intelligence Committee. I have served on that committee for 10 years. We have had excellent chairs—first, Senator ROBERTS, then Senator ROCKEFELLER, Senator FEINSTEIN.

So we continue to try to look for bipartisan support for trying to strike that balance between collective security and individual liberty. I am struck both by the clarity of your statement and the fact that those who are going to vote on these amendments and the American people who are listening in tonight ought to be able to get, in a straightforward, easy-to-access fashion, how the executive branch is currently interpreting the PATRIOT Act.

The fact is, law professors give assignments to their students to write analyses of the PATRIOT Act. The Congressional Research Service actually has an analysis out. But it is not possible to get the official interpretation of how the U.S. Government frames this law as far as the operations are so essential for our country. The Senator has laid it out very well. It is a pleasure to serve with him on the Intelligence Committee.

Mr. President, let me sum up with what this issue has come down to, to me.

These are dangerous times. If you go into the Intelligence Committee several times a week, as Senator UDALL and I do, you come away with the indisputable judgment that there are threats to the well-being of this country, that there are people who do not wish our citizens well. In these dangerous times, the sources and methods of our antiterror operations absolutely must be kept secret. That is fundamental to the work of the intelligence community—keeping the sources and methods of those who serve us so gallantly secret and ensuring that they are as safe as possible.

But while we protect those sources and methods, the laws that authorize them should not be kept secret from the American people. That is what this is all about—whether the laws that authorize the operations that are so essential, which have been passed by the Congress—that their interpretation should be kept secret from the American people. I call it ''secret law.'' I want to say to this body, yes, we need secret operations, but secret law is bad for our democracy. It will undermine the confidence the American people have in our intelligence operations.

You might recall that it was only a few years ago, during the Bush administration, that they secretly reinterpreted the warrantless wiretapping statutes to say that it was possible to wiretap our people without a warrant. When it came out, it took years to sort that out, with the executive branch and the Congress working together. I don't want to see that happen again. So that is why I have joined Senator UDALL in these amendments, and we hope we can get bipartisan support for what we are trying to do and especially ensure that the official interpretation of the PATRIOT Act, an important intelligent statute, is made public to the American people, and I think it can be done in a way without jeopardizing our sources and methods.

One of the reasons Senator UDALL, I, and others feel so strongly about this is—and Senator UDALL touched on this—that this is a time when Congress should finally say we are not just going to keep kicking the can down the road. That is what has been done again and again over the last decade. The PATRIOT Act was passed a decade ago, during a period of understandable fear, having suffered in our Nation the greatest terrorist attack in our history. So the PATRIOT Act was born out of those great fears.

It seems to me that now is the time to revisit that and ensure that a better job is done of striking the balance between fighting terror and protecting individual liberty. Unfortunately, every time over the last decade there has been an effort to do just that—revisit this and strike a better balance—we have had the same pattern; we have said we just have to get it done quickly and we really don't have any time to consider, for example, the thoughtful ideas Senator UDALL has mentioned. I just don't think it is time now to once again put off a real debate on the PATRIOT Act for yet another always-distant day.

There is an irony about what this is all about, and that is that Senators are going to want to consider the amendments of Senator UDALL—and I believe Senator PAUL is here, and others who care strongly about this. It is awfully hard to have a thoughtful debate on these specific amendments, whether it is the Leahy amendment, the Paul amendment, the Udall amendment, or the ones we have together, if, in fact, you cannot figure out how the executive branch is interpreting the law.

An open and informed debate on the PATRIOT Act requires that we get beyond the fact that the executive branch relies on the secret legal interpretations to support their work, and Members of the Senate try to figure out what those interpretations are.

Here are the rules. If a U.S. Senator wants to go to the Intelligence Committee—and I think Senator UDALL touched on this—the Senator can go there and get a briefing. Many Members of Congress, however, don't have staff members who are cleared for those kinds of briefings. Under Senate rules, it is not possible for Senators to come down here and discuss what they may have picked up in one of those classified briefings.

I just don't think, with respect to the legal interpretation, that is what the American people believe we ought to be doing. The American people want secret operations protected. They understand what sources and methods are all about and that we have to have secrecy, for example, for those in the intelligence community to get the information we need about sleeper cells and terrorist groups and threats we learn about in the Intelligence Committee. But that is very different from keeping these legal interpretations secret.

In my view, the current situation is simply unacceptable. The American people recognize that their government can better protect national security if it sometimes is allowed to operate in secrecy. They certainly don't expect the executive branch to publish every detail about how intelligence is collected. Certainly, Americans never expected George Washington to tell them about his plans for observing troop movement at Yorktown. But Americans have always expected their government to operate within the boundaries of publicly understood law. As voters, they certainly have a right to know how the law is being interpreted so that the American people can ratify or reject decisions made on their behalf. To put it another way, Americans know their government will sometimes conduct secret operations, but they

don't believe the government ought to be writing secret law.

The reason we have felt so strongly about this issue of secret law is that it violates the trust Americans place in their government and it undermines public confidence in government agencies and institutions, making it harder to operate effectively. I was on the Intelligence Committee, before Senator UDALL joined us, when Americans were pretty much stunned to learn the Bush administration had been secretly claiming for years that warrantless wiretapping was legal. My own view was that disclosure significantly undermined the public trust in the Department of Justice and our national intelligence agencies. Our phones were ringing off the hook for days when the American people learned about it. The Congress and executive branch had to retrench and figure out how to sort it out.

I certainly believe the public will be surprised again when they learn about some of the interpretations of the PATRIOT Act. Government officials cannot hope to indefinitely prevent the American people from learning the truth. This is going to come out, colleagues. It is going to come out at some point, just as it came out during the Bush administration about warrantless wiretapping. It is going to come out. It is not going to be helpful to the kind of dialog we want to have with the American people, an open and honest dialog, to just continue this practice of secret law.

The reason I am offering or seeking to offer this amendment with Senator UDALL, Senator MERKLEY, and other colleagues with respect to changing the practice of secret law is that we have raised this issue numerous times—on the Senate floor, in correspondence, in meetings with senior administration officials—and I have been joined in the past by other Senators, and we talked about it with respect to the problem in the news media. But the problem persists and the gap between the public's understanding of the PATRIOT Act and the government's secret interpretation of it remains today. Once information has been labeled ''secret,'' there is a strong bureaucratic tendency—it almost gets in the bureaucratic chromosomes to keep it secret and not revisit the original decision.

So what Senator UDALL and I and colleagues seek to do is correct this problem. We seek to offer an amendment that states that it is entirely appropriate for particular intelligence collection techniques to be kept secret but that the laws that authorize these techniques should not be kept secret and should instead be transparent to the public. We seek to offer an amendment that states that U.S. Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public's understanding of these laws or describe the execution of these laws in a way that misinforms or misleads the public.

So under this proposal, the Attorney General and Director of National Intelligence would—and we note this—provide a classified report to the congressional intelligence committees. It makes it clear that intelligence collection continues to go forward, and our amendment would simply require the Attorney General to publicly lay out the legal basis for the intelligence activities described in the report. The amendment specifically directs the Attorney General not to describe specific collection, programs, or activities, but simply to fully describe the legal interpretations and analyses necessary to understand the government's official interpretation of the law.

Let me close—I see colleagues waiting to speak—and say that we can have honest and legitimate disagreements about exactly how broad intelligence collection authorities ought to be, and members of the public do not expect to know all of the details about how those authorities are used, but I hope each Senator would agree that the law itself should not be kept secret and that the government should always be open and honest with the American people about what the law means. All that Senator UDALL and I seek to do, along with other colleagues, is to restore some of that openness and honesty in an area where it is now needed. I hope colleagues on the floor of the Senate and in the Obama administration will join in that effort.

Mr. PRYOR. Mr. President, I want to briefly comment on yesterday's cloture vote on the motion to proceed to S.1038, the extension of the amendments to the Foreign Intelligence Surveillance Act.

Unfortunately, yesterday I was attending the funeral of a very close family friend who passed away on Friday. However, I wish to express my support for the motion to proceed and the extensions themselves. I believe these extensions, section 6001 (a) of the Intelligence Reform and Terrorism Prevention Act, and sections 206 and 215 of the USA PATRIOT Act, continue to provide the right balance between safety and individual rights.

I understand those with concerns about the breadth and scope of this law and believe it is important to continue to ask these questions and examine the limits and extent of these amendments as well as other aspects of the law.

In the wake of bin Laden's recent killing, the importance and significance of our intelligence resources are without question. Our intelligence community must have the necessary tools at its disposal to protect us from the threat of terrorism. This legislation helps clarify what is legal and proper, and I believe strikes a balance between prioritizing our safety without trampling individual rights.

Mr. BROWN of Ohio. Mr. President, yesterday the Senate conducted a procedural vote on whether it would begin deliberation on S. 1038, the PATRIOT Sunsets Extension Act of 2011.

Due to inclement weather, my flight from Cleveland returned to Cleveland, and I was unable to make this vote. However, if I had been in attendance, I would have voted ''yea.''

I have long expressed concerns about the PATRIOT Act, specifically about its scope and effectiveness. For too long, Americans have been asked to cede their constitutional rights in the name of national security. There is no question that our law enforcement authorities need the tools to fight terrorism and keep Americans safe, but security is not a zero sum game. Indeed, it is certainly possible to extend the PATRIOT Act while building in some additional checks and balances. But this extension does not include them.

Despite my misgivings about this extension, I believe that it is important that the Senate directly address this legislation that is important to both our Nation's security and well as our civil liberties.

Mr. WHITEHOUSE. Mr. President, on May 23, 2011, due to my daughter's college graduation, I was absent for vote No. 75, a motion to invoke cloture on the motion to proceed to S. 1038, the USA PATRIOT Sunset Extension Act of 2011. Had I been present, I would have voted ''yea.''

Mr. BROWN of Massachusetts. Mr. President, on May 23 the Senate voted on a motion to invoke cloture on the motion to proceed to the USA PATRIOT Act Sunset Extension Act of 2011, S. 193. I was necessarily absent for this vote. Had I been able to vote, I would have voted ''aye.'' The act will extend sections 206 and 215 of the Patriot Act and section 6001 of the Intelligence Reform and Terrorism Prevention Act, IRTPA, for 4 more years before they expire on May 27. The PATRIOT Act, with these provisions, has provided vital tools and resources to our counterterrorism professionals that have enabled them to disrupt dozens of active terrorist plots. By empowering our counterterrorism professionals to do their jobs, we can continue to disrupt and prevent terrorist attacks in the homeland and abroad. I voted for the 90-day extension of these three provisions in February and I look forward to voting on final passage of the long-term extension this week.

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

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

ISRAEL AND PALESTINE

Mr. MORAN. Mr. President, on Thursday, in a speech on the Middle East, President Obama said:

We believe the borders of Israel and Palestine should be based on the 1967 lines with mutually agreed swaps so that secure and

recognized borders are established for both states.

While the President has since sought to revise or clarify his remarks, it is valuable to remind ourselves what a retreat to the pre-1967 boundaries would mean for the security of Israel.

After Israel declared independence in 1948, it was invaded by five neighboring armies, and an armistice line was subsequently established in 1949. This line is known as the Green Line. While some refer to it as a border, it was never officially recognized as an international border.

If Israel were forced to retreat to the Green Line—its pre-1967 boundary—Israel would be only 9 miles wide at its narrowest point. Such close borders are untenable today and would subject Israel's population to great and grave danger.

Following the Six Day War, U.N. Security Council Resolution 242 affirmed Israel's right to secure and recognized borders. As Robert Satloff of the Washington Institute for Near East Policy points out, calls for Israel to withdraw to those ''secure and recognized'' borders have never been interpreted as being synonymous with the pre-1967 boundaries. A quick look at a map of Israel will explain why these boundaries cannot be secure.

Prime Minister Netanyahu today, in a joint meeting of Congress, reminded us that ''Israel needs unique security arrangements because of its unique size.'' Two-thirds of Israel's population and infrastructure lies within a 60-mile strip along the Mediterranean coastline. Tel Aviv would only be 11 miles away from a Palestinian state with its border as the Green Line, and Ben Gurion Airport, Israel's largest and busiest, would be a mere 4 miles away. It would only take one rocket fired at Ben Gurion for the entire airport to shut down, isolating Israel from the rest of the world.

With the Green Line as its border, the dangers to Israel come not only because of the short distances between major Israeli cities and a Palestinian state, but also from the geography of the land. The 60-mile strip along Israel's coastline lies below the hilly heights of the West Bank. With control of the high terrain, terrorists could easily target and terrorize much of Israel's population just as they have from Gaza but with even more deadly accuracy.

When Israel unilaterally withdrew from Gaza in 2005, Israel's leaders had hoped the Palestinians would demonstrate they could live peacefully with Israel. Instead, Hamas assumed power and Israelis living in the southern part of Israel have had thousands of rockets and mortar attacks directed at them. So far this year, more than 300 rockets and mortars have been fired from Gaza, terrorizing countless families in Israel.

The threats to Israel from a Palestinian state with its border as the Green Line are clearly understood in this context—especially since Palestinian Authority President Mahmoud Abbas' Fatah party inked an accord with Hamas to form a unity government earlier this month. Although welcomed by President Abbas, Hamas still calls for the destruction of the State of Israel. The United States designated Hamas a terrorist organization in 1997. It has killed more than 500 innocent civilians, including dozens of Americans.

The United States does not negotiate with terrorists, and we should not expect or ask Israel to do so either. Instead of calling for negotiations based on boundaries that leave Israel vulnerable to attack, the President should have insisted the Palestinians prove they are ready to be responsible and peaceful neighbors. As Prime Minister Netanyahu said:

> The Palestinian Authority must choose either peace with Israel or peace with Hamas. There is no possibility for peace with both.

Israel's security must come first. Any efforts to force Israel to withdraw to its pre-1967 boundaries—the 1949 armistice line—would undermine Israel's security and threaten the future of any peace talk.

In 2004, the Senate overwhelmingly passed S. Res. 393, which endorsed U.S. policy for a Middle East peace process. In particular, the Senate supported a statement that said:

> In light of realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949.

I believe it is important for the United States to again oppose any plan to force Israel to withdraw to those 1949 boundaries. Borders between Israel and a Palestinian state should be decided only by Israel and Palestinian leaders through direct negotiations. Borders should not be a precondition set for negotiations by the President of the United States or anyone else. As Prime Minister Netanyahu said today: ''Peace cannot be imposed.''

Since recognizing Israel 11 minutes after its founding in 1948, our two countries have worked side by side to advance democracy and peace and stability. Israel is our staunchest ally in a volatile part of the world. We cannot now turn our backs on Israel by forcing it to take a position in negotiations that would endanger its very existence.

I oppose any plan or effort to force Israel back to those 1949 armistice lines and encourage my colleagues to work to see that is not the case. I ask my colleagues to support that position as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have been working for several days—I have been working on it for a lot longer than several days—but for several days publicly on a process to move forward with the PATRIOT Act. We have worked over the last several days to work something out that is an excellent compromise. Is this bill something everybody in the Senate likes or everybody in the House likes? The answer is no. But we all know how important it is that we continue this legislation. So Senator MCCONNELL and I and Speaker BOEHNER have agreed on a way to move forward.

The alternative is to have a long long-term extension that the House would send us and I don't think that would be to anyone's benefit, so we are moving forward. I have tried to do it with the bill that we invoked cloture on yesterday. I have had many conversations with Senator PAUL and others, but principally him, and tried to come up with a process to allow Senator PAUL to offer amendments—and others to offer amendments; it is not just him. I have been unsuccessful.

I understand Senator PAUL's exasperation because this is something that is extremely important to him and there was every desire, from my perspective and I think that of this body, to have a full and complete debate on the PATRIOT Act. But the Senate does not always work that way.

There have been a lot of things that have gotten in the way and the time is suddenly upon us. We have to complete this legislation by midnight on Thursday. We cannot let the PATRIOT Act expire. I have a responsibility to try to get this bill done as soon as possible, in spite of the fact that some of my Senators and some Republican Senators would rather I did it some other way at some other time. But I can't do that. I have to get this done.

We know, since bin Laden was killed, that there has been a lot of information discovered from him about what he did. One thing that is very clear is that he had instructed all of his lieutenants to focus all of their attention on the United States and its assets. So we cannot let this expire and I am going to do everything I can to make sure this does not happen.

Senator PAUL and I have tried to work out something. He feels strongly about at least three of his amendments. I say, even though he and I disagree on a number of things politically, I have found in his time here in the Senate, as it relates to me, he is a very pleasant man with strong feelings. I have only the highest regard for him and I am sorry I cannot make this system we have in the Senate more in keeping with his desires to get things done. But as he will learn over the years, it is always difficult to get what you want in the Senate. It doesn't mean you won't get it, but sometimes you have to wait and get it done at some subsequent time.

Senator PAUL has been very upfront with me. He has never hidden a punch.

He said: I feel strongly about a number of these amendments and I am not going to agree to let this go forward unless I have these amendments, and he has been very reasonable. He has brought his number down from 11 to 3 or 4 and I appreciate that. But the time has come for me to take some action.

Again, I repeat, I do not have the luxury of waiting for a better time. However, I would like to be able to allow the Senator from Kentucky to give a few of his stem-winding speeches. He does a very good job presenting himself. But in order to expedite what I think is so important to continue the country's intelligence operations, I am going to move to table the pending motion to proceed to S. 1038. Following that vote, I am going to ask the Senate to proceed to a message received from the House earlier today. I will then move to concur with the amendment which will be the extension of the PATRIOT Act and I will file cloture on that motion.

Mr. President, I move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PAUL (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from California (Mrs. FEINSTEIN), the Senator from North Carolina (Mrs. HAGAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Mrs. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote ''nay.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 74, nays 13, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—74

| | | |
|---|---|---|
| Akaka | Coburn | Hatch |
| Alexander | Cochran | Hoeven |
| Ayotte | Collins | Inhofe |
| Barrasso | Conrad | Inouye |
| Baucus | Coons | Isakson |
| Bennet | Corker | Johanns |
| Blumenthal | Cornyn | Johnson (WI) |
| Boozman | Crapo | Kerry |
| Boxer | DeMint | Kirk |
| Brown (MA) | Durbin | Klobuchar |
| Brown (OH) | Enzi | Kohl |
| Burr | Franken | Kyl |
| Cardin | Gillibrand | Lautenberg |
| Casey | Graham | Levin |
| Chambliss | Grassley | Lugar |
| Coats | Harkin | Manchin |
| McCain | Pryor | Stabenow |
| McConnell | Reed | Thune |
| Menendez | Reid | Toomey |
| Mikulski | Risch | Vitter |
| Moran | Rockefeller | Warner |
| Murray | Rubio | Webb |
| Nelson (NE) | Sessions | Whitehouse |
| Nelson (FL) | Shelby | Wicker |
| Portman | Snowe | |

NAYS—13

| | | |
|---|---|---|
| Begich | Merkley | Udall (CO) |
| Bingaman | Murkowski | Udall (NM) |
| Cantwell | Sanders | Wyden |
| Heller | Shaheen | |
| Lee | Tester | |

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—12

| | | |
|---|---|---|
| Blunt | Hutchison | Lieberman |
| Carper | Johnson (SD) | McCaskill |
| Feinstein | Landrieu | Roberts |
| Hagan | Leahy | Schumer |

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

## SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. REID. Mr. President, I now ask the Chair to lay before the Senate a message from the House with respect to S. 990.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved,* That the bill from the Senate (S. 990) entitled ''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,'' do pass with the following amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.***

*(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112–1 (125 Stat. 3), is amended by striking ''May 31, 2011'' each place it appears and inserting ''September 30, 2011''.*

*(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.*

***SEC. 2. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.***

*Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:*

*''(s) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.*

MOTION TO CONCUR WITH AMENDMENT NO. 347

Mr. REID. Mr. President, I move to concur in the House amendment to S. 990 with an amendment, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to S. 990, with an amendment numbered 347.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''PATRIOT Sunsets Extension Act of 2011''.

**SEC. 2. SUNSET EXTENSIONS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50. U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''May 27, 2011'' and inserting ''June 1, 2015''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; ''50 U.S.C. 1801 note) is amended by striking ''May 27, 2011'' and inserting ''June 1, 2015''.

MOTION TO REFER WITH INSTRUCTIONS

Mr. REID moves to refer the House message to the Committee on Small Business with instructions to report back forthwith with an amendment as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

CLOTURE MOTION

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, hereby move to bring to a close debate on the motion to concur in the House amendment to S. 990, with an amendment No. 347.

Harry Reid, Jack Reed, Carl Levin, Jeanne Shaheen, Mark R. Warner, Richard Blumenthal, Kent Conrad, Kirsten E. Gillibrand, Dianne Feinstein, Bill Nelson, John D. Rockefeller IV, Joseph I. Lieberman, Barbara A. Mikulski, Charles E. Schumer, Debbie Stabenow, Thomas R. Carper, Mark L. Pryor.

Mr. REID. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 348 TO AMENDMENT NO. 347

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 348 to amendment No. 347.

The amendment is as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

MOTION TO REFER WITH AMENDMENT NO. 349

Mr. REID. I have a motion to refer the House message to the Senate Small Business Committee with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Committee on Small Business with instructions to report back forthwith with an amendment numbered 349.

The amendment is as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

Mr. REID. On that motion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 350

Mr. REID. Mr. President, I have an amendment to my instructions which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 350 to the instructions of the motion to refer.

The amendment is as follows:

In the amendment, strike ''3'' and insert ''2''.

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 351 TO AMENDMENT NO. 350

Mr. REID. I have a second-degree amendment to my instructions which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 351 to amendment No. 350.

The amendment is as follows:

In the amendment, strike ''2'' and insert ''1''.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, there will be no further rollcall votes tonight, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## AIRPORT AND AIRWAY EXTENSION ACT OF 2011, PART II

Mr. DURBIN. Mr. President, I ask unanimous consent, as if in morning business, the Senate proceed to the consideration of H.R. 1893, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 1893) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 1893) was ordered to a third reading, was read the third time, and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## PATRIOT SUNSETS EXTENSION ACT

Mr. MERKLEY. Mr. President, I rise to address the 4-year extension of the PATRIOT Act and to oppose that extension if the bill is not modified.

I want to take us back to the principles on which our Nation was founded and, indeed, before our Declaration of Independence and before our Constitution when there was a deep tradition of the right of privacy. Let's take William Pitt's declaration in 1763. He said:

The poorest may, in his cottage, bid his defiance to all the forces of the Crown . . . the storm may enter; the rain may enter. . . . But the King of England may not enter.

It is the philosophy embedded in William Pitt's declaration of the sanctity of a man's home that underwrote the principle of the fourth amendment. That reads as follows:

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

The fourth amendment is powerful protection of personal privacy from the overreach of government. How does that compare in contrast to the PATRIOT Act that is before us?

Let me tell you the standard that is in the PATRIOT Act for the government to seize your papers, to search your papers, and that standard is simply ''relevant'' to an ''investigation.'' Relevant to an investigation? That is the legal standard set out in the PATRIOT Act. That is a standard that was written to be as broad and low as possible. What does it mean to be ''relevant'' to an investigation? It certainly isn't something as strong as probable cause, which is in the fourth amendment. It certainly isn't describing the place to be searched, the persons and things to be seized. Indeed, the word ''relevant'' doesn't have a foundation of legal tradition that provides any boundaries at all.

Let's take the term ''investigation.'' ''Investigation'' is in the eye of the beholder. I want to look into something, so that is an investigation. What happens to these words in the PATRIOT Act, in the section of the PATRIOT Act that addresses the sweeping powers to investigate Americans down to the books they check out, their medical records, and their private communications? Quite simply, there is a process in theory in which a court, known as the FISA Court, makes a determination, but they make the determination upon this standard—that this standard is ''relevant to an investigation.''

Now, the interpretation of that clause is done in secret. I would defy you to show me a circumstance where a secret interpretation of a very minimal standard is tightened in that secret process. But we don't know because we are not being told.

This is why I support Senator WYDEN's amendment. Senator WYDEN has said we should not have secret law—secret interpretation of clauses that may result in the opposite of what we believe is being done. That is a very important amendment. But that amendment will not be debated on the floor of the Senate. It won't be debated because a very clever mechanism has just been put into play to prevent amendments from being offered and debated on the floor of the Senate on the 4-year extension of the PATRIOT Act. Quite frankly, I am very disturbed by that mechanism—a parliamentary move in which a House message is brought over and the regular bill is tabled, and that message will then have the regular PATRIOT Act put into it as a privileged motion, and it will be returned to the House. The effect therein is, because the tree has been filled, which is parliamentary-speak for ''no amendments will be allowed,'' we won't get to debate Senator WYDEN's amendment.

There are a number of Senators who have proposed to change this standard—the standard ''relevant to an investigation''—to make it a legally significant standard and make sure it is not being secretly interpreted to mean almost nothing. But we won't have a

debate in this Senate over changing that low and insignificant standard into a meaningful legal standard with teeth in it, that has court cases behind what it means and interpretations that will protect us.

There is no question that every Member of this Chamber has an enormous sense of responsibility in the security of our Nation. In that sense, there is significant feeling on every person's part that we need to enable our intelligence services, our military, to do the necessary work to protect our Nation. But that does not mean we should avoid having a debate about whether the PATRIOT Act, as written today, without an amendment, rolls over the top of the fourth amendment of the Constitution of the United States of America.

We can have both personal privacy and a high standard, as set out in the fourth amendment, for the seizure of papers and security. Those two things are not at war with each other. We have had two centuries in this Nation of embracing the twins of personal privacy and security. We have made that work. We can continue to make it work.

I rise in protest about the process unfolding in the Senate in which amendments will not be presented and will not be debated. I rise to say the fourth amendment matters; that it sets a significant standard against unreasonable seizures and searches, and that the PATRIOT Act, as written, does not provide a clear implementation of the fourth amendment, a clear protection of the fourth amendment.

I will close by noting it has been nearly 250 years since William Pitt declared:

> The poorest may, in his cottage, bid his defiance to all the forces of the Crown . . . the storm may enter; the rain may enter . . . but the King of England may not enter.

Let us have a debate in this Chamber about modifications that protect our security but that hold faith with the principle William Pitt enunciated and with the principles we have adopted in the fourth amendment to the Constitution; that the right of the people against unreasonable searches and seizures shall not be violated.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. DURBIN. Mr. President, last week, the chairman of the House Budget Committee, PAUL RYAN of Wisconsin, came to Chicago to speak to the Economic Club and to articulate his vision—the Republican vision—on how to reduce our Nation's debt. It was an interesting speech because Congressman RYAN's budget—the Republican budget, which passed the House of Representatives—has become an object of debate and controversy.

I know Congressman RYAN. We served together on the President's deficit commission. I know he is a very thoughtful and learned and sincere individual, but I certainly have to say his approach to dealing with our budget deficit is one I believe falls short of the mark. It would seem to me, if we are serious about our deficit—and we should be—we should acknowledge the fact that for every $1 we spend in Washington, we borrow 40 cents. That is unsustainable, and we have to address it.

We should also look at the grim, recent reality of our budget. When President William Jefferson Clinton left office a little over 10 years ago and handed the keys to the White House over to President George W. Bush, the accumulated net debt of America was $5 trillion—$5 trillion. Eight years later, in the next transfer of power, when President George W. Bush transferred power to President Obama, America's accumulated net debt had reached a new level of $11 trillion, more than doubled in an 8-year period of time.

Ask yourself: How could that occur? Well, the answers are fairly obvious. When you wage two wars and don't pay for them, when you cut taxes in the midst of a war—the first time that has ever happened in our history—and when you pass programs that are not paid for, it adds to our debt. That is what happened.

President Obama inherited a dramatic increase in the national debt and a very weak economy, losing hundreds of thousands of jobs a month. Now we find we are even deeper in debt—closer to $14 trillion because of this recession, despite the best efforts of Congress and the President to turn it around. We know that has to change.

The major creditor of the United States is China, and it is also our major competitor. Those two realities force us to look honestly at this deficit. I take exception to the approach the Republicans use in their deficit reduction plan, because when I took a look at Congressman RYAN's budget—the Republican budget—I find, at the end of the day, it nominally cuts spending by $4 trillion over a 10-year period of time. Yet it only cuts $8 billion a year out of the Defense budget. The Defense budget of the United States is over $500 billion every year, and they could only find $8 billion a year to cut? Not a very serious undertaking.

They raise no new revenues to help pay down the debt, while they dramatically cut taxes for the wealthiest people and companies in America. In the name of deficit reduction, the Republican budget would cut the top tax rate of the wealthiest individuals and corporations to 25 percent. The Tax Policy Center estimates this would reduce tax revenues by $2.9 trillion over the next 10 years, and virtually all the tax savings from that change would go to households making an annual income of over $200,000 a year.

What does a multitrillion dollar tax cut have to do with deficit reduction? Congressman RYAN, in his speech in Chicago, criticized the Democrats for engaging in class warfare, as if it is somehow inappropriate to point out that the Republican budget proposes a massive shift in wealth from the poor and middle class to those who are better off. Warren Buffett, CEO of Berkshire Hathaway—seer of Omaha—answered that criticism best a few years ago when he said:

> There is class warfare, all right. But it is my class, the rich class, that is making war and winning.

That is what happens with the Republican budget.

Then there is the issue of health care—an issue near and dear to every single American. A serious budget plan would address the largest cause of the projected long-term debt for the Federal Government—health care—by allowing dozens of cost-containment provisions in the affordable care act to take effect and then by finding even more to reduce the cost to the system. But the House Republican budget plan does the opposite. It repeals all the cost-containment mechanisms, which the Congressional Budget Office says in so doing will raise the debt of America.

Then the Republican budget goes a step further. It ends Medicare and Medicaid, as we know them—programs that have served America. Their budget would transform programs that seniors and the poor count on today to provide adequate health insurance and to programs that help to cover just some of the costs, leaving the rest of the bills to the families, individuals, and State governments. All that the Republican budget plan does under the banner of health care reform is to shift the cost of health care from American families who are paying taxes to other American families who are paying taxes in the private market. It would do nothing to reduce health care costs as a whole.

It is fair to ask me at this point: Well, if you are going to criticize the Republican budget, what do you suggest? I will tell you what I suggest. I have sat around for 4-plus months now, with five of my Senate colleagues in both political parties, working on these ideas. What I think is the path to a reasonable deficit reduction is one that literally involves shared sacrifice, where every American has to be prepared to step up and accept the reality that things will change.

There is one demographic reality that overshadows this conversation. Since January 1 of this year, every day 9,000 Americans reach the age of 65. That trend will continue for 19 more years. That is the baby boom generation. If you will do the math, you will see a dramatic increase in people under

Social Security and Medicare, as those children born immediately after World War II reach retirement age. That is a reality.

What do we do about it? First, we make sure Social Security can be counted on. Social Security does not add one penny to our Nation's debt. It is a separate fund. It will make every promised payment for another 25 years, with a cost-of-living adjustment, but then runs into trouble. You will see a reduction—if we don't do something in the 26th year—by over 20 percent for each benefit payment. Unacceptable. So we should think in honest terms about what we do today—small changes we can make today in Social Security—which, when played out over 25 years, like the miracle of compound interest, will buy us an even longer life in Social Security.

I think there are reasonable ways to do that. For example, when we passed Social Security reform in 1983, we said 90 percent of wages in America should be subject to Social Security taxation. Over the years, by not raising the ceiling on wages that could be taxed for Social Security, we have fallen behind in the 90-percent standard. I think we are close to 84 percent now. If we were to go back to the 90-percent standard, which I think is reasonable, and raise the eligible income in America for Social Security deductions up to 90 percent, it will move us toward solvency—more solvency—for Social Security. It is money that will not be used to reduce the deficit but will be used to invest in Social Security. I think that makes sense.

There are other changes we can do that are reasonable. We also have to look at Medicare and Medicaid and acknowledge the obvious. The cost of health care is going up too fast. We can't keep up with it, neither can State governments, local governments, businesses, unions or families. So the cost containment in health care reform is just the beginning, but we need to continue the conversation, and we need spending cuts.

Let's be very honest about it. We have taken a pretty significant cut in domestic discretionary spending just this year—even more than the Bowles-Simpson commission envisioned. There is some risk associated with spending cuts in the midst of a recession. But now we need to ask the defense or military side of discretionary spending to also make some sacrifice.

I think one obvious way is to start bringing our troops home from overseas—bring them home from Iraq. It is estimated it costs us $1 million per year for every soldier in the field—for all the support that goes into training and sustaining and protecting our men and women in uniform, which we must do. It is an expensive commitment. As we reduce our troop commitments overseas, the amount of money being spent through the Pentagon will be reduced as well.

We need to take a close look at all the private contractors working for the Pentagon. We had a hearing of this deficit commission and asked the expert: Can you tell us how many employees there are at the Department of Defense—civilian, military—how many private contractors are working for the Department of Defense? The expert said: I have no idea. I can't even get close to giving you an estimate, but it is a dramatically larger number. We can reduce that spending, and we should.

The point I am making is that after we have taken care of the entitlement programs and the spending issues, that isn't enough. We need to talk about revenue—revenue that can be brought into deficit reduction. Every year our Tax Code gives deductions and credits, exclusions and special treatment that account for $1.1 trillion that would otherwise flow to the Treasury. Instead, it is money that isn't paid into taxes and into our government. We can reduce that tax expenditure and do it in a fair fashion by reforming the Tax Code in a meaningful way—as the Bowles-Simpson commission suggested, bring down tax rates as part of this conversation.

That, to me, is a reasonable approach. It parallels what was done in the Bowles-Simpson Commission, putting everything on the table and reducing our deficit over the next 10 years by at least $4 trillion. I think we can do it, and we should do it on a bipartisan basis.

The Republican budget plan, unfortunately, takes the wrong approach. The House Republicans have proposed, among other things, a fundamental change in how we pay for health care. It turns Medicaid into a block grant program, and it eliminates the affordable health care act. One of the sources of pride we all shared was the notion that 30 million Americans currently uninsured would have insurance protection under the affordable health care act. What the Republicans do in repealing it is to add to the number of uninsured in America, thus making it clear they have no place to turn in their extreme situations but to Medicaid. So on top of eliminating the affordable health care act, adding to the number of uninsured Americans, the Republican plan then limits the amount of money to spend on Medicaid. The net result is more and more people uninsured seeking Medicaid help with no funds to pay for their medical treatment. That is not a good vision for the future of America.

We had a presentation today at our Democratic caucus lunch. The presentation was made by Senator KENT CONRAD, the chairman of our Budget Committee. He and Senator STABENOW of Michigan talked about what the Medicare changes would mean in America, and what it basically means is the average senior citizen, under the Republican budget plan, will see their Medicare benefits cut and will find their out-of-pocket expenses to maintain current Medicare protection double—over $12,000 a year.

There are many seniors in Oregon and Illinois and across the Nation on fixed incomes. That is not a reasonable alternative—$1,000 a month on Medicare insurance premiums? That is the Republican budget plan. It is not a reasonable way to deal with our future challenges in health care.

We will have a chance to vote this week on the Republican budget plan, and it will be interesting to see how many on the other side of the aisle want to support the approaches I have just described. Already, some of them have announced they will not. They think it goes too far. I do too.

I hope we can reject the House Republican plan on a bipartisan basis, but then let's come together in a bipartisan fashion and try to find a reasonable way to deal with this deficit. I hope we will use the Bowles-Simpson Commission as a starting point because I think it is a good one. Let's maintain some fealty toward our values, our values as a country that take care of the vulnerable whom we will always have among us, and make a pledge that our Tax Code will be progressive so working families have a fighting chance, and try to at least share the burden of sacrifice in a reasonable and just manner.

Those who are better off should pay more. Those who are less well off should pay less. I don't think that is an extreme position. I think it is a sensible, humane position.

Our debate begins this week on the budget. We have a great challenge ahead of us. I hope some of the work we did on the deficit commission will help us reach a positive conclusion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## GANG RESISTANCE EDUCATION AND TRAINING PROGRAM

Mr. WYDEN. Mr. President, I ask the Senate to join me in honoring the 20th anniversary of the Gang Resistance Education and Training—GREAT—Program and to commend law enforcement agencies across the nation for their dedication to educating America's youth in gang resistance.

Founded in 1991 with the support of Congress, the GREAT Program is a school-based curriculum led by law enforcement officers to instruct students

on effective ways to avoid gang involvement and prevent youth violence and delinquent behavior. This program provides elementary and middle school students with the information and skills necessary to say no to gangs, to resolve conflict without the use of violence, and to set positive goals for themselves—helping America's youth take important steps in creating a future for themselves that does not include gangs or violence.

With western roots, the first GREAT classes were taught in Phoenix, AZ, in September of 1991. Over the past 20 years, GREAT has trained more than 12,000 law enforcement officers and nearly 6 million children have been educated in gang resistance and violence prevention. The program has also built key partnerships with nationally recognized organizations, such as the Boys & Girls Clubs of America and the National Association of Police Athletic Leagues. These partnerships encourage positive relationships among the community, parents, schools, and law enforcement officers and help America's students build positive ties with law enforcement officers.

In March of 1994, my home State of Oregon received its first GREAT classes at Parkrose Middle School in Northeast Portland. Since its inception in Oregon, Portland Police Bureau officers have taught over 1,400 GREAT classes with nearly 43,000 graduating students. Portland Police Bureau officers have strengthened families to by participating in the GREAT families program, which has educated over 80 families integrating nearly 300 family members.

Additionally, I would like to recognize that the Portland Police Bureau was chosen by the Federal Bureau of Alcohol, Tobacco, and Firearms as headquarters for the GREAT Program's Western Region, which is one of five regional training sites.

I am proud to honor the GREAT Program's 20th anniversary, the thousands of lives it has touched, and share its ongoing commitment to strengthening our communities through youth-violence prevention.

## ADDITIONAL STATEMENTS

### COGSWELL, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I am pleased to recognize a community in North Dakota that is celebrating its 125th anniversary. From June 24 to 26, the residents of Cogswell, ND, will gather to celebrate their community's founding.

Cogswell townsite was founded at the junction of the Soo Line Railroad and the Milwaukee Road Railroad. Some believe it was named for a Soo Line Railroad official, while others say it was named for MAJ Thomas Cogswell, a Revolutionary War hero.

Located in Sargent County, the citizens of Cogswell are proud to mention the many reasons their community is so strong. The city offers genuine smalltown living with a post office, bar and grill, repair stores, and construction companies. The people of Cogswell are known for their exceptional work ethic and caring attitude toward others, making it a great place to live and raise a family.

In honor of the city's 125th anniversary, community leaders have organized an all-school reunion, school reunion supper, street dances, a parade, 5K run/walk, games, classic car show, quilt show, talent show, and other celebratory events.

I ask that my colleagues in the U.S. Senate join me in congratulating Cogswell, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Cogswell and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Cogswell that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Cogswell has a proud past and a bright future.•

## MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1383. An act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post–9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post–9/11 Veterans Educational Assistance Improvement Act of 2010, and for other purposes.

H.R. 1407. An act to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 1627. An act to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington, National Cemetery, and for other purposes.

H.R. 1657. An act to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by service-disabled veterans.

H.R. 1893. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

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

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 1:53 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 act with an amendment, in which it requests the concurrence of the Senate:

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.

## MEASURES REFERRED

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

H.R. 1383. An act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1407. An act to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1627. An act to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1657. An act to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans; to the Committee on Veterans' Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bill and joint resolutions were read the second time, and placed on the calendar:

S. 1050. A bill to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches and for other purposes.

S.J. Res. 13. Joint resolution declaring that a state of war exists between the Government of Libya and the Government and people of the United States, and making provision to prosecute the same.

S.J. Res. 14. Joint resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

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

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1855. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Common Features Project; to the Committee on Environment and Public Works.

EC–1856. 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 Israel to support the production and integration of hulls, rolling bodies, suspensions, subsystems and electrical systems for the Merkava Armored Personnel Carrier in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–1857. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC–1858. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC–1859. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''The American Dream Belongs to Everyone''; to the Committee on Health, Education, Labor, and Pensions.

EC–1860. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts'' (5 CFR Part 1653) received in the Office of the President of the Senate on May 23, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1861. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1862. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third quarter fiscal year 2010 quarterly report of the Department's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–18. A joint resolution adopted by the Legislature of the State of Utah urging Congress to support and preserve the Navajo Code Talkers' legacy and their substantial contribution to the nation; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION NO. 9

Whereas, the few, living Navajo Code Talkers are undertaking a multi-year project to build an educational, historical, and humanitarian facility that will bring pride to Native American and non-native American communities alike;

Whereas, this project will educate both young and old and conserve the instruments of freedom gifted to the American people by an awe-inspiring group of young Navajo men who served the country during World War II;

Whereas, during World War II, these modest young Navajo men fashioned from the Navajo language the only unbreakable code ever recorded in military history;

Whereas, these Navajo radio operators transmitted the code throughout the dense jungles and exposed beachheads of the Pacific Theater from 1942 to 1945, passing over 800 error-free messages in 48 hours at Iwo Jima alone;

Whereas, the bravery and ingenuity of these young Navajo men gave the United States and Allied Forces the upper hand they so desperately needed in the Pacific, hastened the war's end, and assured victory for the United States;

Whereas, after being sworn to secrecy for 23 years after World War II, these young Navajo men eventually came to be known as Navajo Code Talkers and were honored by President George W. Bush more than 50 years after the war with congressional gold and silver medals in 2001;

Whereas, the Navajo Code Talkers are now in their eighties and, with fewer than 50 remaining from the original 400, the urgency to capture and share their stories and memorabilia from their service in World War II is critical;

Whereas, these American treasures and revered elders of the Navajo Nation have come together to tell their story, one that has never been heard, from their own hearts and in their own words;

Whereas, the Navajo Code Talkers' heroic story of an ancient language, valiant people, and a decisive victory that changed the path of modern history is the greatest story never told;

Whereas, the Navajo Code Talkers ultimately envision a lasting memorial, the Navajo Code Talkers' Museum and Veterans Center, on donated private land;

Whereas, the Navajo Code Talkers' mission is to create a place where their service will inspire others to achieve excellence and instill core values of pride, discipline, and honor in all those who visit the Center; and

Whereas, through the lead efforts of the Navajo Code Talkers' Foundation and many partners and individuals, the Navajo Code' Talkers' legacy, history, language, and code will be preserved to benefit all future generations: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the United States Congress, the Department of the Interior, the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, the Department of Agriculture, the State Department, and the Department of Energy to support and preserve the Navajo Code Talkers' remarkable legacy; be it further

*Resolved*, That a copy of this resolution be presented to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Interior, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of State, the Secretary of Energy, and to the members of Utah's congressional delegation.

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POM–19. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to implement policies and programs to protect American children from employment related identity theft; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 1

Whereas, according to the Chief Actuary of the Social Security Administration, millions of people pay payroll taxes with fraudulent Social Security numbers;

Whereas, pedophiles, criminals, deadbeat parents, and many others obtain jobs by using fraudulent documents to hide their true identities;

Whereas, according to the Federal Trade Commission, employment related identity theft accounts for 13% of total identity theft cases in the United States;

Whereas, investigations by the Utah Department of Workforce Services, the Social Security Administration, and the Utah Attorney General's Office have identified thousands of Utah children under age 13 and on public assistance who have had their Social Security numbers fraudulently used by others to obtain jobs;

Whereas, investigations by the Utah Department of Workforce Services, the Social Security Administration, and the Utah Attorney General's Office have identified 1,626 employers paying wages to individuals with Social Security numbers of children who are under 12;

Whereas, these children suffer serious harm, including the destruction of their good names and their credit histories;

Whereas, these children are saddled with arrest records, income tax liabilities on income earned under their stolen Social Security numbers, and compromised medical records with life threatening consequences;

Whereas, current federal laws and regulations prohibit the Department of Workforce Services from sharing information with law enforcement and the Department of Homeland Security about individuals wrongfully using Social Security numbers belonging to children and other American citizens and legal residents;

Whereas, the Social Security Administration does not inform or assist Americans whose Social Security numbers are being used unlawfully;

Whereas, the Social Security Administration assigns numbers being unlawfully used to newborn infants and other new recipients of Social Security numbers; and

Whereas, the Internal Revenue Service does not inform Americans whose Social Security numbers are being used unlawfully about this identity theft as long as taxes are paid on the income earned under the fraudulently obtained numbers: Now, therefore, be it

*Resolved*, That the Legislature of the State of Utah, the Governor concurring therein, urges the United States Congress to protect American children from employment related identity theft by requiring federal agencies to report the fraudulent use of these Social Security numbers to the victims, the appropriate law enforcement agencies, and the Department of Homeland Security; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to require federal agencies to assist the victims of child identity theft in recovering their identities, including issuing new Social Security numbers, when appropriate; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to require federal agencies to discontinue issuing Social Security numbers to children and other individuals when those numbers are already being used unlawfully; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

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POM–20. A joint resolution adopted by the Legislature of the State of Utah urging Congress to lift the freeze on longer combination vehicles, so that states may conduct test programs to evaluate routes, configurations, and operating conditions; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT RESOLUTION

Whereas, the American West encompasses a huge land mass of approximately 2.4 million square miles, or over two-thirds of the entire nation;

Whereas, the vast distances across the West clearly illustrate the need for efficient surface freight movement of goods throughout this area;

Whereas, one of the most significant ways to improve freight system performance is through the use of more efficient truck and truck combinations;

Whereas, the efficiency of the United States' freight transportation has fallen far behind other developed nations;

Whereas, Canada, Mexico, and the European Union have embraced up-to-date truck configurations;

Whereas, operation of these more productive vehicles, more commonly known as longer combination vehicles (LCVs), has been frozen in the United States by federal law since 1991;

Whereas, in a study requested by the Western Governor's Association, the Federal Highway Administration found that limited increase in the use of LCVs in 13 western states would reduce heavy truck vehicle miles traveled in 2010 by 25%, reduce fuel consumption and emissions by 12%, save shippers $2 billion a year, reduce pavement costs by as much as 4% over 20 years, and reduce highway noise by 10%;

Whereas, a recent study in Ontario found the widespread use of LCVs there would eliminate 750,000 truck trips per year, remove 2,800 trucks per day from the roads in and around Toronto, and reduce greenhouse gases by 151 kilotons per year;

Whereas, a Canadian federal government study indicated that LCVs have 60% fewer crashes than single trailer vehicles; and

Whereas, the Western States provide an excellent test case for size capacity increases since LCVs are already in use on many western highways: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah strongly urges the United States Congress to lift the freeze on longer combination vehicles in the states of Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, giving these states the flexibility to establish and operate pilot test programs to evaluate longer combination vehicle routes, configurations, and operating conditions; and be it further

*Resolved*, That copies of this resolution be sent to the President of the United States, the United States Secretary of Transportation, the United States Senate Committee on Commerce, Science, and Transportation, the United States House Committee on Transportation and Infrastructure, and to the members of Utah's congressional delegation.

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POM–21. A concurrent resolution adopted by the Legislature of the State of Utah recognizing Utah native Philo T. Farnsworth as the inventor of television; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 9

Whereas, few inventors have impacted the world as much as has Utah native Philo T. Farnsworth;

Whereas, Philo T. Farnsworth has deep roots in Beaver, Utah, where he was born August 19, 1906, in a log cabin;

Whereas, when he was 12, Philo T. Farnsworth's family moved to a farm in Rigby, Idaho, where he was fascinated by the electricity that powered his new home;

Whereas, Farnsworth was intrigued by mechanical and electrical technology and managed to convert his mother's hand-powered washing machine to an electric-powered appliance;

Whereas, as a youth living in Beaver, Utah, Farnsworth won a national contest for a theft-proof car lock;

Whereas, at the age of 14, Philo T. Farnsworth startled one of his high school teachers by sharing with him a diagram of an Electronic Image Dissector, a key component in his eventual invention of television;

Whereas, at age 16, Farnsworth's father died of pneumonia and Farnsworth had to care for his mother and four siblings;

Whereas, after spending a few years in the United States Navy, Farnsworth was honorably discharged and once again pursued his interest in electronics;

Whereas, Farnsworth found investors who were not only willing to help him pursue his work in electronics but also provided a laboratory in Los Angeles where Farnsworth was able to conduct important experiments;

Whereas, before relocating to California, Farnsworth married Elma ''Pem'' Gardner, the sister of a close friend of his;

Whereas, within a few months after arriving in California, Farnsworth's success led him to apply for several patents for his designs and models;

Whereas, on September 7, 1927, at a laboratory in San Francisco, Farnsworth's image dissector camera tube transmitted its first image, a straight line;

Whereas, in 1928, Farnsworth gave the first demonstration of his television system to the press, and after several improvements, gave his first demonstration to the public in 1934;

Whereas, Farnsworth formed his own company, prevailed in key patent lawsuits against competitors, and developed other important inventions, including a process for sterilizing milk using radio waves and a fog-penetrating beam for ships and airplanes;

Whereas, in 1938, Farnsworth established the Farnsworth Television and Radio Corporation, which was in turn purchased by International Telephone and Telegraph (ITT) in 1951;

Whereas, while in the employ of ITT, Farnsworth developed many more inventions, including a defense early warning signal, submarine detection devices, radar calibration equipment, an infrared telescope, and a PPI Projector, which allowed safe control of air traffic from the ground and was a forerunner of today's air traffic control system;

Whereas, later in life, the Farnsworths relocated to Utah, where Philo passed away in 1971;

Whereas, for many years after his death, Elma Farnsworth worked hard to help her deceased husband retain his rightful place in history;

Whereas, crediting his wife's contribution to his life's work, Farnsworth once stated, ''My wife and I started this TV'';

Whereas, in 1999, Time Magazine included Farnsworth in the ''Time 100: The Most Important People of the Century'';

Whereas, the log cabin where Philo T. Farnsworth was born has been restored and can be visited by the public; and

Whereas, a statue of Philo T. Farnsworth is one of two statues representing the state of Utah in the National Statuary Hall Collection in the United States Capitol, a second statue of Farnsworth stands in the Utah State Capitol, and a third statue stands in his hometown of Beaver: Now, therefore, be it

*Resolved,* that the Legislature of the state of Utah, the Governor concurring therein, recognize the life and contributions of Philo T. Farnsworth, Utah native, the inventor of television and of many other inventions that have benefitted millions of people around the world; and be it further

*Resolved*, that a copy of this resolution be sent to the President of the United States, the members of Utah's congressional delegation, the Farnsworth family, the Utah Travel Council, AAA, the tourism directors of each county in Utah, Beaver County, and Beaver City.

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POM–22. A concurrent resolution adopted by the Legislature of the State of Utah urging the federal government to protect the communications spectrum that allows Utah's translator system to provide free television access across the state; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, the President of the United States has directed the Chairman of the Federal Communications Commission (FCC) to consider removing channels 32 to 51 from the current FCC channels 14 to 51 Television Broadcast Authorization;

Whereas, this action would devastate off-air television reception to urban areas and also cause disruption to off-air viewers nationwide;

Whereas, according to FCC records as listed in FCC MD Docket No. 03–185 (FCC 10–172), page 26, dated September 17, 2010, 4,518 television translator stations, 567 Class A LPTV stations, 2,227 LPTV stations, and 11 TV Booster stations are now on file;

Whereas, according to FCC records, over 4,500 television translator stations presently provide free over-the-air television to rural communities throughout the nation;

Whereas, if this channel repacking were to become a reality, many of these translator stations would no longer remain in operation, requiring viewers to subscribe to either cable or satellite programming;

Whereas, Utah has 649 of these television translator stations, and the state's rural viewers would be forced to either pay for subscription television or have no television reception;

Whereas, after 40 years of analog broadcasting, the United States Congress mandated the broadcasting industry to make a conversion from analog to digital operation;

Whereas, supplying the general public with free over-the-air digital television broadcast signals has been encouraged by elected officials and the FCC;

Whereas, since the mandate, all TV Translator and LPTV licensees in the state of Utah have planned, acquired necessary funding, provided engineering, labor, construction, travel, new and upgraded buildings, air-conditioning, new towers, crane services, and extensive FCC licensing to help make the DTV transition possible;

Whereas, through cooperation of the state's counties, the University of Utah, the state of Utah, and the Federal Communications Commission, the DTV transition has been made possible;

Whereas, the state of Utah has supported the DTV transition through four CIB grants since 2005 in the amount of nearly $9,000,000;

Whereas, the University of Utah has supported the DTV transition with a recent federal grant of approximately $2,000,000;

Whereas, Congress developed and funded the coupon program at $1,500,000,000 for a digital to analog converter box program;

Whereas, the NTIA, a division of the federal government, currently offers all TV translator and LPTV licensees a reimbursement program for the digital to analog conversion;

Whereas, small rural cable companies are beginning to use digital TV translator signals for their systems free of charge instead of paying for satellite feeds;

Whereas, repacking would cause eight Salt Lake City primary television stations to find new channels, causing unaffordable consequences to both urban and rural communities in the state of Utah;

Whereas, it would be impossible to continue the ''Utah Daisy Chain'' rural digital television translator services if the proposed block of television channels were reclaimed by the FCC, and this action would have a negative local economic impact to the affected counties;

Whereas, broadcasters are required by the FCC to participate in the National Emergency Alert System and are also required to make regular tests to assure their systems are always ready to broadcast any local warnings, including flood conditions, high wind warnings, and bad road conditions, and these warnings are automatically retransmitted through television translator stations to also alert rural viewers;

Whereas, closed captioning for the deaf is also a mandatory requirement of primary broadcast stations and automatically passes through television translators to rural viewers;

Whereas, if these viewers do not have access to any local free over-the-air broadcast signals, they proceed without local warnings or closed captioning for the deaf;

Whereas, counties in Utah are presently licensed with the FCC for 649 digital television translators, or 35%, of the nation's digital television translator licenses;

Whereas, an additional 173 applications are waiting for final approval at the FCC, and when they are awarded, additional digital channels will be available to the remaining few underserved rural Utah communities;

Whereas, the FCC recently passed a rule to allow anyone to operate unlicensed signals on unused channels within the present television bands, while the FCC still requires television translator stations to be licensed in these same bands;

Whereas, these unlicensed devices will cause interference to existing digital television services nationwide, and many television translator viewers will possibly be vulnerable with unacceptable interference because they receive their home signals far beyond the FCC protected contours; and

Whereas, the federal government should ensure that rural communities in Utah and throughout the nation are not forced to either pay for subscription television service or go without television: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge the President of the United States and the Federal Communications Commission (FCC) to not remove channels 32 to 51 from the current existing FCC channels 14 to 51 Television Broadcast Authorization because of its negative impact on off-air television reception in urban areas and to off-air viewers nationwide, including rural viewers, who would be forced to either pay for subscription television or go without television service; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of the Federal Communications Commission and each commission member, and to the members of Utah's congressional delegation.

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POM–23. A resolution adopted by the House of Representatives of the State of Illinois urging Congress to withhold funding to the Department of the Interior's Office of Surface Mining, Reclamation, and Enforcement; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 270

Whereas, The Department of the Interior's Office of Surface Mining, Reclamation, and Enforcement (OSMRE) is considering new sweeping regulations that would cut surface mining production and jobs by 21–30%, cut underground coal mining jobs up to 50%, and risk eliminating over 66,000 direct and indirect jobs nationwide; and

Whereas, Beginning in 2003, OSMRE conducted a 5-year process, including public hearings, the submission of thousands of public comments, and preparation of an environmental impact statement, that culminated in final regulations adding significant new environmental protections regarding the placement of excess spoil and clarifying its regulations relating to stream buffer zones pursuant to the Surface Mining Control and Reclamation Act (SMCRA); and

Whereas, The Secretary of the Interior attempted to avoid a public rulemaking process by asking a court to vacate the 2008 OSMRE stream buffer zone rule without public comment as required under the Administrative Procedure Act, but was rebuked by a federal court which ruled that the Secretary may not repeal the stream buffer zone rule without going through a rulemaking process that includes public notice and comment; and

Whereas, OSMRE, in its own words, admitted that before any public comments were even received on its proposals, it had ''already decided to change the (stream buffer zone) rule following the change in administrations on January 20, 2009''; the Office is calling the new rule the ''stream protection rule'', and it is much broader in scope than the 2008 stream buffer zone rule; and

Whereas, OSMRE has failed to justify why a new stream protection rule is necessary or to explain the problem that the Office is attempting to fix, and such concerns have been echoed by the Interstate Mining Compact Commission, an organization representing state mining regulators with substantial expertise in SMCRA regulation; and

Whereas, OSMRE is inappropriately rushing to complete the rulemaking because of a unilateral settlement agreement with environmental groups, and is committing such flagrant violations of the required National Environmental Policy Act process that 8 of the state cooperating agencies have written to the Office objecting to its quality, completeness and accuracy, as well as calling the document ''nonsensical and difficult to follow'', and ultimately threatening to pull out of the process; and

Whereas, The coal mining industry is critical to the economic and social well being of the citizens of Illinois, accounting for over 3,500 direct workers and another 24,500 indirect jobs that have an impact of over $1 billion on the State's economy: Therefore, be it

*Resolved*, by the House of Representatives of the Ninety-Seventh General Assembly of the State of Illinois, that we express serious concern about the scope, justification, and substance of the OSMRE's stream protection rule, as well as about the procedure and process that have been used to adopt that rule; and be it further

*Resolved*, That we call upon OSMRE to immediately suspend work on the environmental impact statement and the stream protection rule until such time as the Office:

(1) clearly and publicly articulates why the 2008 regulation has not been implemented and provides specific details regarding each of its provisions and why the Office believes that they are insufficient;

(2) provides scientific data and other objective information to justify each and every provision of the new proposal;

(3) explains why the Office is contradicting its own annual state inspection reports which indicate good environmental performance and refute the need for this new rule;

(4) justifies why a more limited approach would not achieve the objectives of the Office; and

(5) surveys all of the state regulatory authorities to determine whether they agree that such significant regulatory changes are necessary; and be it further

*Resolved*, That we also urge Congress to oppose this unwarranted effort by the present Presidential Administration by withholding any further funding for OSMRE for the stream protection rule and environmental impact statement until such time as the Office justifies the need for new rules; and be it further

*Resolved*, That suitable copies of this resolution be sent to President Barack Obama, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of the Interior, and each member of the Illinois congressional delegation.

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POM–24. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to honor longstanding commitments to multiple use public lands management; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, the wise multiple use of the public lands in Utah and in the Western United States is necessary for economic stability, is critical to the state's future, and is an important part of Utah's culture and heritage;

Whereas, prudent application of sustainable multiple use principles allows the state's renewable and abundant natural resources to be of value to all Americans, while protecting the many unique and sensitive parts of the state;

Whereas, the federal government controls two of every three acres of the state of Utah, second only to Nevada among the Contiguous 48 states;

Whereas, the multiple use management of the lands held in common in Utah has contributed to the well being of the state and nation through energy development, mineral development, production of food and fiber, and recreational opportunities;

Whereas, the creation of new wealth is tied directly to the land and the judicious development of the state's natural resources;

Whereas, ownership and private property rights are the catalyst to increasing wealth and improving society's standard of living, and is a belief central to capitalism and a successful free enterprise system;

Whereas, risk and investment capital seek market opportunities that exhibit political and policy stability, the hallmarks of Utah's business climate, but are adversely affected by the political posturing and disregard for state input related to management of 23,000,000 acres of land administered by the United States Department of Interior's Bureau of Land Management;

Whereas, Revised Statute 2477, effective for more than 100 years and purposely protected in the Federal Land Policy Management Act of 1976, provided for the development of Utah's natural resources;

Whereas, the Taylor Grazing Act of 1934 established the legal obligation and responsibility of the federal government to safeguard livestock grazing rights as part of the cultural and social fabric of the West, ultimately upheld as the ''chiefly valuable for grazing doctrine'';

Whereas, generations of economically viable livestock grazing operations in Utah have been forged to families combining private and public land resources that ultimately contribute to local economies and are the catalyst for preserving open space in many rapidly developing areas;

Whereas, management of the unreserved federal lands administered by the Interior Department are obligated under the Federal Land Policy Management Act (FLPMA) to incorporate into agency management plans ''consistency'' in partnership with state and local planning;

Whereas, a fundamental principle espoused by the nation's Founders called for equality among the states and is referred to as the ''Equal Footing Doctrine,'' a principle that calls for each state to enter the Union equal in their sovereign power;

Whereas, the Interior Department's ''Treasured Landscapes'' internal planning document reveals an agency bias, and outside influences identified as much as 130,000,000 acres of Bureau of Land Management (BLM)-administered lands for special ''Wild Lands'' designation;

Whereas, the ''Treasured Landscapes'' internal document also recommends that the Secretary of the Interior circumvent congressional mandates related to wilderness designations, calling for wilderness protection through Presidential Proclamations;

Whereas, on December 23, 2010, the Secretary of the Interior announced Secretarial Order 3310, calling for a re-inventory of Bureau of Land Management lands with ''wilderness characteristics'' under a new Secretarial definition of ''Wild Lands'' and diverting funds from critical agency needs;

Whereas, the BLM has inventoried lands with wilderness characteristics, following the National Environmental Policy Act requirements, as part of the agency's Resource Management Planning process;

Whereas, Secretarial Order 3310 seeks to establish new wilderness study areas in Utah and throughout the West based on the new Wild lands definition and BLM inventory guidance providing the BLM broader authority to stop energy development, livestock grazing; mineral extraction, and recreational activities;

Whereas, jobs generated through multiple use activities on the public lands provide family sustaining, well paying jobs to hundreds of thousands of Utahns and are the economic backbone of Utah's rural communities;

Whereas, in recent testimony before Congress's House Natural Resources Committee, the Director of the BLM indicated that he lacked the statutory authority to implement the policies of Secretarial Order 3310; and

Whereas, the Secretary of the Interior's decision to withdraw from the 2003 Utah—Interior Settlement Agreement is an insult to Utahns, and Secretarial Order 3310 is a violation of the spirit and the letter of the Wilderness Act of 1964, ultimately undermining the goodwill and collaborative efforts currently underway in Utah to find mutually agreeable land use solutions: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Secretary of the Interior to honor the 2003 Settlement Agreement and abandon the ''Wild Lands'' wilderness reinventory; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to honor the longstanding commitment to multiple use management of public, lands in Utah and the Western United States; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of the Interior, the President of the United States, and to the members of Utah's congressional delegation.

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POM–25. A joint resolution adopted by the Legislature of the State of Utah urging Congress to relinquish to the state of Utah all right, title, and jurisdiction in those lands that were committed to the purposes of this state by terms of its enabling act compact with them and that now reside within the state as public lands managed by the Bureau of Land Management that were reserved by Congress after the date of Utah statehood; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 39

Whereas, under the United States Constitution, the American states reorganized to form a more perfect union, yielding up certain portions of their sovereign powers to the elected officers of the government of their union, yet retaining the residuum of sovereignty for the purpose of independent internal self-governance;

Whereas, the aims of the Constitutional Convention provided that state governments would clearly retain all the rights of sovereignty and independence which they before had and which were not exclusively delegated to the United States Congress;

Whereas, among the rights of sovereignty held most jealously by the states was the right of sovereignty over the land within their respective borders;

Whereas, in due time, the American states came to own vast tracts of land as federal territories;

Whereas, by compact between the original states, territorial lands were divided into ''suitable extents of territory'' and upon attaining a certain population, were to be admitted into the union upon ''an equal footing'' as members possessing ''the same rights of sovereignty, freedom and independence'' as the original states;

Whereas, the federal trust respecting public lands was established eight years before the Constitution by the Continental Congress and by the states which accepted the terms of the trust;

Whereas, the federal trust respecting public lands was subsequently codified within the text of at least five clauses of the Constitution and is the foundation upon which the Constitution and the American union of states were erected for the benefit of every state without prejudice;

Whereas, the federal trust respecting public lands obligates the United States, through their agent, Congress, to extinguish both their governmental jurisdiction, and their title on the public lands that are held in trust by the United States for the states in which they are located;

Whereas, for, as long as the United States retains title in and jurisdiction over federal public lands in the state of Utah, the state is denied the same complete and independent sovereignty and jurisdiction that was expressly retained by the original states, and its citizens are denied the political right to establish or administer their own republican self-governance as is their right, under the Equal Footing Clause;

Whereas, Utah, by terms of its enabling act compact, disclaimed all right and title in the public lands within its borders;

Whereas, ''right and title'' are elements of proprietorship, and ''right and title'' are neither sovereignty nor jurisdiction;

Whereas, Utah is entitled, under the Equal Footing Doctrine, to the same rights of sovereignty, freedom, and independence as the original states;

Whereas, Section 3 of Utah's Enabling Act, with respect to disposition of public land, reads: ''And said Convention shall provide by ordinance irrevocable with the consent, of the United States and the people of said State . . . that until the title (to the unappropriated public lands) have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States'';

Whereas, by these words the United States may only shelter public lands from the obligation of disposal by the consent of the state of Utah;

Whereas, with the passage of the Federal Land Policy and Management Act (FLPMA) of 1976, the United States shifted from a policy of disposal of public lands and extinguishment of the Federal title to one of retention of public lands and their management in perpetuity through the United States Bureau of Land Management (BLM);

Whereas, the BLM now claims jurisdiction of over 22,600,000 acres of public land in Utah, which is nearly twice as much land as the 11,512,000 acres of land in private ownership;

Whereas, the BLM was directed to manage the public lands for multiple use and sustained yield and to afford Utah and other Western States a share of the revenues from the production of the natural resources on public lands, including revenues from timbering, oil and gas production, and mining;

Whereas, the state and federal partnership of public lands management has been eroded by an oppressive and over-reaching federal management agenda that has adversely impacted the sovereignty and the economies of the state of Utah and local governments;

Whereas, Sections 6, 7, 8, and 12 of Utah's Enabling Act provided for land grants to fund critical public functions such as primary and secondary education, public buildings, and water development;

Whereas, federal courts, including the United States Supreme Court, have recognized this land grant as the establishment of a trust, even a ''solemn contract'' between the United States and the state of Utah, with the United States in the role as settlor of the trust and the state of Utah in the role of trustee;

Whereas, as settlor of the trust, the United States has an obligation to pursue actions and policies that support the trustee in its efforts to fulfill the purposes of the trust;

Whereas, federal land-management actions, even when applied exclusively to the federal lands, directly impact the ability of the state of Utah to manage its trust lands in accordance with the mandate of the Utah Enabling Act and to meet its obligation to the beneficiaries of the trust;

Whereas, the United States Department of the Interior has arbitrarily and illegally affected private contracts by cancelling duly awarded oil and gas leases at the time of public auction, the validity of which were subsequently upheld by a federal court of competent jurisdiction;

Whereas, in October of 2008, the BLM completed six of its fundamental documents for the allocation of resource use and conservation on BLM lands, called Resource Management Plans, after up to eight years of study, public participation, and the expenditure of millions of dollars;

Whereas, the BLM evaluated the allocation of all multiple-use activities in these plans, including the primary multiple-uses of grazing, timber, minerals, recreation, and conservation, and made definitive allocation decisions at the conclusion of the process;

Whereas, the BLM's failure to act affirmatively on these definitive allocation decisions has created uncertainty in the future of public land use in Utah and has caused capital to flee the state;

Whereas, during the process of finalizing the six Resource Management Plans, the BLM refused to consider state and local government acknowledgments of R.S. 2477 rights-of-way, or other evidence of the existence of R.S. 2477 rights-of-way, which led to the closure of many R.S. 2477 rights-of-way in the Grand Staircase Escalante National Monument;

Whereas, the Congress of the United States recently passed the Omnibus Public Land Management Act of 2009, which included the designation of lands as wilderness and national conservation areas in Washington County, Utah, and released all other lands to the general multiple-use mandate of the BLM;

Whereas, the United States Department of the Interior has arbitrarily created a new category of lands, denominated ''Wild Lands,'' and has superimposed these mandatory protective management provisions upon BLM operations and planning decisions in violation of the provisions of the Federal Land Policy and Management Act, the provisions of the Administrative Procedures Act, and Presidential Executive Order 13563 concerning openness in policymaking;

Whereas, the new Wild Lands provisions threaten to reopen the issue of wilderness in Washington County, in violation of the resolution of the issue through Congressional action;

Whereas, the creation of a new Wild Lands category, and the immediate effect of its mandatory restrictive provisions, has arbitrarily undermined the effectiveness of the six recently completed Resource Management Plans of the BLM in eastern and southern Utah, is contrary to the multiple-use mandate outlined by FLPMA and other federal law, and threatens to derail efforts underway locally to seek certainty in land use allocation decisions through Congressional actions, such as that recently completed in Washington County;

Whereas, other proposals to make use of the important natural resources of the state, such as phosphate and beneficial range improvement proposals, are how under threat from these ill-conceived Wild. Lands provisions;

Whereas, the United States Department of the Interior has failed to enunciate a valid source of statutory or constitutional authority for the imposition of the restrictive Wild Lands provisions;

Whereas, the cumulative effect of the Wild Lands provisions, the illegal decision to withdraw validly granted and gas leases, the duplicative Master Leasing Plan process, and the United States Department of Interior's disdain for the use of public review processes, has led to the demise of a robust and viable oil and gas leasing program in Utah, which negates an important revenue source to the state, and eventually jobs for the citizens of Utah;

Whereas, the BLM has demonstrated a chronic inability to handle the proliferation of wild horses and burros on the public lands, to the detriment of the rangeland resource;

Whereas, the United States Department of Agriculture has repeatedly tried to impose severe restrictive management provisions on lands defined as inventoried roadless areas, in violation of Congressional authorities, as reviewed by a federal court of competent jurisdiction.

Whereas, the United States Army Corps of Engineers is proposing to extend its jurisdiction to regulate the waters of the United States to areas traditionally dry, except during severe weather events, in violation of the common definition of jurisdictional waters;

Whereas, in 1996, the President of the United States abused the intent of the Antiquities Act by the creation of the Grand Staircase Escalante National Monument without any consultation with state and local authorities or citizens;

Whereas, the BLM's Resource Management Plan for the Kanab Field Office eliminated the filming of movies and filming for commercial purposes within the Grand Staircase-Escalante National Monument, thereby eliminating a source of economic opportunity for Kane County through the loss of use of its iconic ''Little Hollywood'' film site and other locations;

Whereas, bureaucrats within the United States Department of the Interior are assembling information to prepare for further designations without consultation;

Whereas, the United States Fish and Wildlife Service is making decisions concerning various species on BLM lands under the provisions of the Endangered Species Act without serious consideration of state wildlife management activities and protections designed to prevent the need for a listing, or recognizing the ability to delist a species, thereby affecting the economic vitality of the state and local regions;

Whereas, the BLM has not authorized all necessary rangeland improvement projects involving the removal of pinyon-juniper and other climax vegetation, thereby reducing the biological diversity of the range, reducing riparian viability and water quality, and reducing the availability of forage for both livestock and wildlife;

Whereas, differences of opinion about the appropriate use of the public lands has created a massive logjam in the advancement of any proposal for use of the public lands, whether for energy production, recreation, conservation, timber production, or similar uses;

Whereas, the states have been instrumental in convening groups of stakeholders to consider protection for and responsible use of federal lands;

Whereas, efforts in Washington County, Utah, the Owyhee region of Idaho, and the Front Range region in Montana have involved many various stakeholders, including ranchers, energy officials, environmental groups, and state and local government officials in an effort to achieve agreement on proposals for wilderness and other congressionally established conservation units, lands available for local privatization of lands, and areas available for traditional multiple-use;

Whereas, these efforts led to congressional approval of a jointly prepared proposal in Washington County, Utah, and to other proposals currently pending before Congress;

Whereas, the state is willing to sponsor, evaluate, and advance these locally driven efforts in a more efficient manner than the federal government, to the benefit of all users, including recreation, conservation, and the responsible development of energy, grazing, timber, and other economic industries;

Whereas, citizens of the state of Utah have a love of the land and have demonstrated responsible stewardship of lands within state jurisdiction;

Whereas, the state of Utah has a proven regulatory structure to manage public lands for multiple use and sustained yield;

Whereas, federal land management policies are eroding the fundamental pillars of sovereignty, freedom, and independence upon which all states and the state of Utah founded under the Equal Footing clause;

Whereas, by means provided under the Constitution, damaged states may assert their rightful claim to the public lands within their borders and restore the constitutional design for the benefit of present and future generations; and

Whereas, Utah fully reserves and asserts all sovereign and constitutional claims to its public lands: Now, therefore, be it

*Resolved,* That the Legislature of the state of Utah calls on the United States, through their agent, Congress, to relinquish to the state of Utah all right, title, and jurisdiction in those lands that were committed to the purposes of this state by terms of its enabling act compact with them and that now reside within the state as public lands managed by the Bureau of Land Management that were reserved by Congress after the date of Utah statehood; and be it further

*Resolved,* That a copy of this resolution be sent to the Secretary of the United States Department of Interior, to the United States Director of the Federal Bureau of Land Management, to the Majority Leader of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's Congressional delegation.

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POM–26. A joint resolution adopted by the Legislature of the State of Utah urging Congress to adopt legislation relative to public lands; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 21

Whereas, for purposes of this resolution:

(1) ''Federally owned land'' means all land held in the name of the United States or any agency of the United States, including land held in trust, United States military reservations, Indian reservations, and any other land used for federal purposes.

(2) (a) ''Unappropriated public lands'' means all land under the management and control of the Bureau of Land Management or United States Forest Service.

(b) ''Unappropriated public lands'' do not include lands which are:

(i) held in trust;

(ii) located within a United States military reservation;

(iii) a unit of the National Park System;

(iv) a Wildlife Refuge;

(v) a Wilderness Area designated by Congress; or

(vi) a National Historic Site.

(3) ''Western States'' means Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming.

Whereas, Western States, as a group, are falling behind in education funding as measured from 1979 to 2007 by growth of real per pupil expenditures of 56% compared to 92% in the remaining states;

Whereas, 11 of the 17 states with the lowest real growth in per pupil expenditures are Western States;

Whereas, one effect of less funding for public education in the West is higher pupil-per-teacher ratios;

Whereas, nine of the 12 states with the largest pupil-per-teacher ratios are Western States;

Whereas, on average, the 13 Western States have 3.7 more students per classroom than the remaining 37 states;

Whereas, between 2012 and 2018, the rate of enrollment growth in Western States is projected to increase 9%, while the rate of enrollment growth in other states is projected to increase by only 3.3%;

Whereas, state and local taxes of Western States, as a percentage of personal income, are as high as or higher than other states;

Whereas, despite the fact that Western States tax at a comparable rate and allocate nearly as much of their budgets to public

education as other states, Western States have lower real growth in per pupil expenditures and have higher pupil-per-teacher ratios;

Whereas, the federal government is the source of and has the potential to solve the problem because of the enormous amount of federally owned land in Western States;

Whereas, all states east of an imaginary vertical line from Montana to New Mexico have, on average, 4.1% of their land federally owned, while the Western States on average have 51.9% of their land federally owned;

Whereas, many of the Acts enabling the people of American West territories to form their constitutions and state governments and providing for the admission of those states into the Union on equal footing with the original states, included a common provision of which the following example is typical: ''That five per centum of the proceeds of the sales of public land lying within said state, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said state.'';

Whereas, the plan language of these enabling acts proclaims that the public land shall be sold by the United States subsequent to the admission of the states into the Union;

Whereas, the United States honored this language by selling public land within the Western States until the passage of the Federal Land Policy and Management Act of 1976, wherein Congress declared that the policy of the United States was to retain public land in federal ownership and management;

Whereas, the United States has broken its solemn compact with the Western States and breached its fiduciary duty to the school children who are designated beneficiaries of the sale of public land under the terms of the respective enabling Acts of many Western States;

Whereas, the current shortfall in funding public education in the Western States requires immediate Congressional action to remedy this discriminatory federal land policy and prevent the further disadvantaging of the school children of the Western States; and

Whereas, the most efficient and cost effective remedy now available to the United States is to grant to the Western States 5% of the remaining federally owned land located within each state and authorize each state to select land from the unappropriated public land of the United States within the boundaries of each state to satisfy the grant: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah urges Congress to adopt legislation that would include the following provisions:

(1) instead of receiving, for the support of the common schools, 5% of the proceeds of the sales of federally owned land lying within the Western States which have not been sold by the United States, grants of land will be made to each Western State in the amount of land equal to 5% of the number of acres of federally owned land within the state;

(2) each Western State shall select from the unappropriated public lands within the borders of the, state in a manner determined by the legislature of the state, land equal in acreage to 5% of the federally owned land in the state;

(3) selection and transfer of land to Western States, shall not be considered a major federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

(4)(a) all mineral, oil, and gas rights to the land selected by the Western States shall become the property of that Western State unless the federal lessee of the selected land is making royalty payments to the United States from production of minerals, oil, or gas, in which case that leasehold interest shall remain in the Ownership of the United States until the leasehold interest terminates; and

(b) after the leasehold interest described in Subsection (4)(a) terminates, the mineral oil, and gas rights shall become the property of the respective Western State;

(5) all land selected by each of the Western States shall be held in trust by a state educational agency empowered to sell or lease the land, the proceeds of which shall be used as a permanent fund, the interest of which shall be expended only for the support of public education; and

(6) Utah fully and unconditionally reserves all sovereign and constitutional claims to its public lands; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, and Utah's Congressional Delegation.

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POM–27. A joint resolution adopted by the Legislature of the State of Utah urging Congress to impose a moratorium on the promulgation of any new greenhouse gas (GHG) emissions regulation by the Environmental Protection Agency for a period of at least two years, except for the need to directly address an imminent health or environmental emergency; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 19

Whereas, concern is growing that with the failure of cap-and-trade legislation in Congress the United States Environmental Protection Agency (EPA) is attempting to reduce greenhouse gas (GHG) emissions through the adoption and implementation of regulations without Congressional approval;

Whereas, the EPA is proposing numerous new rules to regulate GHG emissions as pollutants through the Clean Air Act;

Whereas, the EPA has not performed any comprehensive study of the environmental benefits; its GHG regulation in terms of impacts on global climate;

Whereas, the EPA's regulatory activity of GHG has numerous and overlapping requirements that are likely to have major effects on the nation's economy, jobs, and U.S. competitiveness in worldwide markets;

Whereas, neither the EPA nor the current administration has undertaken any comprehensive study on the cumulative effect that regulating GHGs will have on the nation's economy, jobs, and U.S. competitiveness;

Whereas, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits;

Whereas, since the EPA has identified ''taking action on climate change and improving air quality'' its first strategic goal for the time frame of 2011–15, it should be required to identify the specific actions it intends to take to achieve these goals and to assess the cumulative effect of these actions on public health, climate change, and on the U.S. economy;

Whereas, the primary goal of government at the present time must be to promote economic, recovery and to foster a stable and predictable business environment that will lead to the creation of new jobs; and

Whereas, the public's health and welfare will suffer without significant new job creation and economic improvement since environmental improvement is most successful in a society that generates wealth: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah calls on Congress to adopt legislation prohibiting the United States Environmental Protection Agency (EPA) from regulating greenhouse gas (GHG) emissions without Congressional approval, including, if necessary, not funding EPA greenhouse gas regulatory activities; be it further

*Resolved*, That the Legislature calls on Congress to impose a moratorium on, the promulgation of any new GHG regulation by the EPA for a period of at least-two years, except for the need to directly address an imminent health or environmental emergency; be it further

*Resolved*, That the Legislature calls on Congress to require the Administration to carry out a study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goal of ''taking action on climate change and improving air quality'' and, provide an objective cost-benefit analysis and cumulative effect that EPA's current and planned regulation will have on global climate, public health, the U.S. economy, jobs, and economic competitiveness in worldwide markets; be it further

*Resolved*, That the Legislature expresses its support for continuing improvements to the quality of the nation's air and declares that such improvements can be made without damaging the economy as long as there is a full understanding of the costs and benefits of the regulations at issue; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, the governor of each state outside of Utah, the Senate President or President pro tem and the Speaker of the House of each state legislature outside of Utah, and to the members of Utah's Congressional Delegation.

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POM–28. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to take action to maintain the integrity of the Endangered Species Act by exempting wolves from the Act in every state and allowing each state to protect its rural economies, game herds, livestock, and pets; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 15

Whereas, with a population of 60,000 in North America, wolves are no longer an endangered species;

Whereas, the agreed-upon recovery goals of 30 packs and 300 wolves in the northern Rocky Mountains has been exceeded since 2002;

Whereas, wolf populations currently exceed by more than 600% recovery goals agreed upon by all parties, yet extremist groups and courts block management as all parties had previously agreed upon;

Whereas, excessive wolf populations are causing tremendous negative impacts to game populations, livestock, and pets at the cost of tens of millions of dollars each year to state economies, and the problem is growing exponentially;

Whereas, excessive wolf populations are costing rural economies many jobs;

Whereas, wolves are beginning to threaten and challenge people;

Whereas, the experiences of Montana, Wyoming, Idaho, and Minnesota prove that the administrative and legal process is broken and does not serve the people, private property, wildlife, or rural economies;

Whereas, the United States Fish and Wildlife Service has repeatedly failed to listen to

Utah's entire elected body of Governors, Senators, and bipartisan Congressman to include the entire state of Utah in the Northern Rockies population;

Whereas, the United States Fish and Wildlife Service only included a small portion of northern Utah in the potential delisting zone, leaving nearly the entire state of Utah as an endangered species classification with no hope or promise of a solution to the wolf problem for decades into the future;

Whereas, the United States Fish and Wildlife Service proposes to spend $25,000,000 to monitor and watch wolf populations grow while they eliminate jobs and destroy game populations, livestock, and pets;

Whereas, the court system has failed to allow the United States Fish and Wildlife Service to delist wolves in spite of scientific data, costing over $40,000,000 to gather, justifying delisting, with national experts inside and outside the government providing sworn testimony that wolves should be removed from the endangered species list;

Whereas, 32 state wildlife agencies have requested wolves to be removed from the Endangered Species Act through congressional action;

Whereas, state game and fish agencies are much better prepared and capable of managing wolves than the federal government;

Whereas, western states face many habitat conservation challenges, and the focus of investment of limited wildlife funds should be to protect habitats and abundant herds that provide hundreds of millions of dollars each year to rural economies and food for tens of thousands of families; and

Whereas, the state of Utah, in consultation with the United States Fish and Wildlife Service, and based on extensive professional wildlife management input and a two-year public process, has adopted a wolf management plan: now, therefore, be it

*Resolved*, that the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to take action to maintain the integrity of the Endangered Species Act by exempting wolves from the Act in every state and allowing each state to protect its rural economies, game herds, livestock, and pets; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Director of the United States Fish and Wildlife Service, the executive director of the Utah Department of Natural Resources, the United States Secretary of the Interior, members of Utah's congressional delegation, and governors and presidents of the Senate in all 50 states.

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POM–29. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to defend the democratic right of the Iranian people; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION NO. 16

Whereas, the American people recognize and support the Iranian people in their century-long struggle for democracy, freedom, justice, and human rights;

Whereas, the government of the Islamic Republic's crackdowns on democracy, support for terrorism, and pursuit of nuclear weapons pose a grave threat to the Iranian people as well as the security of the United States, Israel, and their allies in the Persian Gulf;

Whereas, since its establishment in 1979, the government of the Islamic Republic of Iran has engaged in numerous criminal and terrorist acts, including the arbitrary and unlawful judicial murder of thousands of Iranian political and religious dissidents as well as minors and juveniles;

Whereas, the Islamic Republic has also established a system of religious apartheid in which Iranian women are treated as second class citizens, and Iran's minorities are persecuted for exercising their freedom of religion;

Whereas, in 2009, the government of the Islamic Republic of Iran staged a presidential election that was marred by fraud and violence in which President Mahmoud Ahmadinejad dismissed millions of Iranian voters demanding free and fair elections as ''dust and dirt'';

Whereas, Iran's Supreme Leader, Ali Khamenei, sanctified the rigged election by equating the fundamentals of religion with fraud, force, terrorism, and tyranny;

Whereas, since the fraudulent elections, grieving mothers and families searching for missing relatives and demanding the release of political prisoners have been denied justice;

Whereas, there has been a dramatic surge in death sentences carried out by the government of the Islamic Republic of Iran despite United Nations' calls for a moratorium on executions;

Whereas, there has been a systematic crackdown on students, scholars, workers, teachers, clerics, and journalists for exercising their freedoms of speech and assembly;

Whereas, the American and Iranian people have been and remain steadfast friends and allies;

Whereas, over the past century, the American people's support for Iran's political and economic independence enabled the Iranian government to end the Soviet occupation of Northern Iran and led to the peaceful withdrawal of the Red Army from Iran in the aftermath of the Second World War;

Whereas, the United States played a pivotal role in Iran's economic development from 1946 to 1979, and American aid and assistance helped the Iranian people's efforts to eradicate poverty, famine, disease, and illiteracy;

Whereas, Iranian-Americans have emerged as a vital and vibrant force in American political, economic, and civic life;

Whereas, successive American presidents and statesmen have stood by the Iranian people in their struggle for justice, democracy, peace, and prosperity;

Whereas, the Iranian people's call for democracy and freedom has helped to light the torch of hope, liberty, dignity, and justice not only in Iran but throughout the Middle East and the Islamic world; and

Whereas, the liberation of humankind from under the yoke of fascism, communism, and other false ideologies that elevate the state above the individual depends on the moral conviction of free people everywhere to reject oppression, slavery, tyranny, and terrorism: Now therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, declare that the people of Utah stand with the people of Iran in their struggle for freedom, justice, peace, and prosperity for Iran, and reaffirm the bonds of friendship between the people of Utah and the people of Iran; be it further

*Resolved*, That the Legislature and the Governor call on the government of the United States, as well as the international community and the Islamic world, to support the Iranian people by defending the democratic right of the Iranian people to choose their own government through free and fair elections, demanding that Iran's supreme leader recognize and respect the sovereignty of the Iranian people and that he cease abusing his religious and political standing by rigging elections and equating fraud and force with the fundamentals of religion and democracy, to protect Iran's civil society by demanding that the Iranian judiciary end the arbitrary arrest, detention, torture, and execution of Iranian citizens for defending the right to elect their own government, determine their own destiny, and exercise their freedom of religion, to prevent Iran's leaders from using proceeds from the sale of oil to arm and finance private militias, terrorist groups, and other extremists responsible for committing acts of terrorism against the Iranian people as well as the United States and its allies in the Middle East, to deny Iran's leaders the capacity to hold the Iranian people and the rest of the world hostage by developing nuclear weapons and engaging in nuclear blackmail, and to help facilitate the Iranian people's struggle to transform Iran into a bastion of democracy, prosperity, and peace in the region; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary General of the United Nations, the chairman of the United States Senate Committee on Foreign Relations, the chairman of the United States House of Representatives Committee on Foreign Affairs, and to the members of Utah's congressional delegation.

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POM-30. A joint resolution adopted by the Legislature of the State of Utah urging Congress to take swift and decisive action to resolve the many pressing immigration issues facing the nation and the states; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 12

Whereas, the national debate over immigration is creating great controversy throughout the United States;

Whereas, measures addressing immigration are also being extensively debated in state legislatures across the nation;

Whereas, since 1875, when the United States Supreme Court stated that ''the passage of laws which concern the admission of citizens and subjects of foreign nations to our shores belongs to Congress, and not to the States'' (Chy Lung v. Freeman, 92 U.S. 275), states have been severely restricted in their authority to pass legislation governing those individuals not lawfully present within their borders;

Whereas, the expectation of Utah's voters is that, on a subject like immigration, the state Legislature has front line responsibility, and Utah should have an impact on immigration policy within its own borders;

Whereas, in recent years, opportunities for the United States Congress to resolve many pressing immigration issues have failed and left states bearing the brunt of these problems as they impact the health, safety, and welfare of their citizens with little or no authority to act;

Whereas, Utah's congressional delegation should sponsor legislation to resolve the immigration policy stalemate; and

Whereas, if the United States Congress will not act decisively to address the nation's immigration policy challenges, it should grant the states the authority to resolve their unique immigration issues within their borders: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah recognizes that the United States Congress presently has assumed authority to make immigration policy in the United States; be it further

*Resolved*, That the Legislature of the state of Utah urges Utah's congressional delegation to sponsor and support legislation to resolve the immigration policy issues facing the nation; be it further

*Resolved*, That the Legislature strongly urges the United States Congress to take

swift and decisive action to resolve the many pressing immigration issues facing the nation and the states; be it further

*Resolved*, That the Legislature of the state of Utah urges that if the United States Congress does not have the collective will to resolve the immigration issues facing the nation and the states, that Congress should act to grant authority to the states to resolve the immigration policy challenges within their own borders; be it further

*Resolved*, That the Legislature of the state of Utah calls upon its congressional delegation to advance legislation giving the state of Utah the authority to manage immigration policy and actions within its borders; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, to the members of Utah's congressional delegation, and all states.

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POM-31. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass an amendment to the United States Constitution by October 1, 2011, requiring a balanced budget and send it to the states for ratification; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, for many years a persistent political issue facing Congress has been whether to require that the budget of the United States to be in balance;

Whereas, although a balanced federal budget has long been held as a political ideal, the accumulation of alarming deficits in recent years has heightened concern that immediate action to require a balance between revenues and expenditures at the national level is necessary if not critical to the financial well being of the United States;

Whereas, while financial and social ills are aggravated by ever increasing personal and family debt, spiraling national debt aggravates ills that may not be immediately felt but are equally harmful to society;

Whereas, the national debt, which is approximately 14 trillion dollars, has increased by over 3 trillion dollars in the last two years alone;

Whereas, out of control deficits and the massive federal debt suggest that tough decisions lie ahead if the United States is to have control of its financial destiny;

Whereas, the leaders of this nation must be held accountable for the financial decisions they make and not be allowed to spend the nation into financial oblivion; and

Whereas, ratifying a proposed constitutional amendment requiring a balanced budget would clearly communicate to the federal government that the states, on behalf of their citizens, insist that their tax money be spent in a manner that demonstrates fiscal responsibility: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge the United States Congress to pass an amendment to the United States Constitution by October 1, 2011, requiring a balanced budget and send it to the states for ratification; be it further

*Resolved*, That the Legislature and the Governor urge that the United States Congress approve debt only in the event of a constitutional declaration of war; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

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POM–32. A concurrent resolution adopted by the Legislature of the State of Utah urging modification of the current design of the state flag to accurately reflect the description of the flag as approved by the Utah Legislature in 1913; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 2

Whereas, the first Utah state flag was created in 1903 at the request of Governor Heber M. Wells;

Whereas, the Governor's request came by way of an invitation from the President of the St. Louis World's Fair to have a delegation from Utah travel to St. Louis and dedicate the site of the Utah Exhibit and have the state flag flown in a parade of the 45 states at the World's Fair;

Whereas, the Utah State Society of the Daughters of the Revolution responded to the Governor's request to sponsor the manufacture of the flag;

Whereas, the flag was presented to the Governor by the Society on March 31, 1903;

Whereas, alterations were made to the flag so that its appearance more closely reflected the official state seal from which the design was taken;

Whereas, the Society enlisted Utah artist H.L.A. Culmer to help seamstress and flag maker Agnes Teudt Fernelius in finalizing the design of the flag;

Whereas, on May 1, 1903, the Utah delegation to the St. Louis World's Fair marched proudly alongside the state's new flag in the Parade of States;

Whereas, the flag was formally referred to as the Governor's flag or the Governor's regimental flag until 1911, when the Legislature formally adopted its design as the official state flag;

Whereas, a second flag was finished in early 1913 and presented by the state to the battleship U.S.S. Utah on June 25, 1913.

Whereas, that same year, Representative Annie Wells Cannon successfully introduced House Joint Resolution 1, which established the current flag design reflected in statute;

Whereas, Utah Code Section 63G–1–501 describes the flag as, ''a flag of blue field, fringed, with gold borders, with the following device worked in natural colors on the center of the blue field:

The Center is a shield; above the shield and thereon an American eagle: with outstretched wings, the top of the shield pierced with six arrow's arranged crosswise; upon the shield under the arrows the word ''Industry'' and below the word ''Industry'' on the center of the shield, a beehive; on each side of the beehive, growing sego lilies; below the beehive, and near the bottom of the shield, the word ''Utah,'' and below the word ''Utah' and on the bottom of the shield, the figures ''1847'', with the appearance of being back of the shield there shall be two American flags on flagstaffs placed crosswise with the flag so draped that they will project beyond each side of the shield, the heads of the flagstaffs appearing in front of the eagle's wings and the bottom of each staff appearing over the face of the draped flag below the shield; below the shield and flags and upon the blue field, the figures ''1896''; around the entire design, a narrow circle in gold'';

Whereas, a third state flag was prepared in 1922 which mistakenly has the year 1847 beneath the shield instead of on the shield, and the error has been perpetuated to this day; and

Whereas, in the interest of accurately preserving a symbol of the state's rich history, and to follow the wording of Utah Code Section 63G–1–501, all new flags should be made to reflect the statutory flag description and all Utah flags currently in use or in stock should be utilized until unserviceable: now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, recognize that Utah Code Section 63G–1–501 accurately reflects the 1913 description of the official state flag of Utah; be it further

*Resolved*, That the Legislature and the Governor urge manufacturers of the state flag to modify the current design of the official flag of the state of Utah to accurately reflect the description of the flag as approved by the Utah Legislature in 1913; be it further

*Resolved*, That the Legislature and the Governor urge that all Utah flags be prepared in honor of past generations and for the benefit of present and future generations; and be it further

*Resolved*, That a copy of this resolution be sent to Colonial Flag, Annin & Company, C.F. Flag, J.C. Schultz Enterprises, Inc./FlagSource, Valley Forge Flag, Flag Zone, Quinn Flags, and to the Dixie Flag Manufacturing Company and North American Vexillological Association.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## 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. CORNYN (for himself and Mr. BURR):

S. 1051. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. VITTER):

S. 1052. A bill to amend the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. COCHRAN, Mr. AKAKA, Mr. BENNET, Mr. BLUNT, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mr. CONRAD, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. UDALL of Colorado, and Mr. LEAHY):

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

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

S. 1054. A bill to address remedies in bankruptcy for negligent, reckless, or fraudulent

assertion of claim; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1055. A bill to amend the Internal Revenue Code of 1986 to encourage teachers to pursue teaching science, technology, engineering, and mathematics subjects at elementary and secondary schools; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. CARPER, Mr. LAUTENBERG, Mr. BEGICH, Mr. LEAHY, Mr. LEVIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. FRANKEN, Mr. MERKLEY, Ms. KLOBUCHAR, and Mr. CARDIN):

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; to the Committee on Environment and Public Works.

By Mr. COBURN:

S. 1057. A bill to repeal the Volumetric Excise Tax Credit; read the first time.

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

S. 1058. A bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARDIN (for himself, Ms. SNOWE, Mr. REID, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. MENENDEZ):

S. Res. 196. A resolution calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. KERRY, Ms. AYOTTE, Mrs. SHAHEEN, Mr. ENZI, Mr. CARDIN, and Mr. RISCH):

S. Res. 197. A resolution honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011; considered and agreed to.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. Res. 198. A resolution congratulating the Alaska Aces hockey team on winning the 2011 Kelly Cup and becoming the East Coast Hockey League champions for the second time in team history; considered and agreed to.

By Mr. MCCAIN:

S. Con. Res. 22. A concurrent resolution expressing the sense of Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and heroic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BEGICH, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 146, supra.

S. 202

At the request of Mr. PAUL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) 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. 370

At the request of Mr. CASEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 370, a bill to require contractors to notify small business concerns that have been included in offers relating to contracts led by Federal agencies, and for other purposes.

S. 534

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 668

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

S. 738

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

S. 758

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 758, a bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program.

S. 809

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 809, a bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Michigan (Ms. STABENOW) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 838

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

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 855

At the request of Ms. STABENOW, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full—year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 866

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the perfiscal 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 nonregular service.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Ms. COLLINS) 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. 955

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 955, a bill to provide

grants for the renovation, modernization or construction of law enforcement facilities.

S. 960

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) 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. 964

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

S. 982

At the request of Ms. AYOTTE, the names of the Senator from Indiana (Mr. COATS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 982, a bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes.

S. 983

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 983, a bill to amend the Internal Revenue Code of 1986 to disallow a deduction for amounts paid or incurred by a responsible party relating to a discharge of oil.

S. 1006

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. INHOFE) 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 names of the Senator from Indiana (Mr. COATS), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors 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. 1048

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) 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. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Kansas (Mr. MORAN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Illinois (Mr. KIRK), the Senator from Maine (Ms. SNOWE), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. BROWN) 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.

AMENDMENT NO. 323

At the request of Mr. PAUL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 323 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 330

At the request of Mr. UDALL of Colorado, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 330 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 331

At the request of Mr. UDALL of Colorado, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 331 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 332

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 332 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 334

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. MERKLEY), the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 334 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1054. A bill to address remedies in bankruptcy for negligent, reckless, or fraudulent assertion of claim; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Fighting Fraud in Bankruptcy Act of 2011. I thank Senator WHITEHOUSE and Senator BLUMENTHAL for joining me as cosponsors of this legislation. This bill will give the Department of Justice and the United States bankruptcy trustee important new tools to combat creditor abuses in the bankruptcy process. The Fighting Fraud in Bankruptcy Act is another step forward in the Judiciary Committee's important efforts to protect American citizens from fraud.

Since the onset of the housing market's collapse, the bankruptcy courts and the United States trustee have encountered serious problems related to foreclosure documentation submitted by mortgage lenders and servicers in the bankruptcy process. As scrutiny has been brought to bear on foreclosure-related filings by bankruptcy judges, attorneys, and the United States trustee, a pattern of negligent, reckless, or fraudulent conduct on the part of mortgage lenders and servicers has been revealed with a consistency that indicates systemic problems.

Under Attorney General Holder's leadership, the Department of Justice is making a considerable effort to ensure that mortgage lenders and servicers are playing by the rules and treating homeowners fairly and honestly. As part of its efforts to more closely scrutinize foreclosure documentation in bankruptcy cases, the United States trustee's office reviewed 10,000 proofs of claim filed by mortgage servicers. What was found was far more serious than what mortgage servicing industry officials have been asserting. For example, in testimony before the Senate Judiciary Committee in 2008, an industry executive stated that the rate of loan servicing errors in bankruptcy cases adverse to a homeowner was ''less than one percent.''

In its review, however, the trustee found an error rate based upon blatant,

obvious errors more than ten times greater than what was testified to before the Judiciary Committee. And these errors are not harmless. In some cases, they were wildly inaccurate statements of what a homeowner owed to the lender, in others, the claims contained unsupported junk fees that servicers had piled on, yet for which they provided no documentation. If left unchallenged, the result would be that a homeowner not only loses a home, but is cheated on what he or she owes on that home. Americans in foreclosure, and the trustee as guardian of the system are right to demand accuracy and truthfulness from creditors' representations in court.

Unfortunately, the major players in the mortgage industry are showing little interest in addressing these problems head-on. Instead, when faced with the trustee's scrutiny of their claims, some major mortgage servicers have resorted to engaging in litigation challenging the authority of the United States trustee to look behind their claims and provide sanctions where warranted. The United States trustees in districts around the country are now facing hundreds of challenges to their authority to effectively police the system. It is a great disappointment to see some of the very same banking entities that have benefited so much from congressional action and taxpayer funded assistance put up so much resistance to simple demands for accuracy and truthfulness in their representations to the court and those whose homes they are seeking to repossess.

The unfortunate reality is that lenders in many cases will continue to exercise their legal right to foreclose, rather than work with the homeowner to modify a loan. What is entirely unacceptable is for homeowners on the precipice of losing their homes to be mistreated by their lenders—whether through unsupported fees, willfully inaccurate or negligent accounting, or a lack of supporting documentation. This conduct only adds to the pain and hardship so many are experiencing.

In 2010, over one million Americans lost their homes to foreclosure. This year, housing industry analysts expect the problem to get worse. The magnitude of this problem, and its effect on American families, is difficult to comprehend. As this crisis continues to deepen, the incentives for lenders and servicers to cut corners, inflate profits, rush foreclosures, and hide from their misconduct will only increase.

The legislation I introduce today is about ensuring fair treatment for homeowners, preventing a fraud on the bankruptcy courts, and holding wrongdoers accountable. When Congress created the United States trustee program in 1978, it described the trustee's role as the ''watchdog'' of the bankruptcy system, and vested the trustee's office with the power to investigate fraud in the process. This legislation will support and strengthen this important role so that all participants in the bankruptcy system conduct themselves in accordance with the law.

My legislation will do four things. First, it clarifies the United States trustee's inherent power and duty to police all corners of the bankruptcy system. Second, it provides the trustee and the courts with remedies to correct and sanction misconduct and fraud committed by creditors in the bankruptcy process. Third, the legislation empowers the trustee to establish a system of audits to ensure that creditors are complying with the law. These provisions taken together will help make certain that debtors and creditors are held to the same standard in the bankruptcy process.

Finally, the legislation addresses a particularly offensive form of mortgage servicer misconduct against men and women serving in our military. The Servicemembers Civil Relief Act (SCRA) protects active duty military personnel by requiring a stable, manageable interest rate for military homeowners on active duty, and by staying foreclosure actions during their deployment. A Government Accountability Office report released this month found that among just two of 14 major mortgage servicing organizations that provided data to Federal regulators, 50 foreclosure actions were carried out in violation of the SCRA.

In response to this finding, and to bolster the SCRA's protections for the men and women serving in the military, this legislation would require a mortgage lender seeking relief from the automatic stay to certify under penalty of perjury that the foreclosure was in compliance with the SCRA.

As Congress looks at ways to mitigate the foreclosure crisis to reduce its impact on homeowners and the economy, I hope all Senators can agree that the foreclosure process for Americans should be a fair one and one in which there is accountability for fraud or other misconduct. And I hope we can all agree that the integrity of our judicial system is something worth protecting.

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. 1054

*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 ''Fighting Fraud in Bankruptcy Act of 2011''.

**SEC. 2. REMEDIES FOR NEGLIGENT, RECKLESS, OR FRAUDULENT ASSERTION OF CLAIM.**

Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

**''§ 113. Remedies for negligent, reckless, or fraudulent assertion of claim**

''(a) In this section—

''(1) a person 'asserts a claim' by, without limitation, preparing, signing, filing, submitting, or later advocating a proof of claim under section 501 of this title, a motion seeking relief from the stay imposed under section 362 of this title, or other paper, representing to the court that a claim is owed or that it is owed in a specific amount;

''(2) a person who assists another person in asserting a claim shall also be deemed to have asserted the claim, including—

''(A) any officer, director, employee, or agent of the person asserting a claim; and

''(B) any attorney, accountant, or other professional person who is employed by or is assisting the person asserting a claim; and

''(3) the term 'relief' means, without limitation, and in addition to any legal, equitable, monetary or injunctive relief otherwise available under any provision of this title or other provision of law, or under a court's inherent powers—

''(A) an order or judgment imposing upon a person in one or more cases, wherever situated, in which the person has asserted a claim or claims in violation of subsection (b) a civil penalty of not more than $5,000 for each such claim;

''(B) an order or judgment requiring a person in one or more cases, wherever situated, in which the person has asserted a claim or claims in violation of subsection (b), to pay actual damages to an injured debtor, or trustee; and

''(C) an order or judgment imposing upon a person in one or more cases, wherever situated, in which the person has asserted, or could assert, a claim or claims in violation of subsection (b) of this section, other prospective or retrospective relief, including but not limited to declaratory relief, injunctive relief, or an auditing requirement.

''(b) Notwithstanding any other provision of Federal or State law, and in addition to any other remedy provided under Federal or State law, if a court, on its own motion or on the motion of the United States trustee (or bankruptcy administrator, if any), finds, based upon a preponderance of the evidence, that a person has, through negligence, recklessness, or fraud, improperly asserted a claim in any case under chapter 7 or chapter 13 of this title before the court, the court may—

''(1) enter relief against the person in the case before the court; and

''(2) enter relief against the person in any other case under chapter 7 or chapter 13 that is pending or might thereafter be filed under this title, wherever situated, to the extent the court deems it necessary—

''(A) to rectify the person's negligent, reckless, or fraudulent assertion of a claim; or

''(B) to prevent the person from asserting any negligent, reckless, or fraudulent claim.

''(c)(1) Civil penalties imposed under this section in judicial districts served by United States trustees shall be paid to the United States trustees, who shall deposit an amount equal to such fines in the United States Trustee Fund.

''(2) Civil penalties imposed under this section in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.''.

**SEC. 3. DUTY OF THE UNITED STATES TRUSTEE TO ADDRESS CLAIMS.**

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (7)(C), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) when the United States trustee deems it appropriate—

''(A) monitor and investigate the conduct of other parties in interest with respect to claims; and

''(B) take action that the United States trustee deems necessary to prevent or remedy any negligent, reckless, or fraudulent assertion of a claim, as defined in section 113(a) of title 11, by exercising any of the United States trustee's powers and authorities under this title and under title 11 respecting claims, including—

''(i) filing, pursuing, or commenting upon any action brought under section 113 of title 11; and

''(ii) filing, pursuing, or commenting upon any civil action, or upon any civil proceeding arising under title 11, or arising in or related to a case under title 11.''.

**SEC. 4. PROCEDURES FOR THE AUDITING OF PROOFS OF CLAIM.**

(a) TITLE 28.—Section 586 of title 28, United States Code, is amended by adding at the end the following:

''(g)(1) CLAIMS AUDIT PROCEDURES.—

''(A) The Director of the Executive Office for United States Trustees shall establish audit procedures to determine the accuracy, veracity, and completeness of proofs of claim filed under section 501(a) of title 11, with respect to cases filed under chapter 7 or 13 of title 11, in which the debtor is an individual.

''(B) The procedures established pursuant to subparagraph (A) shall—

''(i) establish a method of selecting appropriate qualified persons to contract to perform audits;

''(ii) establish a method of selecting proofs of claim to be audited, except that the number of audits to be performed shall be within the sole discretion of the Director of the Executive Office for United States Trustees; and

''(iii) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits, including the percentage of cases, by district, in which inaccurate, untrue, or incomplete proofs of claim were filed.

''(2) The United States trustee for each district is authorized to contract with auditors to perform audits of proofs of claim designated by the United States trustee, in accordance with the procedures established under paragraph (1). An audit may, in the discretion of the United States trustee, encompass multiple proofs of claim filed by the same entity in one case or multiple cases, whether in the same district or multiple districts. The United States trustees from multiple regions may contract with a single auditor to audit proofs of claim filed by the same entity in districts within their regions.

''(3)(A) The report of each audit performed pursuant to paragraph (2) shall be filed with the court where the case is pending and transmitted to the United States trustee and to any trustee serving in the case. Each such report shall clearly and conspicuously specify any findings that the claim asserted in the proof of claim is—

''(i) not valid;

''(ii) not owed in the amount claimed; or

''(iii) not supported by adequate documentation.

''(B) If a claims audit report identifies deficiencies in the proof of claim as described in paragraph (2)(A), the United States trustee shall—

''(i) if appropriate, report the deficient filing to the United States Attorney pursuant to section 3057 of title 18; and

''(ii) if advisable, take appropriate action, including objecting to the proof of claim under section 502(b) of title 11, or commencing an action under section 113(b) of title 11, against entities responsible for the deficiencies.''.

(b) TITLE 11.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the court finds the entity filing a proof of claim that was selected for audit under section 586(g) of title 28 failed to make available to the auditor for inspection necessary accounts, papers, documents, financial records, files, or other papers, that were requested by the auditor.''.

**SEC. 5. TREATMENT OF SERVICEMEMBERS IN FORECLOSURE.**

Section 362(d) of title 11, United States Code, is amended by adding at the end of the undesignated matter following paragraph (4) the following: ''In any case under this title involving a servicemember, as defined in section 101 of the Servicemembers Civil Relief Act, to whom section 303 of that Act applies, no action may be taken under this subsection unless the party in interest certifies, under penalty of perjury, that the requirements of section 303 of the Servicemembers Civil Relief Act have been met.''.

**SEC. 6. EFFECTIVE DATES.**

(a) REMEDIES; DUTY TO ADDRESS CLAIMS.—The provisions of section 113 and section 362(d) of title 11, United States Code, and paragraph (9) of section 586(a) of title 28, United States Code, added by this Act, shall become effective with respect to all cases filed or pending under title 11, United States Code, on or after the date of enactment of this Act.

(b) AUDITING OF PROOFS OF CLAIM.—Section 586(g) of title 28, United States Code, as added by this Act, shall become effective 18 months after the date of enactment of this Act for all cases filed or pending on or after that date of enactment, except that the Director of the Executive Office for United States Trustees may, in the sole discretion of the Director, establish an earlier effective date by publishing notice in the Federal Register at least 2 weeks before the proposed effective date.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 196—CALLING UPON THE GOVERNMENT OF TURKEY TO FACILITATE THE REOPENING OF THE ECUMENICAL PATRIARCHATE'S THEOLOGICAL SCHOOL OF HALKI WITHOUT CONDITION OF FURTHER DELAY

Mr. CARDIN (for himself, Ms. SNOWE, Mr. REID of Nevada, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 196

Whereas the Ecumenical Patriarchate is an institution with a history spanning 17 centuries, serving as the center of the Orthodox Christian Church throughout the world;

Whereas the Ecumenical Patriarchate sits at the crossroads of East and West, offering a unique perspective on the religions and cultures of the world;

Whereas the title of Ecumenical Patriarch was formally accorded to the Archbishop of Constantinople by a synod convened in Constantinople during the sixth century;

Whereas, since November 1991, His All Holiness, Bartholomew I, has served as Archbishop of Constantinople, New Rome and Ecumenical Patriarch;

Whereas Ecumenical Patriarch Bartholomew I was awarded the Congressional Gold Medal in 1997, in recognition of his outstanding and enduring contributions toward religious understanding and peace;

Whereas, during the 110th Congress, 75 Senators and the overwhelming majority of members of the Committee on Foreign Affairs of the House of Representatives wrote to President George W. Bush and the Prime Minister of Turkey to express congressional concern, which continues today, regarding the absence of religious freedom for Ecumenical Patriarch Bartholomew I in the areas of church-controlled Patriarchal succession, the confiscation of the vast majority of Patriarchal properties, recognition of the international Ecumenicity of the Patriarchate, and the reopening of the Theological School of Halki;

Whereas the Theological School of Halki, founded in 1844 and located outside Istanbul, Turkey, served as the principal seminary for the Ecumenical Patriarchate until its forcible closure by the Turkish authorities in 1971;

Whereas the alumni of this preeminent educational institution include numerous prominent Orthodox scholars, theologians, priests, bishops, and patriarchs, including Bartholomew I;

Whereas the Republic of Turkey has been a participating state of the Organization for Security and Cooperation in Europe (OSCE) since signing the Helsinki Final Act in 1975;

Whereas in 1989, the OSCE participating states adopted the Vienna Concluding Document, committing to respect the right of religious communities to provide ''training of religious personnel in appropriate institutions'';

Whereas the continued closure of the Ecumenical Patriarchate's Theological School of Halki has been an ongoing issue of concern for the American people and the United States Congress and has been repeatedly raised by members of the Commission on Security and Cooperation in Europe and by United States delegations to the OSCE's annual Human Dimension Implementation Meeting;

Whereas, in his address to the Grand National Assembly of Turkey on April 6, 2009, President Barack Obama said, ''Freedom of religion and expression lead to a strong and vibrant civil society that only strengthens the state, which is why steps like reopening Halki Seminary will send such an important signal inside Turkey and beyond.'';

Whereas, in a welcomed development, the Prime Minister of Turkey, Recep Tayyip Erdogan, met with the Ecumenical Patriarch on August 15, 2009, and, in an address to a wider gathering of minority religious leaders that day, concluded by stating, ''We should not be of those who gather, talk, and disperse. A result should come out of this.'';

Whereas, during his visit to the United States in November 2009, Ecumenical Patriarch Bartholomew I raised the issue of the continued closure of the Theological School of Halki with President Obama, congressional leaders, and others;

Whereas, in a welcome development, for the first time since 1922, the Government of Turkey in August 2010 allowed the liturgical celebration by the Ecumenical Patriarch at the historic Sumela Monastery; and

Whereas, following a unanimous decision by the European Court of Human Rights in Strasbourg in 2010, ruling that Turkey return the former Greek Orphanage on Buyukada Island to the Ecumenical Patriarchate, on the eve of the feast day of St.

Andrew observed on November 30, the Government of Turkey provided lawyers representing the Ecumenical Patriarchate with the formal property title for the confiscated building: Now, therefore, be it

*Resolved,* That the Senate—

(1) welcomes the historic meeting between Prime Minister Recep Tayyip Erdogan and Ecumenical Patriarch Bartholomew I;

(2) welcomes the positive gestures by the Government of Turkey, including allowing allowed the liturgical celebration by the Ecumenical Patriarch at the historic Sumela Monastery and the return of the former Greek Orphanage on Buyukada Island to the Ecumenical Patriarchate;

(3) urges the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; and

(4) urges the Government of Turkey to address other longstanding concerns relating to the Ecumenical Patriarchate.

Mr. CARDIN. Mr. President, I am pleased to be joined today by Senators SNOWE, REID, SHAHEEN, WHITEHOUSE, and MENENDEZ in introducing a resolution calling upon the government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay.

I was privileged to again meet with the Ecumenical Patriarch, Bartholomew I, during his 2009 visit to the United States. His impassioned request to those of us gathered was for our support for the reopening of the Theological School of Halki, forcibly closed by the Turkish authorities in 1971. In this year marking the 40th anniversary of that tragic action, I urge the Turkish leadership to reverse this injustice and allow this unique religious institution to reopen

Founded in 1844, the Theological School of Halki, located outside modern-day Istanbul, served as the principal seminary of the Ecumenical Patriarchate until its forced closure. Counted among alumni of this preeminent educational institution are numerous prominent Orthodox scholars, theologians, priests, and bishops as well as patriarchs, including Bartholomew I. Many of these scholars and theologians have served as faculty at other institutions serving Orthodox communities around the world.

Past indications by the Turkish authorities of pending action to reopen the seminary have, regrettably, failed to materialize. Turkey's Prime Minister, Recep Tayyip Erdogan, met with the Ecumenical Patriarch in August 2009. In an address to a wider gathering of minority religious leaders that day, Erdogan concluded by stating, ''We should not be of those who gather, talk and disperse. A result should come out of this.'' I could not agree more with the sentiment. But resolution of this longstanding matter requires resolve, not rhetoric.

In a positive development last August, the authorities in Ankara, for the first time since 1922, permitted a liturgical celebration to take place at the historic Sumela Monastery. The Ecumenical Patriarch presided at that service, attended by pilgrims and religious leaders from several countries, including Greece and Russia. Last November, a Turkish court ordered the Buyukada orphanage to be returned to Ecumenical Patriarchate and the transfer of the property has been completed.

As one who has followed issues surrounding the Ecumenical Patriarchate with interest for many years, I welcome these positive developments. My hope is that they will lead to the return of scores of other church properties seized by the government. In 2005, the Helsinki Commission, which I co-chair, convened a briefing, ''The Greek Orthodox Church in Turkey: A Victim of Systematic Expropriation.'' The Commission has consistently raised the issue of the Theological School for well over a decade and will continue to closely monitor related developments.

The State Department's 2010 Report on International Religious Freedom is a reminder of the challenges faced by Orthodox and other minority religious communities in Turkey. I urge the Turkish Prime Minister to ensure respect for the rights of individuals from these groups to freely profess and practice their religion or beliefs, in keeping with Turkey's obligations as an OSCE participating State.

The 1989 OSCE Vienna Concluding Document affirmed the right of religious communities to provide ''training of religious personnel in appropriate institutions.'' The Theological School of Halki served that function for over a century until its forced closure four decades ago. The time has come to allow the reopening of this unique institution without further delay.

I urge my colleagues to support this resolution.

## SENATE RESOLUTION 197—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES DURING NATIONAL SMALL BUSINESS WEEK, WHICH BEGINS ON MAY 15, 2011

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. KERRY, Ms. AYOTTE, Mrs. SHAHEEN, Mr. ENZI, Mr. CARDIN, and Mr. RISCH) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.6 percent of all exporters and produce 32.8 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a ''National Small Business Week'' to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2011, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 15, 2011, as ''National Small Business Week'': Now, therefore, be it

*Resolved,* That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011;

(2) applauds the efforts and achievements of the owners and employees of small business concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;

(E) regulatory relief is provided to small businesses through the reduction of duplicative or unnecessary regulatory requirements that increase costs for small businesses; and

(F) leveling the playing field for contracting opportunities remains a primary focus, so that small businesses, particularly minority-owned small businesses, can compete for and win more of the $400,000,000,000 in contracts that the Federal Government enters into each year for goods and services.

## SENATE RESOLUTION 198—CONGRATULATING THE ALASKA ACES HOCKEY TEAM ON WINNING THE 2011 KELLY CUP AND BECOMING THE EAST COAST HOCKEY LEAGUE CHAMPIONS FOR THE SECOND TIME IN TEAM HISTORY

Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 198

Whereas on Saturday, May 21, 2011, the Alaska Aces won the second Kelly Cup championship in the history of the team with a 5-3 victory over the Kalamazoo Wings;

Whereas the Alaska Aces lost only 1 game throughout the entire 2011 Kelly Cup playoffs;

Whereas the Alaska Aces finished the regular season by winning an impressive 35 of the final 41 games;

Whereas the Alaska Aces won the Brabham Cup with the best record in the East Coast Hockey League regular season;

Whereas head coach Brent Thompson led the Alaska Aces to the Kelly Cup championship in only his second year as head coach and received the John Brophy award as the East Coast Hockey League's Coach of the Year;

Whereas Alaska Aces Captain Scott Burt became the first player in East Coast Hockey League history to win 3 Kelly Cups;

Whereas Alaska Aces forward Scott Howes was named the Most Valuable Player of the Kelly Cup playoffs with 7 goals and 19 points earned during the postseason;

Whereas Alaska Aces forward Wes Goldie was named Most Valuable Player for the 2010-2011 East Coast Hockey League regular season with 83 points;

Whereas Alaska Aces goaltender Gerald Coleman backstopped the Alaska Aces with a record of 11 wins and 1 loss during the Kelly Cup playoffs and was selected as the East Coast Hockey League's Goaltender of the Year;

Whereas the Alaska Aces benefitted from the veteran leadership of center and native Alaskan Brian Swanson;

Whereas the hard work and dedication of the entire team lead the Alaska Aces to victory;

Whereas the East Coast Hockey League has developed some of the greatest hockey players who have later enjoyed successful careers in the National Hockey League and the American Hockey League; and

Whereas Alaskans everywhere are proud of the accomplishments of the Alaska Aces in the 2011 season: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates each member and the coaching staff of the Alaska Aces hockey team on an impressive championship season;

(2) recognizes the achievements of the East Coast Hockey League on another fine season of developing players and promoting ice hockey in North America; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Alaska Aces ownership;

(B) the Commissioner of the East Coast Hockey League, Brian McKenna; and

(C) the Commissioner Emeritus of the East Coast Hockey League, Patrick J. Kelly.

## SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF CONGRESS THAT JOHN ARTHUR ''JACK'' JOHNSON SHOULD RECEIVE A POSTHUMOUS PARDON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HEROIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 22

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas between 1901 and 1910, 754 African-Americans were lynched, some for simply for being ''too familiar'' with White women;

Whereas in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of ''prostitution and debauchery'';

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946;

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: and

Whereas on July 29, 2009, the 111th Congress agreed to Senate Concurrent Resolution 29, which expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially motivated 1913 conviction: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Mr. MCCAIN. Mr. President, today I am re-introducing a resolution calling on the President of the United States to posthumously pardon the world's first African-American heavyweight boxing champion, John Arthur ''Jack'' Johnson.

As you may remember, Representative PETER KING and I introduced a similar bipartisan resolution during the last session of Congress, and it passed both chambers unanimously. I was very pleased that two of the resolution's strongest supporters were the Senate Majority Leader, my friend Senator REID, and the Chairman of the Judiciary Committee, Senator LEAHY. However, I am disappointed to say that the President still has not pardoned Mr. Johnson. Today, I call upon my Senate colleagues to once again pass this resolution and send a clear message to our President that this unacceptable historical injustice must be rectified.

For those who may not be familiar with the plight of Jack Johnson, he is considered by many to be the most dominant athlete in boxing history. John Arthur Johnson was born March 31, 1878, in Galveston, TX, to parents who were former slaves. At an early age he realized his talent for the sweet science. In order to make a living, Johnson traveled across the country fighting anyone willing to face him. But he was denied repeatedly, on purely racial grounds, a chance to fight for the world heavyweight title. For too long, African-American fighters were not seen as legitimate contenders for the championship. Fortunately, after years of perseverance, Johnson was finally granted an opportunity in 1908 to fight the then-reigning title holder, Tommy Burns. Johnson handily defeated Burns to become the first African-American heavyweight champion.

Mr. Johnson's success in the ring, and sometimes indulgent lifestyle outside of it, fostered resentment among many and raised concerns that his continued sporting dominance would somehow disrupt what was then perceived by many as a ''racial order.'' So, a search for a Caucasian boxer who could defeat Johnson began, a campaign dubbed as the search for the ''Great White Hope.'' That hope arrived in the person of a former champion, Jim Jeffries, who returned from retirement to fight Johnson in 1910. But when Johnson defeated Jeffries, race riots broke out as many sought to avenge the loss.

Following the defeat of the ''Great White Hope,'' the Federal government launched an investigation into the legality of Johnson's relationships with Caucasian women. The Mann Act, which was enacted in 1910, outlawed the transport of Caucasian women across State lines for the purpose of prostitution or debauchery, or for ''any other immoral purpose.'' Using the ''any other immoral purpose'' clause as a pretext, federal law enforcement officials set out to ''get'' Johnson.

On October 18, 1912, he was arrested for transporting his Caucasian girlfriend across State lines in violation of the Act. However, the charges were dropped when the Caucasian, whose mother had originally tipped off Federal officials, refused to cooperate with authorities. She later married Johnson.

Yet Federal authorities persisted in their persecution of Johnson, persuading a former Caucasian girlfriend of Johnson's to testify that he had transported her across State lines. Her testimony resulted in Johnson's conviction in 1913. He was sentenced to 1 year and 1 day in Federal prison. During Johnson's appeal, one prosecutor admitted that ''Mr. Johnson was perhaps persecuted as an individual, but that it was his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks.''

After the trial, Johnson fled the country to Canada, and then traveled to various European and South American countries, before losing his heavyweight championship title in Cuba in 1915. He returned to the United States in 1920, surrendered to Federal authorities, and served nearly a year in Federal prison. Despite this obvious and clear injustice, Johnson refused to turn his back on the country that betrayed him. Mr. Johnson died in an automobile accident in 1946.

The Jack Johnson case is an ignominious stain on our Nation's history. Rectifying this injustice is long overdue. Again, this resolution calls on the President to pardon Mr. Johnson posthumously. It recognizes the unjustness of what transpired, and sheds light on the achievements of an athlete who was forced into the shadows of bigotry and prejudice. Johnson was a flawed individual who was certainly controversial. But he was also a historic American figure, whose life and accomplishments played an instrumental role in our Nation's progress toward true equality under the law. And he deserved much better than a racially motivated conviction, which denied him of his liberty and served to diminish his athletic, cultural, and historic significance.

We are quickly coming up on the 65th anniversary of Jack Johnson's death, and we should take this opportunity to allow future generations to grasp what he accomplished against great odds and appreciate his contributions to society unencumbered by the taint of his criminal conviction. We know that we cannot possibly right the wrong that was done to Jack Johnson, but we can take this small step towards once again acknowledging his mistreatment and removing the cloud that casts a shadow on his legacy. I urge my colleagues to support this resolution.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 335. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table.

SA 336. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 338. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 339. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 340. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 341. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 342. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 343. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 344. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 345. Mr. UDALL of New Mexico (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 346. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 347. Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

SA 348. Mr. REID proposed an amendment to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra.

SA 349. Mr. REID proposed an amendment to the bill S. 990, supra.

SA 350. Mr. REID proposed an amendment to the bill S. 990, supra.

SA 351. Mr. REID proposed an amendment to amendment SA 350 proposed by Mr. REID to the bill S. 990, supra.

SA 352. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table.

SA 353. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

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**SA 335.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. TERRORIST ASSAULTS, KIDNAPPINGS, AND MURDERS.**

(a) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'';

(2) in paragraph (2), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury''; and

(3) by striking the matter following paragraph (2) and inserting the following:

''shall be punished as provided in section 2242, and, if the conduct would violate section 2241(a) if it occurred in the special territorial or maritime jurisdiction of the United

States, shall be punished as provided in section 2241(c).''.

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, as amended by subsection (a), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years not less than 15 or for life.''.

(c) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''fined under this title'' and all that follows and inserting ''punished as provided under section 1111(b);''; and

(2) in paragraph (2), by striking ''fined under this title'' and all that follows and inserting ''punished as provided under section 1112(b); and''.

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**SA 336.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ___. IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.**

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''or any other offense listed under section 2332b(g)(5)(B) of this title,'' after ''title 49,''; and

(B) in paragraph (2), by striking subparagraphs (A), (B), and (C) and inserting the following:

''(A) shall be fined under this title and imprisoned for not less than 6 months nor more than 15 years;

''(B) if serious bodily injury results, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years; and

''(C) if death results, shall be fined under this title and imprisoned for not less than 10 years or for life.''; and

(2) by amending subsection (b) to read as follows:

''(b) CIVIL ACTION.—

''(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

''(2) EFFECT OF CONDUCT.—

''(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

''(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

''(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

''(B) APPLICABILITY.—A person described in this subparagraph is any person that—

''(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed to indicate that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

''(ii) receives actual notice that another party is taking emergency or investigative action because that party believes that the information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1); and

''(iii) after receiving such notice, fails to promptly and reasonably inform 1 or more parties described in clause (ii) of the actual nature of the activity.''.

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section, the term 'addressed to any other person' includes a communication addressed to an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.''.

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end following new undesignated paragraph:

''For purposes of this section, the term 'addressed to any person' includes a communication addressed to an individual, a corporation or other legal person, and a government or agency or component thereof.''.

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**SA 337.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.**

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

**''§ 2339E. Providing material support to international terrorism**

''(a) DEFINITIONS.—In this section:

''(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(2) The term 'international terrorism' has the same meaning as in section 2331.

''(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(4) The term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years, and if death results, shall be imprisoned for any term of years not less than 25 or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting ''2339E (relating to providing material support to international terrorism),'' before ''or 2340A (relating to torture)''.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''25 years''.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking ''fined under this title'' and all that follows and inserting ''fined under this title and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, imprisoned for any term of years not less than 25 or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.''.

(3) FINANCING OF TERRORIST CRIMES.—Section 2339C(d)(1) of title 18, United States Code, is amended by striking ''shall be fined under this title'' and all that follows and inserting ''shall be fined under this title and imprisoned for any term of years not less than 5 or for life.''.

(4) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

(5) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

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**SA 338.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 10, add the following:

**SEC. 3. BORDER FENCE COMPLETION.**

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than 1 year after the date of the enactment of the PATRIOT Sunsets Extension Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

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**SA 339.** Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. REPORT ON INTELLIGENCE COLLECTION ACTIVITIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in democratic societies, citizens rightly expect that their government will not arbitrarily keep information secret from the public but instead will act with secrecy only in certain limited circumstances;

(2) the United States Government has an inherent responsibility to protect American citizens from foreign threats and sometimes relies on clandestine methods to learn information about foreign adversaries, and these intelligence collection methods are often most effective when they remain secret;

(3) American citizens recognize that their government may rely on secret intelligence sources and collection methods to ensure national security and public safety, and American citizens also expect intelligence activities to be conducted within the boundaries of publicly understood law;

(4) it is essential for the American public to have access to enough information to determine how government officials are interpreting the law, so that voters can ratify or reject decisions that elected officials make on their behalf;

(5) it is essential that Congress have informed and open debates about the meaning of existing laws, so that members of Congress are able to consider whether laws are written appropriately, and so that members of Congress may be held accountable by their constituents;

(6) United States Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public's understanding of these laws, and should not describe the execution of these laws in a way that misinforms or misleads the public;

(7) On February 2, 2011, the congressional intelligence committees received a secret report from the Attorney General and the Director of National Intelligence that has been publicly described as pertaining to intelligence collection authorities that are subject to expiration under section 224 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 295); and

(8) while it is entirely appropriate for particular intelligence collection techniques to be kept secret, the laws that authorize such techniques, and the United States Government's official interpretation of these laws, should not be kept secret but should instead be transparent to the public, so that these laws can be the subject of informed public debate and consideration.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish in the Federal Register a report—

(1) that details the legal basis for the intelligence collection activities described in the February 2, 2011, report to the congressional intelligence committees; and

(2) that does not describe specific intelligence collection programs or activities, but that fully describes the legal interpretations and analysis necessary to understand the United States Government's official interpretation of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

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**SA 340.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. DEATH PENALTY FOR CERTAIN TERROR RELATED CRIMES.**

(a) PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.—Section 832(c) of title 18, United States Code, is amended by inserting ''punished by death if death results to any person from the offense, or'' after ''shall be''.

(b) MISSILE SYSTEMS TO DESTROY AIRCRAFT.—Section 2332g(c)(3) of title 18, United States Code, is amended by inserting ''punished by death or'' after ''shall be''.

(c) ATOMIC WEAPONS.—The last sentence of section 222 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by inserting ''death or'' before ''imprisonment for life'' the last place it appears.

(d) RADIOLOGICAL DISPERSAL DEVICES.—Section 2332h(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

(e) VARIOLA VIRUS.—Section 175c(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

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**SA 341.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.**

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

**''§ 2339E. Denial of Federal benefits to terrorists**

''(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) FEDERAL BENEFIT DEFINED.—In this section, the term 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Denial of Federal benefits to terrorists.''.

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**SA 342.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. COUNTERINTELLIGENCE ACCESS TO ELECTRONIC COMMUNICATION TRANSACTIONAL RECORDS.**

Section 2709(b)(1) of title 18, United States Code, is amended—

(1) by striking ''and local and long distance toll billing records'' and inserting ''local and long distance toll billing records information, and electronic communication transactional records''; and

(2) by striking ''and toll billing records sought'' and inserting ''toll billing records information, and electronic communication transactional records sought''.

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**SA 343.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 10, add the following:

**SEC. 3. JUDICIAL REVIEW OF VISA REVOCATION.**

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''There shall be no means of judicial review'' and all that follows and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

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**SA 344.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. NATIONAL SECURITY LETTER SUNSETS.**

(a) REPEAL.—Effective on December 31, 2013—

(1) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(2) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(3) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), read on October 25, 2001;

(4) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(5) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(b) TRANSITION PROVISION.—Notwithstanding subsection (a), the provisions of law referred to in subsection (a), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2013—

(1) section 3511 of title 18, United States Code, is amended by striking ''or 627(a)'' each place it appears;

(2) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(A) in subparagraph (C), by adding ''and'' at the end;

(B) in subparagraph (D), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (E); and

(3) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

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**SA 345.** Mr. UDALL of New Mexico (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''PATRIOT Sunsets Temporary Extension Act of 2011''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) In the wake of the terrorist attacks of September 11, 2001, Congress hastily passed the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272), which significantly expanded the authority of the intelligence community and law enforcement agencies to collect intelligence on, and conduct surveillance of, citizens of the United States.

(2) Recognizing that the USA PATRIOT Act had significantly expanded Government authorities at a time of national crisis and with minimal deliberation, Congress established sunset dates for 16 of the most controversial provisions in the Act. Congress also included a sunset date in the amendments to section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 under the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638), commonly known as the ''Lone Wolf'' provision.

(3) In 2005, Congress made 14 of those provisions permanent, but retained sunsets for the Lone Wolf provision, as well as provisions of the USA PATRIOT Act authorizing the Foreign Intelligence Surveillance Court to issue warrants for roving wiretaps and broad orders compelling the production of business records or any other tangible thing.

(4) Since the enactment of the USA PATRIOT Act, the Inspector General of the Department of Justice has released various reports that highlight abuses of the provisions of the Act and sharp increases in the use of secret court orders, national security letters, and electronic and physical surveillance. Since passage of the Lone Wolf provision, it has not been used in a single investigation.

(5) The sunset dates provide a means for Congress to fulfill its oversight responsibilities and to hold careful and deliberative debate about the controversial provisions, to consider amendments to the laws, and to determine if the provisions should be granted addition long-term extensions.

(6) Congress has not devoted the time necessary to hold a substantive debate and to discuss and vote on a number of amendments before the provisions expire on May 27, 2011.

(7) Until such a debate occurs and an open amendment process is conducted, Congress should not grant a long-term extension of the expiring provisions.

**SEC. 3. SUNSET EXTENSIONS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''May 27, 2011'' and inserting ''September 23, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note) is amended by striking ''May 27, 2011'' and inserting ''September 23, 2011''.

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**SA 346.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. PROHIBITION ON USE OF FUNDS FOR CRIMINAL INVESTIGATIONS OR PROSECUTIONS OF OFFICERS OR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.**

(a) IN GENERAL.—No funds made available in any provision of law may be used to further the criminal investigations or future prosecution of officers or employees of the Central Intelligence Agency for actions related to their interrogation of specific detainees at overseas locations.

(b) APPLICATION.—The prohibition in subsection (a) applies to funding—

(1) investigations opened by the Attorney General and described in his August 24, 2009 announcement; and

(2) the appointment of Assistant United States Attorney John Durham to determine whether Federal laws were violated in connection with the alleged use of enhanced interrogation techniques by officers or employees of the Central Intelligence Agency.

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**SA 347.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''PATRIOT Sunsets Extension Act of 2011''.

**SEC. 2. SUNSET EXTENSIONS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''May 27, 2011'' and inserting ''June 1, 2015''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; U.S.C. 1801 note) is amended by striking ''May 27, 2011'' and inserting ''June 1, 2015''.

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**SA 348.** Mr. REID proposed an amendment to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

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**SA 349.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

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**SA 350.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In the amendment, strike ''3'' and insert ''2''.

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**SA 351.** Mr. REID proposed an amendment to amendment SA 350 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In the amendment, strike ''2'' and insert ''1''.

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**SA 352.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—SAFE COPS ACT**

**SECTION 201. SHORT TITLE.**

This title may be cited as the ''Safe Cops Act of 2011''.

**SEC. 202. SPECIAL PENALTIES FOR MURDER OR KIDNAPPING OF A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.**

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) If the victim of an offense punishable under this section or section 1117 is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and—

''(1) in the case of murder in the first degree, or an attempt or conspiracy to commit murder in the first degree, death or imprisonment for life;

''(2) in the case of murder in the second degree, or an attempt or conspiracy to commit murder in the second degree, imprisonment for any term of years not less than 25 or for life; and

''(3) in the case of voluntary manslaughter, imprisonment for any term of years not less than 10 or for life.''.

(b) KIDNAPPING.—Section 1201 of title 18, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following:

''(f) If the victim of an offense punishable under subsection (a), (c), or (d) is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 20 or for life, or, if death results, may be sentenced to death.''.

**SEC. 203. SPECIAL PENALTIES FOR ASSAULTING A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.**

(a) IN GENERAL.—Section 111 of title 18, United States Code, is amended to read as follows:

**''§ 111. Assaulting or interfering with certain officers or employees**

''(a) OFFICERS AND EMPLOYEES.—

''(1) IN GENERAL.—It shall be unlawful to—

''(A) assault or interfere with an officer or employee described in section 1114, while such officer or employee is engaged in, or on account of the performance of, official duties;

''(B) assault or interfere with an individual who formerly served as an officer or employee described in section 1114 on account of the performance of official duties; or

''(C) assault or interfere with an individual on account of that individual's current or former status as an officer or employee described in section 1114.

''(2) PENALTY.—Any person who violates paragraph (1), shall be—

''(A) fined under this title;

''(B)(i) in the case of an interference or a simple assault, imprisoned for not more than 1 year;

''(ii) in the case of an assault involving actual physical contact or the intent to commit any other felony, imprisoned for not more than 10 years;

''(iii) in the case of an assault resulting in bodily injury, imprisoned for not more than 20 years; or

''(iv) in the case of an assault resulting in substantial bodily injury (as that term is defined in section 113), or if a dangerous weapon was used or possessed during and in relation to the offense (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component), imprisoned for not more than 30 years; or

''(C) fined under subparagraph (A) and imprisoned under subparagraph (B).

''(b) LAW ENFORCEMENT OFFICERS AND JUDGES.—

''(1) IN GENERAL.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115)—

''(A) if the assault resulted in substantial bodily injury (as that term is defined in section 113), the offender shall be punished by a fine under this title and imprisonment for not less 5 years nor more than 30 years; and

''(B) if the assault resulted in serious bodily injury (as that term is defined in section 2119(2)), or a dangerous weapon was used or possessed during and in relation to the offense, the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 10 or for life.

''(2) IMPOSITION OF PUNISHMENT.—Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by striking the item relating to section 111 and inserting the following:

''111. Assaulting or interfering with certain officers or employees.''.

**SEC. 204. SPECIAL PENALTIES FOR RETALIATING AGAINST A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE BY MURDERING OR ASSAULTING A FAMILY MEMBER.**

(a) IN GENERAL.—Section 115 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c)(1) If an offense punishable under this section is committed with the intent to impede, intimidate, or interfere with a Federal law enforcement officer or a United States judge while that officer or judge is engaged in the performance of official duties, with the intent to retaliate against that officer or judge or a person who formerly served as such an officer or judge on account of the performance of official duties, or with the intent to retaliate against an individual on account of that individual's current or former status as such an officer or judge, the offender shall be punished—

''(A) in the case of murder, attempted murder, conspiracy to murder, or manslaughter, as provided in section 1114(b);

''(B) in the case of kidnapping, attempted kidnapping, or conspiracy to kidnap, as provided in section 1201(f);

''(C) in the case of an assault resulting in bodily injury or involving the use or possession of a dangerous weapon during and in relation to the offense, as provided for a comparable offense against a Federal law enforcement officer or United States judge under section 111; and

''(D) in the case of any other assault or threat, by a fine under this title and imprisonment for not more than 10 years.

''(2) Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 18, United States Code, is amended—

(A) in section 119(b)(4) by striking ''in section 115(c)(2)'' and inserting ''in section 115(d)(2)''; and

(B) in section 2237(e)(1) of title 18, United States Code, by striking ''in section 115(c)'' and inserting ''in section 115''.

(2) OTHER LAW.—Section 5(a) of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist there in, and for other purposes'' (25 U.S.C. 305d(a)) is amended by striking ''section 115(c)'' and inserting ''section 115(d)''.

**SEC. 205. LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.**

(a) IN GENERAL.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking ''except that in any action'' and all that follows through ''relief was unavailable.'' and inserting the following: ''except that—

''(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

''(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court shall not have jurisdiction to consider a claim for damages other than for necessary out-of-pocket expenditures and other monetary loss.''; and

(2) indenting the last sentence as an undesignated paragraph.

(b) ATTORNEY'S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking ''except that in any action'' and all that follows and inserting the following: ''except that—

''(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

''(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney's fees.''.

**SEC. 206. FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.**

(a) SHORT TITLE.—This section may be cited as the ''Daniel Faulkner Law Enforcement Officers and Judges Protection Act of 2011''.

(b) FEDERAL REVIEW.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

''(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the public safety officer's or judge's performance of official duties or status as a public safety officer or judge—

''(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

''(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

''(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).''.

(c) RULES.—Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: ''Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.''.

(d) FINALITY OF DETERMINATION.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking ''the subject of a petition'' and all that follows and inserting: ''reheard in the court of appeals or reviewed by writ of certiorari.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(3) EXCEPTION.—The amendments made by this section shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

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**SA 353.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.**

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

## NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the 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.

The purpose of this hearing is to receive testimony on S. 512, the Nuclear Power 2021 Act, and S. 937, the American Alternative Fuels Act of 2011.

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 ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 9, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on bills to promote energy efficiency and alternative fuel vehicles as described in S. 963, S. 1000, and S. 1001.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail_Campbell @energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224–5360 or Mike Carr at (202) 224–8164 or Abigail Campbell at (202) 224–1219.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2011, at 9 a.m., to hold a hearing entitled, ''Al Qaeda, the Taliban and Other Extremist Groups in Afghanistan and Pakistan.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m., to conduct a hearing entitled, ''Stimulus Contractors Who Cheat on Their Taxes: What Happened?''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 24, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Air Traffic Control Safety Oversight.''

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

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on May 24, 2011, at 9 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Responding to the Prescription Drug Epidemic: Strategies for Reducing Abuse, Misuse, Diversion, and Fraud.''

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

## NATIONAL SMALL BUSINESS WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 197 submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 197) honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COBURN. Mr. President, I do not believe small businesses need government assistance to exist. In fact, I believe the best thing our government can do is to shrink the size and cost of the Federal Government. With less government, minimal Federal regulation, and lower taxes, businesses—regardless of size, industry, and location—will innovate in meeting American consumer demands and achieve phenomenal growth.

Instead of encouraging dependence on the Federal Government, I believe politicians should seek to find ways to free businesses to thrive independently. Additionally, with a national debt of almost $14.3 trillion, Congress should start considering ways to enable sustainable economic growth instead of authorizing or increasing more Federal subsidy programs that more often than not have limited or questionable benefits.

As a former small and large business owner, I know the struggles small businesses face because of unnecessary government regulations and taxes. In fact, the Federal Government's interference in my ability to practice medicine prompted me to first seek office. Small businesses are invaluable to the economic health of our great country and embody the American dream.

While I join the Senate and the President in recognizing the contributions of small businesses all over the country, I would like to join Senator PAUL in opposing a resolution passed by the Senate today that lauds big government and the use of taxpayer dollars to subsidize certain small businesses.

Mr. PAUL. Mr. President, I was a small businessman before I was elected to the Senate. I know well the struggles small businesses face because of government regulations and taxes. I also know that small businesses are a key driver of economic growth and employment. That is why I join the Senate and the President in recognizing the contributions of small businesses all over the country during National Small Business Week.

Unfortunately, this resolution goes a step beyond recognizing the hard-working entrepreneurs who are our small businessmen and businesswomen. The resolution also praises big government and using taxpayer dollars to subsidize small businesses. I do not believe small businesses need government assistance to exist. I do not believe we need an entire agency of the Federal Government to encourage entrepreneurs. Quite the opposite—I believe that with less government, businesses of all sizes will be created, existing businesses will grow, and the American spirit will thrive. That is why I voted against this resolution.

Mr. DURBIN. Mr. President, it is my understanding we are ready to act on this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 197) was agreed to.

Mr. DURBIN. I now ask that we act on the preamble.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the preamble.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 197

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.6 percent of all exporters and produce 32.8 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a ''National Small Business Week'' to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2011, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 15, 2011, as ''National Small Business Week'': Now, therefore, be it

*Resolved,* That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011;

(2) applauds the efforts and achievements of the owners and employees of small business concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;

(E) regulatory relief is provided to small businesses through the reduction of duplicative or unnecessary regulatory requirements that increase costs for small businesses; and

(F) leveling the playing field for contracting opportunities remains a primary focus, so that small businesses, particularly minority-owned small businesses, can compete for and win more of the $400,000,000,000 in contracts that the Federal Government enters into each year for goods and services.

## CONGRATULATING THE ALASKA ACES HOCKEY TEAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to Senate resolution 198 submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 198) congratulating the Alaska Aces hockey team on winning the 2011 Kelly Cup and becoming East Coast Hockey League champions for the second time in team history.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 198) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 198

Whereas on Saturday, May 21, 2011, the Alaska Aces won the second Kelly Cup championship in the history of the team with a 5–3 victory over the Kalamazoo Wings;

Whereas the Alaska Aces lost only 1 game throughout the entire 2011 Kelly Cup playoffs;

Whereas the Alaska Aces finished the regular season by winning an impressive 35 of the final 41 games;

Whereas the Alaska Aces won the Brabham Cup with the best record in the East Coast Hockey League regular season;

Whereas head coach Brent Thompson led the Alaska Aces to the Kelly Cup championship in only his second year as head coach and received the John Brophy award as the East Coast Hockey League's Coach of the Year;

Whereas Alaska Aces Captain Scott Burt became the first player in East Coast Hockey League history to win 3 Kelly Cups;

Whereas Alaska Aces forward Scott Howes was named the Most Valuable Player of the Kelly Cup playoffs with 7 goals and 19 points earned during the postseason;

Whereas Alaska Aces forward Wes Goldie was named Most Valuable Player for the 2010-2011 East Coast Hockey League regular season with 83 points;

Whereas Alaska Aces goaltender Gerald Coleman backstopped the Alaska Aces with a record of 11 wins and 1 loss during the Kelly Cup playoffs and was selected as the East Coast Hockey League's Goaltender of the Year;

Whereas the Alaska Aces benefitted from the veteran leadership of center and native Alaskan Brian Swanson;

Whereas the hard work and dedication of the entire team lead the Alaska Aces to victory;

Whereas the East Coast Hockey League has developed some of the greatest hockey players who have later enjoyed successful careers in the National Hockey League and the American Hockey League; and

Whereas Alaskans everywhere are proud of the accomplishments of the Alaska Aces in the 2011 season: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates each member and the coaching staff of the Alaska Aces hockey team on an impressive championship season;

(2) recognizes the achievements of the East Coast Hockey League on another fine season of developing players and promoting ice hockey in North America; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Alaska Aces ownership;

(B) the Commissioner of the East Coast Hockey League, Brian McKenna; and

(C) the Commissioner Emeritus of the East Coast Hockey League, Patrick J. Kelly.

## MEASURE READ THE FIRST TIME—S. 1057

Mr. DURBIN. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

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

Mr. DURBIN. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

## ORDERS FOR WEDNESDAY, MAY 25, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, May 25; 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 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 majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of the motion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension.

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

## PROGRAM

Mr. DURBIN. Mr. President, the majority leader filed cloture on the motion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension. Under the rule, a cloture vote on the motion to concur in the House message will occur 1 hour after the Senate convenes on Thursday, May 26.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Wednesday, May 25, 2011, at 10 a.m.