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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Almighty God, Lord of history, lead our Senators above all irrelevancies and trivialities to a unity of passion and purpose. Create in them an elevated and refined patriotism that will make them eager to know and do Your will. May the words of their mouths and the meditations of their hearts be acceptable to You, O God, our strength and our Redeemer.

In the awareness that ''without a vision the people perish,'' give our Senators a fresh vision of the United States of America. Also, keep ever before them the dream of the better world that is yet to be.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 26, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, if any, there will be a period of morning business until 10:30 this morning, with Senators permitted to speak for up to 10 minutes each during that period of time. The Republicans will control the first half, the majority will control the final half.

At 10:30, the Senate will proceed to consideration of S. Res. 14, a resolution honoring the victims of the tragedy in Tucson, AZ. There will be up to 3½ hours for debate on the resolution prior to a vote. As a result, Senators should expect a rollcall vote about 2:15 today.

Following the vote, we will resume morning business, with 10-minute limitations.

MEASURES PLACED ON THE CALENDAR—S. 162, S. 163, H.R. 2

Mr. REID. Madam President, there are three bills at the desk due for their second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills en bloc.

The bill clerk read as follows:

A bill (S. 162) to cut $500,000,000,000 spending in fiscal year 2011.

A bill (S. 163) to require the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

A bill (H.R. 2) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. REID. I object to any further proceedings with respect to each of these bills.

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

Mr. REID. Madam President, I suggest the absence of a quorum and ask the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent 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.

MORNING BUSINESS

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

IMPORTANT PUBLIC ISSUES

Mr. THUNE. Madam President, I rise to speak about the issues that I think are most important to the American public. I appreciated the opportunity I had last evening, along with the Presiding Officer, to sit and listen to the

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

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President's State of the Union Address, which is an annual rite of passage where the President lays out his blueprint and his vision for the next year. In those remarks he did, as he did last year, touch on a number of themes that I think speak to issues that are important for the country to face.

Certainly, there were statements in that speech I agree with, in terms of the things he said we need to be focused on. There are some statements with which I did not agree. But in terms of the broader agenda, what strikes me about the speech is he talked about the need for tax reform, which is something I agree with. I think it is an issue of competitiveness. He talked about medical malpractice reform, which is something many of us have been trying to get to be part of the health care debate in this country for a long time. Unfortunately, that got left on the cutting room floor last year. He talked about strengthening Social Security and entitlement reform, also a critical priority if we are serious about getting spending and debt under control. He also talked about regulatory reform, looking at government reform and the types of actions we might be able to take to streamline or shrink or make more efficient the Federal Government. He also talked about the importance of enacting trade agreements, and I could not agree more. I think trade is a critical part of our economy. Export opportunities for businesses in this country would create economic growth. It would create jobs. Unfortunately, again, those are trade agreements that have been stalled out here for some time in the Congress.

What strikes me about the speech is this. Last year, we heard a lot of the same themes. The President this year, I forgot to mention, talked about a 5-year freeze on spending. Last year, he talked about a 3-year freeze on spending. He talked about trade agreements 1 year ago. Many of those same themes were struck 1 year ago. Yet we have not seen the results of the rhetoric. What I would argue to the American people and to all my colleagues is, it is important that we judge people not by their rhetoric but by their actions. Don't watch what we say, watch what we do. I think that is true of anyone in public life. We all need to be judged by what we do and whether we are following through with what we say we are going to do.

So when the President talks about those priorities, I could not agree more. But, frankly, in order for any of those things to happen, it is going to take Presidential leadership. If we are going to do something on tax reform, if we are going to do something on entitlement reform, if we are going to do something about spending and debt, the President is going to have to step forward with bold proposals in order to accomplish that because bold things, big things, need to be done on a bipartisan basis.

The opposite example of that we saw a year ago, when the health care reform bill was being debated on the floor of the Senate. This is something that impacts literally one-sixth of the American economy. Yet you had a bill that passed the Senate without a single Republican vote. In fact, in most cases Republicans were not included, were not consulted, did not have input into that legislation. So you had a bill that literally impacts one-sixth of the American economy pass out of this Chamber on a party-line vote. That is historic. Because in most cases, if you look throughout our Nation's history, when this country needs to do big things, there is a bipartisan effort to try to get a bill that can attract broad bipartisan support.

So as much as I support many of the things the President said last night, I would argue that the proof is in the pudding. We are going to wait and see now whether his actions comport with his words because the talk about spending and debt rings hollow if, in fact, you are not willing to take on spending in this country, spending in our government, and willing to take on the issue of entitlement reform. In fact, notwithstanding the President's talk last year about a 3-year freeze on spending, we saw the largest buildup, the most massive expansion of government we have seen literally since the 1960s.

The health care bill is a $2½ trillion new expenditure for the Federal Government when it is fully implemented, at a cost, I believe, to be much larger than that over time when you start seeing these costs pile up and more and more people shifted over into the government program.

Hopefully, we are going to have a vote here in the Senate. I believe we will have a vote. Our leader has indicated that we will get a vote on repealing health care reform. In my view, before this begins to get implemented, it would make sense to throw it overboard and start over and do this right and do it in a way that attracts bipartisan support and actually does something to drive down the cost of health care rather than increasing it because what we have seen already is what we predicted would happen; that is, insurance rates are going up, not down. The massive taxes on that bill, of course, get passed on, so consumers end up paying more for their health care, not less. I would argue that we are going to see some disastrous results from some of the pay-fors in the bill.

The so-called CLASS Act, which is another new entitlement program, is something that even the chairman of the Senate Budget Committee, a Democratic chairman, a year ago when this was being debated, said is a Ponzi scheme of the highest order, something Bernie Madoff would be proud of. It has a tail on it that is going to create deficits in the outyears and make the financial fiscal picture we face even worse.

There are so many things about this bill that argue for us starting over and doing it right. But I want to say this morning, because I want to focus specifically on this issue of spending and debt, that much has been made of the fact that we are going to have a vote coming up. On March 4, the continuing resolution expires, at which point we will have to decide what we are going to do in terms of funding the government. I hope that debate or the lead-up to that vote sparks a debate about spending because if we don't start getting spending under control, this problem we have continues to snowball. We have a $14.3 trillion debt.

The other point I would make is there is another big vote looming sometime between late March and early May—in the April timeframe most likely—where we are going to have to raise the debt limit. We are already $14.3 trillion in debt as a nation, and we are going to have to extend the nation's borrowing authority above that so that we can finance the government. We have maxed out the credit card. We cannot do this any longer. We don't have the luxury of time. When we are facing a $14.3 trillion debt, much of which we owe to other countries around the world, we put ourselves at great peril. We put our economy at great peril.

I would argue it is a national security issue, and I am not the only one saying that. The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, said a few months back that the greatest threat to America's national security is our national debt. That is the top ranking military official in this country saying it is not the—when we talk about the greatest threat to America's national security, he could have talked about al-Qaida, he could have talked about the Iranian nuclear program, he could have talked about China, he could have talked about North Korea. But what did he say? The greatest threat to America's national security is our national debt. That speaks volumes about what we need to be focused on and what we as public officials here in the Senate need to devote our energies to.

So when we think about that, there are a couple of things that, obviously, we can do. I have advocated, as have others, that we go back to the 2008 spending levels because in the last 2 years, we have seen spending on the non-national security discretionary part of the budget increase by 21 percent, at a time when inflation in the overall economy is 2 percent. So the government has grown at 10 times the rate of inflation in the last 2 years.

When the President talks about freezing spending this year, he is, in my view, dealing with an issue that really—the only analogy I can use—is like closing the barn door after the horse has already gotten out. We have a major problem. We had a dramatic runup in spending in the last 2 years, and freezing it now will enshrine and

lock in to the baseline that massive increase in spending.

If we go back to the 2008 levels, it will be painful, but we don't have the luxury of not dealing with this now. It is going to be painful, but it is going to be necessary if we are serious about providing a better future for our children and grandchildren. The alternative is that we continue to run up these trillion-dollar, $1.5 trillion deficits year over year over year, adding significantly more to that debt and putting ourselves on a trajectory when I think our economy is in great peril in the future.

That is one aspect of it. We talk about the non-national security discretionary part of the budget. Of course, the national security part of the budget is already being scrutinized and scrubbed. The Secretary of Defense, Robert Gates, has made it clear that they are going to try to find savings and efficiencies in there to the tune—in fact, I think they have already determined they can save somewhere on the order of $150 to $170 billion in the defense budget over the next 5 years. But then you have this other part of the budget, the entitlement programs—Social Security, Medicare, and Medicaid—which, of course, Medicare and Medicaid are driven by health care costs, and until we figure out what we are going to do on health care to rein that in, to get that cost under control, it is going to be complicated to try to fix. But that being said, I think that is what argues for actually putting remedies in place that will put downward pressure on health care costs, on utilization, so we can bring health care costs back under control.

There are a number of good ideas out there about how to do that. The debt commission made some recommendations, although most in the area of Medicare and Medicaid were largely cosmetic because they couldn't come to an agreement about how to fix health care. Social Security, on the other hand, is available. It can be fixed. I think the debt commission made a series of recommendations that I hope the President and his team will take seriously and come to the Congress. I think Republicans here in Congress are willing to work with him because that is something we can put on a sustainable path. We ought to do it, and we ought to do it now because the longer we wait, the worse the problem becomes.

So you have the entitlement issues, you have the non-national security discretionary spending—things that can be done, that this President, if he is willing to put his rhetoric into action and take leadership, can actually put up as a record of accomplishment for the American people. The alternative is that we continue to add to the $14.3 trillion debt.

I am not going to sit here and say for a moment that we are not all responsible for this. Obviously, there were previous administrations and previous Congresses. We have gotten where we are today because we did not make the hard choices when he should have, and now the choices become much harder.

I would also say that in the last 2 years, that debt has grown by over $3 trillion, largely because of a trillion-dollar stimulus bill that we borrowed from our children and grandchildren, which didn't do anything to create jobs but did add $1 trillion to the debt, and the health care bill, which, again, many of the costs of that we are going to see into the future, but it has a profound impact on the fiscal picture the country is going to be considering.

What does it mean to finance a $14.3 trillion debt? Well, it means this: We spend so much on interest that next year the amount we spend on interest will equal the amount we spend on national security. Think about that. The entire security budget to defend this country, that amount of money will be equalled by the amount we spend on interest to finance the debt, and that continues to explode in the years ahead. If for some reason we were to have a runup in interest rates, if something happened in the economy, which, with inflation starting to take off a little bit, generally interest rates would follow that—and at some point in the not too distant future, we could see interest rates tick up. Well, we have been able to manage our debt by the way we financed it and the short-term borrowing. If you saw interest rates reset and go up, it would have an even more profound impact on the amount we pay to finance that debt and the amount we make in interest payments.

Every child in America today under the age of 18 owes $114,000 because of that debt, and 6 years from now it will be $196,000. What are we doing to future generations when we saddle them with this enormous debt and put them in a position where they are going to be faced with a lower standard of living and a lower quality of life than what we have experienced simply because we did not have the courage to make the hard decisions that were necessary to get this situation under control.

So I would suggest to my colleagues and to the President after his speech last night that this is not about talk. It is not about rhetoric. It is about action. It is about what the American people asked us to come here and do. I think there were three messages coming out of the election last fall: The American people want us focused on jobs and the economy, they want us focused on spending, and they want us focused on debt.

We are going to have an opportunity in the next few months, when the continuing resolution expires and we look at the issue of funding the government into the future, to deal with the issue of spending When we get to the debt limit vote that will come up sometime this spring, we will have an opportunity to talk about the debt. But it ought to generate and spark a serious effort here in the Congress, not a cosmetic one, not a superficial one, not one where we provide lipservice but where we are serious about reining in spending—not just non-national security spending but also looking at the long-term issues that are going to affect this country's balance sheet well into the future, and those are our entitlement programs. It is going to be tough stuff. It is not easy to do this.

I can't help but think that if we had made some of these hard decisions a few years ago, we wouldn't be in the situation we are today. I came here as a freshman Congressman back in 1997. One of the first votes we had—big votes, I should say, on the floor of the House of Representatives at the time—was a vote on a balanced budget amendment, something that I think 38 States have. Our State of South Dakota has a balanced budget amendment, which means our legislature and Governor can't go home until they balance the budget. That vote passed. It takes two-thirds majorities in both the House and the Senate and 38 States to ratify to get a constitutional amendment approved. We got a big, larger than two-thirds vote in the House of Representatives at that time. It came to the Senate, and it failed by one vote. Now, 67 votes here is the magic number to get the two-thirds threshold. It got 66 votes in the Senate 14 years ago.

I can't help but think how much better out financial picture would be today had we taken that step back in 1997 and put a balanced budget amendment—enshrined that into our Constitution and imposed a discipline on the Congress that hasn't existed. Clearly, for politicians here in Washington, it is too easy, when it comes down to making hard choices, to take the easy way, to hand the bill to our children and grandchildren. It is time to stop. We cannot afford this any longer. We are at $14.3 trillion and adding $1 trillion every single year.

So this is going to require tough decisions, hard decisions. But I believe this is a great country with great people. We have met big challenges before. I think the American people are ready to step forward and deal with this challenge. I think they are looking for political leadership to do that, to join them in that quest. As I said before, Presidential leadership is critical. It is going to take leadership here in the Senate and the House of Representatives.

We cannot afford to kick the can down the road any farther, to punt the ball to the next generation. It is not fair to them. For generations in this country, we have had a sort of guiding principle; that is, one generation sacrifices so the next generation can have a better life. We may be the first generation that turns that ethic on its ear and asks the next generation to sacrifice because we have not been willing to live within our means.

So I hope we can muster the courage that is necessary, and I am going to do everything I can to continue to shine a

light on this issue when we get into these budget debates. I, frankly, have a series of budget reforms. I think that, absent a constitutional amendment, we ought to be putting some statutory reforms in place that would force downward pressure on spending.

I have a bill that calls for a 2-year or biennial budget where we budget in one year, in the odd-numbered year, and in the even-numbered year we do more oversight. So when people here are running for reelection, instead of worrying about how to spend more money to curry favor with a particular constituency, we will be doing oversight and looking at how we can save money for the next generation. So I would like to get a debate on that. I think we ought to make the budget resolution we pass here binding and give it the teeth and the force of law which it does not have today. I think there are a series of prescriptions that would be worthwhile for us to not only entertain but hopefully implement to really take seriously the challenge that is before us.

I thank the chair for the time, and I look forward to engaging in a debate about spending and about debt and how to better create jobs in this economy for the American people, which is what I think they want us focused on. I hope it will be not just rhetoric but action that follows.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, how much time remains in morning business on the minority side?

The ACTING PRESIDENT pro tempore. There is 6 minutes 47 seconds remaining.

Mr. DURBIN. I ask unanimous consent to reserve that time. I do not believe there is another Republican Senator on the floor.

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

Mr. DURBIN. I ask unanimous consent to begin the Democratic side of the morning business.

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

INVESTING IN AMERICA

Mr. DURBIN. Madam President, I listened closely to the speech given by the Senator from South Dakota about the deficit. I was thinking as he gave the speech that it was a good one, but I think a little bit of history is warranted at this moment.

In the year 2000, 11 years ago, President William Jefferson Clinton was leaving office. We had gone through a period of budget surpluses. We were taking the budget surplus generated each year and buying more longevity in Social Security, as appropriate. It was a very positive situation. The national debt of America when President William Jefferson Clinton left office was $5 trillion. In other words, the accumulated debt of America from George Washington to the end of William Jefferson Clinton was $5 trillion. And as President Clinton left office, he said to President Bush: I want to give you, in the next year, a $120 million surplus in terms of what you can anticipate to happen in the next year. It was a pretty positive situation with a lot of job creation, businesses doing well, homes being built.

Now fast forward from 2000 to 2008, 8 years later. Let's take a snapshot. What was the state of the economy? We were facing unemployment at record levels in numbers growing by the month. We no longer had a national debt of $5 trillion. Eight years later after President George Bush, that national debt was $12 trillion, more than doubled in an 8-year period. The obvious question is, what happened? Why were we doing so well 8 years before and had fallen so badly 8 years later?

We had two wars not paid for—we just added those to the national debt—in Iraq and Afghanistan. We had tax cuts even to the wealthiest, something that had literally never occurred in the history of the United States, and that added directly to the debt. We had programs unpaid for, signed by the President into law, very expensive programs, even in the area of Medicare. Accumulate those things with the 9/11 occurrence and the downturn in the economy, and we saw our national debt go from $5 trillion to $12 trillion. Instead of President Bush leaving new President Obama a surplus for the next year, they anticipated a $1.2 trillion deficit as President Bush left office. That is what Barack Obama inherited 24 months ago.

To hear some of the comments being made, one would think President Obama had created the deficit crisis. He inherited the deficit crisis from President George Bush. He said: The first thing we need to do is get the economy up and running. Republicans were virtually no help. Only three Republican Senators joined us in a stimulus bill which is now being mocked and criticized. But, in fact, one-third of the stimulus was in tax cuts, tax cuts to working families to help them through a recession. Another third was a safety net, unemployment insurance, as well as help to State and local governments. The final third was infrastructure, building roads and bridges and things across America for the economy. That is what the stimulus was.

Did it bring us back in a hurry from our recession? No. But it stopped the decline in our economy, and we are bringing ourselves back now as more consumer confidence is being demonstrated than we have seen in a long time.

I was a member of President Obama's deficit commission. For the record, I want people to know that that deficit commission originally was legislation. It was a statute. We were going to enact a law to give this commission the authority to come up with a report and force Congress to vote on it. Powerful stuff, with a lot of bipartisan support. When this powerful piece of legislation came to the floor of the Senate, seven Republican Senators who were cosponsors of the bill voted against the bill that they cosponsored, this effort to try to deal with our budget deficit in honest terms. After the bill failed, the President said: I will create one by Executive order. I served on it. It was Erskine Bowles and Alan Simpson cochairing an effort with 18 members. At the end of the day, 11 of us, including myself, signed on to the final report. I always added the caveat—and I think most would—that I don't agree with all of it, but I think it was the closest we were going to come to facing a terrible crisis.

The crisis is this: Out of every dollar we spend in Washington, we borrow 40 cents. That is unsustainable. Whether we are using that dollar to build a missile or to pay for food stamps doesn't make much difference. We have to borrow 40 cents for every dollar we spend. Where do we borrow the money? One of our major creditors was in town last week, President Hu Jintao of China, a major creditor and a major competitor. Which takes me to the President's State of the Union Address last night.

The Republicans are fixed on one particular area. They believe the sum and substance of all that we do in Washington should be focused on the deficit. I think the deficit is critically important. I voted for the deficit commission report. We have to do things that are unpopular and we have to do them in a sensible and timely way. But it isn't the whole story. What the President tried to remind us last night is that we also have a great American economy. We have to ask ourselves: Will that economy be able to compete in the world of the 21st century? How will we do against competitive nations such as China and Japan and Germany? Those were questions asked by the President last night.

I have heard many Republican Senators and Congressmen since say those investments, that spending, we don't need. What we need is to focus on the deficit.

I think the President got it right. The President is calling for balance, responsible deficit reform, and investment in America that makes a difference in who we are and what we can be. The President talked about the Sputnik moment, long before the Presiding Officer was born, the Sputnik moment, October 4, 1957, when the Soviet Union launched the satellite Sputnik into outer space. It scared us to death. Here this nemesis of the United States in the Cold War, the Soviet Union, with the capacity to develop a bomb that could destroy major parts of America, was now in outer space and we were not. They had a missile that launched a satellite. It was a tiny little thing, about the size of a basketball. It circled the Earth. At that time in October of 1957, a chill set in on Capitol

Hill when people got to thinking, maybe we are not as good as we thought when it comes to math and science and education, if the Russians beat us into outer space.

Congress did something in 1958 in response to that that was historic and considered radical at the time. Congress came up with something called the National Defense Education Act. It was the first time in the history of the country when we had offered college loans to those other than veterans, and it was a program that was going to reach across America and try to put more young people in college. Did it work? Look at the numbers. In 1940, 15 percent of college age students went to college, about a half a million students in college. In 1958, we started the loan programs. By 1960, the number of college age students in college had grown to 3.5 million. Two years later I was one of them.

Now fast forward 10 more years to 1970. By 1970, 7.5 million students in America were in college. Forty percent of college age students were going to college. The investment of this government into the National Defense Education Act and student loans democratized higher education, dramatically increasing the number of students in colleges and universities, and not only prepared us for a man on the Moon and NASA but prepared our economy for more important things to come.

Let me give an example. When Sputnik was circling the globe, our scientists were sitting there upset and frustrated that the Russians were the first in space. Up in Baltimore, there were two scientists at a laboratory, and they decided they would try to track the Sputnik satellite. The Russians, in order to prove they were actually doing something, were emitting a signal from this satellite, this little basketball-sized satellite. These scientists said: Let's see if we can find that signal, the frequency. They did. Then they used—and I will get lost here in a hurry because I am a liberal arts lawyer—the Doppler effect to determine where the satellite was circling the globe and its speed. They told some people at the Department of Defense what they had found. The Department of Defense challenged them and said: If you can tell us where the satellite is and how fast it is moving, could you reverse that equation? We would like to know if we had a satellite in outer space whether we could figure out where your radio receiver was. So they did the calculations and did the work, and they determined it.

The purpose in asking the question was so that we could reach a point in national defense when, if the Russians launched a missile with a bomb on it toward the United States, we could tell where it came from and launch one in return. We did this calculation, and we started the development of this in 1958, where we could figure out where the receiving station was on Earth, if there was a transmitting satellite. If it sounds as if it might have led to something, it did. It led to a situation today where I can carry in my pocket a BlackBerry which has a GPS. GPS came out of that calculation. Now someone can basically determine where DURBIN is by where his cell phone is. That has become common technology and science, but it was research by the Federal Government that led us 50 years later to this moment.

I say that because the President was trying to make that point last night. When it comes to the future of our economy and where we will be and whether we will be competitive, we need to invest—it is not a bad word, it is a good word—in our country: in people so they have the education and training, so they can compete; in businesses so they have basic research and the kind of incentives for innovation so they can move forward in growing their businesses and increasing the number of employees; and in building the infrastructure of America that makes a difference.

There was a company a few decades ago that became very popular named Lands End. Most people know it. It has since sold to Sears. They own it today. But when Lands End was thriving, it was located in a small town in Wisconsin. A lot of people wondered how they could run a big mail order operation out of a small town in Wisconsin. The answer was they had put together enough infrastructure that it worked. There were enough highways and enough ways to provide their product by mail and other delivery all around the United States.

Now we are in a new generation of challenges. That generation is calling for technology. The President talked about advancing the technology of computer reach to make sure we have high speed computer accessibility across the United States. That technology, innovation, and education is going to build a platform for us to be competitive. I think the President got it right. We deal honestly with the deficit, but we don't do it so quickly that we make the recession worse. And we invest in our people so that we are ready to compete in the 21st century.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I thank my colleague from Illinois for his as usual right-on-the-money words about the President's speech. I anticipate eagerly the speech of my colleague from Rhode Island who graciously yielded to me.

I rise to commend President Obama on the pitch perfect State of the Union he delivered last night. His speech was smart and balanced, forward thinking, and unabashedly upbeat about the future of our country.

Fundamentally, the President spoke about the need to preserve the American dream, to bequeath its promise to the next generation as our parents bequeathed it to us. The American dream is very simple. It means there is a strong likelihood that you will be doing better 10 years from now than you are doing today and an even greater likelihood that your children will be doing better than you did.

Many people in America think that dream is in peril today. Some people even fear that America is in decline, that our greatest period of prosperity is behind us. To these purveyors of gloom and doom, to those who are sour and dour and think America and its government can't do anything right, the President sent a clear message: You could not be more wrong about America. We are and will remain the most economically vibrant, the most culturally vibrant country in the world, with the best system. We are the only country on Earth that tells a young man or woman, 12 or 13 or 14 years old, whether their family has been in this country 12 or 6 generations or whether they are a new immigrant, you can achieve the stars. No other country has that. That is a precious part of our birthright that remains alive and well today, as we see in the successes of so many.

It is true that we live in a much different world today than the generation that preceded us. The rules have changed, and it is tougher to get ahead. Unemployment is unacceptably high, and the competition for jobs is real. The middle class feels squeezed. But, as the President said, this should not discourage us. It should challenge us.

Last night, the President explained how we can rise to that challenge. He outlined how we can outinnovate, outeducate, and outbuild the rest of the world, tapping the creativity and imagination of our populous.

He urged us to invest in clean energy technology and other cutting-edge industries and challenged us to put a million alternative-fuel vehicles on the road by 2015. Thanks to the ingenuity of researchers such as those at the GM fuel cell facility in Honeoye Falls, NY, I believe we can achieve this ambitious goal. I am also hopeful we can take up and pass clean energy legislation in the months ahead.

The President also called on Congress to reform No Child Left Behind in order to restore America's global leadership in education. I am particularly pleased that the President enthusiastically endorsed a permanent extension of the $2,500 college tuition tax credit I authored 2 years ago. I would like it to be even higher, to go to $3,000 this year.

It is no secret that much of our Nation's infrastructure is in disrepair and that too many Americans do not have access to high-speed Internet or high-speed rail. For America to stay ahead of our foreign competitors, we need to improve the ways in which we transport people and information.

Since the days of Henry Clay, with the internal improvements, when our Nation builds infrastructure, economic growth follows, and this has clearly always been a government function. The

President clearly understands this fact and spoke to it last night.

The President did not just focus on growing jobs, the economy, and middle-class paychecks last night. He showed an acute awareness of the need to rein in Federal spending to get our Nation's fiscal house in order. I echo his call to consolidate or eliminate unnecessary government programs and to revisit and revise regulations that have long outgrown their usefulness. Of course, we need to find a balance, but I am confident that more can and will be done to make our government more agile and efficient.

The President had the right blend: Yes, cut out the waste, even eliminate wasteful and inefficient and duplicative programs, but do not throw out the baby with the bathwater or, as he said, do not throw the engine off the airplane when the plane is overweight. So the combination of growth, investment in our future, and innovation, with fiscal moderation and reining in waste, is just pitch perfect for the American people.

Lastly, I applaud the President for addressing one of the most critical matters facing the country: our broken immigration system. As you know, I have championed comprehensive immigration reform for some time, and the President seemed to endorse many aspects of the approach. He likes the approach, bipartisan, that Senator GRAHAM and I put together. He has told us that on several occasions. So I look forward to working with him as well as my colleagues on the other side of the aisle as we map a path to comprehensive reform in the 112th Congress.

Some pundits and handicappers said Congress seemed subdued, even restrained last night. Well, if last night's speech did not seem like the usual partisan pep rally, that is because it was not. The President's speech was not meant to appeal to Democrats or Republicans or even Independents. It was meant to appeal to Americans. In that, the President succeeded overwhelmingly. The fact that we sat together side by side, Democrats and Republicans, was a fine fit with the President's appeal to the whole of America, not to one side or the other.

The address last night embodied so many of the values and ideals that unite us as Americans. It displayed the kind of optimism we relish, thrive on, and believe in. It was a great speech, a wonderful moment of comity. I expect this moment will not fade soon, and I hope so too.

I yield the floor for my colleague from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I compliment my distinguished colleague from New York on his remarks. I would like to add a few observations of my own, but first I want to echo very much what he said. What the President did last night was to point a finger toward the future, and some people were just capable of seeing the finger. But for most people, they saw where he was pointing, and he has pointed us toward an important future for our country. These are the issues we are going to have to address in the decades ahead, and we have to be prepared now. I want to touch on about three areas he pointed to. The first, of course, is infrastructure. I am not the only person in America who has noticed our crumbling infrastructure. Everybody who drives on our roads, everybody who goes across our bridges, everybody who has been to our water and sewage plants knows we have underinvested in those areas for decades.

As the President pointed out last night, America's own engineers give America a D for the status of our infrastructure. The Environmental Protection Agency has estimated that we have $662 billion in total capital needs for clean water and drinking water investments over the next 10 years—$662 billion that we need to put into our water and water treatment system in the next 10 years. By contrast, in the so-called stimulus bill, we put in $6 billion; 1 percent of what we need. We have a lot of work we still have to do to make sure America has the clean water treatment and drinking water it needs.

The infrastructure question is not just about infrastructure the Romans could have built. It is not just about roads and bridges and waterworks. The President referred to a Sputnik moment many years ago and President Kennedy's drive to get us up into space and to accelerate our space program.

When President Kennedy pushed to put a man on the Moon within 10 years and bring him safely home, what that delivered was not just a man on the Moon. What it delivered was the technology that allowed a company called COMSAT, a public-private corporation, to put up into space the satellite technology that became the infrastructure of our modern communications system. That was done because of that call to action.

It is not just our communications system that is core infrastructure, as well as our roads and our bridges and our waterworks, it is also our information technology system, particularly in health care. When we build a robust health information infrastructure—so that as an American you are no longer carrying your cardboard file-covered records from appointment to appointment, no longer having to explain who you are and what you have and what medications you are on and why you are there for the umpteenth time because the doctor has not seen your file because it is not available to him electronically—when we fix all that so your pharmacy, your specialist, the laboratories you go to, the hospital, if you have had to visit one, are all connected to your primary care provider who is directing the care for your condition, that is a piece of infrastructure that, like our health care infrastructure, will enable enormous growth in the private sector.

That is what infrastructure does. Roads are not valuable because people go out with picks and shovels and bulldozers and asphalt pavers and make them. They are valuable because once they are made, commerce runs across them and the private sector expands. That is just as true of communications and information technology and broadband and our energy grid. We need to invest in infrastructure, and we need to think about our modern infrastructure, not just the infrastructure the Romans could build.

The other point the President made that was critically important is that American manufacturing is not now competing on a level playing field with our foreign opponents. Many people have said this was a very ''America first'' speech; that the President seemed more nationalistic than he has been before. I suspect that is because in his years as President, it has been driven home to him how many disadvantages our foreign competition puts our manufacturers at. It is not fair. It creates immense disabilities for them and real handicaps, and we have to put American manufacturing back on a level playing field with their competitors around the globe.

I can go to the Cranston Print Works Company in Rhode Island, which is one of the last remaining vestiges of the vaunted Rhode Island textile industry. It was Rhode Island's textile industry that started the industrial revolution. Rhode Island's textile industry propelled Rhode Island to have more millionaires per capita than any other State in the country. Now it has winnowed away, winnowed away, and companies such as Cranston Print Works that has been able to hang on and survive and be successful keenly know how bad the disadvantages are.

You could have their CEO, George Shuster, give you a speech about how in almost every dimension of their operations they are at a disadvantage, and very often a disadvantage that America has created, against their foreign competition. I just want to mention one.

I have introduced the Offshoring Prevention Act because if George Shuster were to take his facility in Rhode Island and move it overseas, he could choose the year he declared his profits and defer them to the most advantageous tax year. When he stays in Rhode Island, he has to declare his profits in that year no matter what. There is no reason on Earth we should reward an American company that moves its processes overseas with a tax deferral advantage that they do not get when they are here at home. My Offshoring Prevention Act would prevent that.

The last thing I want to say—because I see my distinguished colleague from Arizona on the Senate floor and I want to make sure I leave him time—is just

a word about our long-term debt. I was immensely gratified the President took a firm position to defend Social Security. We who are familiar with the actual facts know that Social Security has never contributed a dime to our deficit, never contributed a dime to our debt, and that it is solvent for more than a quarter century ahead of us. It is not an immediate problem, and with very small adjustments it can be never a problem.

In States such as Rhode Island and New York, and I suspect Arizona as well, we have people who count on Social Security. Social Security gives us freedom. Social Security gives our seniors freedom from want and freedom from fear. It gives them freedom from privation and freedom from poverty. It gives the younger generation freedom to pursue their own dreams, knowing their parents will have a dignified old age because of Social Security, and they can take risks and seek opportunities they would never otherwise be able to take if they knew they were the only support for their parents in their old age, if the only thing that stood between their parents and penury was them. Thankfully, Social Security gives that liberty to young people across this country, as well as the freedom it gives to old people. So I am delighted he took this stand and that Social Security will not be improperly thrown under the bus of the important debt and deficit reduction work we need to do.

With that, I will yield. I see, again, Senator MCCAIN on the Senate floor. He is a distinguished Senator and a great friend, and I do not want to take time from him.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

HONORING THE VICTIMS AND HEROES OF THE SHOOTING ON JANUARY 8, 2011, IN TUCSON, ARIZONA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. Res. 14, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 14) honoring the victims and heroes of the shooting on January 8, 2011, in Tucson, Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, this resolution states that we honor the victims and heroes of the shooting on January 8, 2011, in Tucson, AZ. As we all know, and the Nation and the world knows, on January 8, a gunman opened fire at a ''Congress on Your Corner'' event hosted by Representative GABRIELLE GIFFORDS in Tucson, AZ, killing 6 and wounding 13 others.

Among those who lost their lives were 9-year-old Christina-Taylor Green, Dorothy Morris, Judge John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Matthew Zimmerman.

Christina-Taylor Green was the 9-year-old daughter of John and Roxanna Green. She was born on September 11, 2001. She was a third grader, with an avid interest in government, who was recently elected to the student council at Mesa Verde Elementary School.

Dorothy Morris was 76 years old. She attended the January 8 event with George, her husband of over 50 years, with whom she had two daughters and who was also critically injured as he tried to shield her from the shooting.

John Roll, whom I will talk about later on, is a Pennsylvania native who was 63 years old. He began his professional career as a bailiff in 1972. He was appointed to the Federal bench in 1991 and became a chief judge for the District of Arizona in 2006. He was a devoted husband to his wife Maureen, father to his three sons, and grandfather to five grandchildren. He heroically attempted to shield Ron Barber from additional gunfire.

Phyllis Schneck, the proud mother of three and grandmother of seven and great-grandmother, from New Jersey and spending the winter in Arizona, was a 79-year-old church volunteer and New York Giants fan.

Dorwan Stoddard, a 76-year-old retired construction worker and volunteer at the Mountain Avenue Church of Christ, is credited with shielding his wife Mavy, a long-time friend whom he married while they were in their sixties and who was also injured in the shooting.

Gabriel Matthew Zimmerman was 30 years old, engaged to be married, and served as director of community outreach to Representative GABRIELLE GIFFORDS and was a social worker before serving with Representative GIFFORDS.

We all know GABRIELLE GIFFORDS was the target of the attack and was critically injured. Overnight, we received extremely good news in that her condition has been upgraded from critical to good. That is incredible news and is heartening to all of us.

Thirteen others were also wounded in the shooting, including Ron Barber and Pamela Simon, who were both staffers to Representative GIFFORDS, and several individuals, including Patricia Maisch, Army COL Bill Badger, retired, was also wounded in the shooting. Roger Sulzgeber, Joseph Zimudie, Daniel Hernandez, Jr., Anna Ballis and Dr. Steven Rayle helped apprehend the gunman and assist the injured, thereby risking their lives for the safety of others.

Some of the actions that took place during this tragedy have been carried extensively in the media. The reaction of the people of Tucson and in Arizona to this tragedy has been incredibly uplifting and encouraging to all of us. There are so many stories of courage and bravery associated with this action. The quick reaction of our police and other first responders was remarkable, not to mention the incredible and extremely rapid care provided by the doctors and nurses and caregivers in Tucson. So in this great tragedy that has taken place, we can be comforted with the knowledge that our citizens reacted in the way that Americans do—with heroism, with courage, and with sacrifice.

I think it is entirely appropriate that this resolution be passed as one of the first acts of the new 112th Congress of the Senate and House. I wish to thank all Americans for their concern, their prayers and the sympathy and support they have extended not only to the victims and their families but also to the people of Arizona.

There will be discussion for weeks and months ahead as to how it was possible for this event to take place. I don't pretend to know all the answers. It was clearly a deranged individual, an individual who perhaps we could argue, while I can't say for certain, his mental illness should have been brought to the attention of the proper authorities. We do have a law that provides for such an action in the State of Arizona. At the same time, the question needs to be asked: The actions that we now have become very aware of, was the possibility of those actions brought to the attention of the proper people so they could take action?

The fact is it happened. The fact is we who are elected representatives will continue to have contact with our constituents. We will do so and not be deterred by the actions of this deranged individual. We cannot allow the actions of a deranged individual to prevent us from interacting, in a fundamental way, with our constituents. They deserve it. I am confident we will be able to continue the practice of townhall meetings, ''Congress on Your Corner,'' the kinds of activities that are, in some ways, not entirely unique to the United States of America but certainly are not practiced in most parts of the world.

So we are encouraged by the news concerning GABRIELLE GIFFORDS and we will harbor the hope and pray that she will return to her duties in the Congress, representing the people of southern Arizona. We pray for the family of Judge John Roll and those others who gave their lives. Senator KYL and I attended the various memorial services and events surrounding this tragedy in Tucson and we come away obviously with deep sorrow over the event, yet at the same time with a great deal of pride and appreciation for our fellow citizens in Arizona and in Tucson who have reacted in a heroic and giving and loving and sharing fashion.

So I guess we will be voting on this issue sometime this afternoon, and I know other colleagues will be speaking on behalf of this resolution.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 188 are

printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MCCAIN. Madam President, I suggest the absence of a quorum, with the time being charged to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Madam President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. S. Res. 14.

Mr. DURBIN. Madam President, I want to thank Majority Leader REID and our colleagues from Arizona, Senators KYL and MCCAIN, for bringing this important resolution to the floor of the Senate. It has been over 2 weeks, but our shock and sadness over what happened on that beautiful Saturday morning in Tucson is still very real. They were just ordinary Americans, engaged in what we might call the dialog of democracy, when a gunman stepped in and began firing. Within seconds Congresswoman GABRIELLE GIFFORDS and a dozen innocent bystanders lay injured, and six irreplaceable lives were ended.

Most of us never had the good fortune to meet Judge John Roll, Gabe Zimmerman, Phyllis Schneck, Dot Morris, Dorwan Stoddard, or that beautiful little girl, Christina Green. While they shared the Earth with us, we did not know them. But we have come to know them in the last 2 weeks. They were good and decent people who loved their families, tried to help others, and believed in the promise of this great Nation.

We mourn their loss. GABBY GIFFORDS, our colleague in the House, believes in the promise of America's democracy. She believes in it so passionately that she chose to run for Congress, even though she probably could have found a more comfortable and even more financially rewarding life. She believed in democracy so much that she was one of those Members of Congress who would hop on an airplane and fly across America on a weekly basis to be back home in her district in Arizona.

She believed in this country so deeply that she continued to reach out to her constituents even after the end of a spirited campaign when a lot of Members of Congress were trying to find at least a few weeks to take it easy before they got back into the swing of things.

She was concerned about her safety. But she was dedicated to her job and her Nation and certainly the people she represented. We are grateful to the doctors and all of the medical professionals who worked wonders to save her life and to heal those who were hurt. We are grateful to the first responders and ordinary citizens who acted with such extraordinary courage to help the victims, tackle the gunman, and prevent an even more devastating loss of life.

We offer our deepest condolences to the heartbroken families and friends of those who were lost and all those who were wounded in body and spirit by this tragedy. We pray that time and God in His infinite mercy will bring them comfort and peace.

A few days ago, we were encouraged to learn that Congresswoman GIFFORDS was moving to a rehab hospital in Houston to begin a new phase of her recovery. Yesterday her overall medical condition was upgraded to ''good,'' certainly good news. Soon we need to begin the next phase in our national discussion of this tragedy, in order to lessen the prospects of such violence in the future.

We cannot simply mourn and move on. We have to have the courage to face this tragedy squarely. It appears this terrible carnage was caused by a man with a history of mental illness and a gun. It is not the first time. In 1981, President Ronald Reagan was shot by a mentally ill man with a gun. Nearly 4 years ago, a mentally ill student shot and killed 32 people at Virginia Tech. On Valentine's Day 2008, a former student with a history of mental instability walked into the lecture hall at Northern Illinois University in DeKalb, armed with a shotgun and three handguns. He killed six people including himself and injured 21 others.

In 1998, a man with a serious mental illness walked into this building, the Capitol, and before it ended he had shot and killed two members of the Capitol Police force. Some are going to argue you cannot stop a disturbed person who is intent on committing an act of violence. To some extent that is certainly true. But you can take steps to limit the harm that person can cause by keeping the deadliest of weapons out of that person's hands. The gunman in Tucson used a semiautomatic handgun with a high-capacity ammunition clip capable of holding over 30 rounds. He fired off 31 shots in a matter of seconds before he had to reload and was tackled by brave citizens.

If he had had to reload sooner, say, after 10 rounds, at least 9 people in Tucson would not have been shot. High-capacity clips were used to commit mass murder at Virginia Tech, Fort Hood in Texas, and in Tucson. There is no legitimate sporting or self-defense purpose for such high-capacity weaponry. Hundreds of homeowners do not need to fire 31 rounds in a matter of seconds.

High-capacity clips were once illegal under the 1994 Federal assault weapons ban signed by President Clinton, supported by Presidents Reagan, Carter, and Ford. But that law expired 7 years ago in 2004.

Even former Vice President Dick Cheney, a hunter, and an outspoken second amendment rights advocate, has said in his words, ''maybe it is appropriate'' to reinstate the ban on high-capacity clips in the wake of the Tucson tragedy.

We also need to plug the holes in the Federal background check system to make it harder for people with a history of serious mental illness or substance abuse from getting guns. This man who was charged with the murders in Tucson is someone who was rejected by our military because of his mental condition. He was also told to leave a community college because they feared that he was a danger to himself and others. And yet he could purchase a weapon and a high-capacity clip in Arizona, in America.

No one is proposing to take guns away from responsible hunters and law-abiding citizens. The Supreme Court has made it clear, individuals have the right to own guns and I respect that decision. But the Supreme Court has also said that the second amendment is ''not a right to keep and carry any weapon whatsoever, in any manner whatsoever, and for whatever purpose.''

We ought to be able to agree to keep the deadliest weapons out of the hands of people who are seriously unstable. President Obama gave a very moving speech in Tucson about Christina Green, the little third grader who had just been elected to her student council and often wore red, white, and blue in honor of her country.

The President said, ''I want to live up to her expectations. I want our democracy to be as good as Christina imagined it. I want America to be as good as she imagined it.''

I hope we will put political agendas aside and put our heads together so we can lessen the chances of another tragedy such as Tucson. That would be the very best memorial we could build to those who lost their lives, and the best we could do for America to do our job to keep it safe.

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

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

The bill clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, I rise to give some brief remarks about the resolution we are considering today. First and foremost, this resolution condemns, in the strongest possible terms, the horrific attack that took place earlier this month in Tucson, AZ, while my friend and colleague GABRIELLE GIFFORDS was giving time to her constituents through a ''Congress at Your Corner'' event, an event that many of us in the Congress host

for our constituents, for them to come speak to us about issues that matter to them most.

During that attack, many lives were lost. We express our deepest and heartfelt condolences to the families and the friends and the loved ones who lost their loved ones during that attack.

Each of those who are honored today will be remembered for all they gave to their communities and all they have done, including a great judge, John Roll, and community members Dorothy Morris, Phyllis Schneck, Dorwan Stoddard, and a great public servant, Gabriel Matthew Zimmerman. They are all in our thoughts and prayers.

President Obama took the time to really talk about one life that was lost that affected me most deeply, and that was about Christina-Taylor Green, the 9-year-old girl who went to the ''Congress at Your Corner'' event to learn about public service, to see her Congressman do her job, to hear what she had to say.

That young girl and her life and the image President Obama talked about in his speech not only in Tucson but in his speech last night I thought affected all of us because his speech was about the hope and the dreams that every child in America has for this country, for our democracy, the true aspirations that Christina had for this government, the expectations she had for us.

I believe last night President Obama gave a call to action to all of us about who we should be as Americans, what this country stands for, why we are all public servants, and why we are here to do our jobs. I think it is the image and the life of Christina that gives us hope for the future about what we can be and what we can do together, and I think that is what last night's speech was most about.

I want to take a moment to talk about my dear friend GABBY, whose courage and whose strength has been extraordinary and is something that not only inspires me but I think inspires every one of the young people here today and all of us in this country because she is surviving and she is determined to overcome this horrific attack against her and our democracy and against all of us. Every day she recovers is one more day where her strength is there as a bright light for all of us, as a reminder of what we are all capable of and a reminder of what is best in each of us. I am going to go visit GABBY this weekend and sit with her and give her the well wishes and the prayers of all of us here.

Having her seat remain open last night was a stark reminder of what can be so easily lost, and the importance of our presence in that Chamber to do the people's business, that we are there not for ourselves, we are not there as Democrats or Republicans, but we are there as public servants, to do the will of the American people, to do our jobs, and to represent the people we are sent here to represent.

So I thank GABBY and her extraordinary husband Mark, whose love for her truly is pulling her every day across the finish line, for their courage and their dedication, and I wish to let them know we will continue to pray for their recovery, we will continue to pray for all those who were injured and are recovering, and we pray for all the families who have lost their loved ones.

Mr. President, I ask unanimous consent that the debate time on the resolution be extended to 2:30 p.m., that all provisions of the previous order remain in effect, and that the vote on adoption of the resolution occur at 2:30 p.m.

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

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that all quorum calls during the remainder of the debate on S. Res. 14 be charged equally to each side.

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

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

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

Mr. KYL. Mr. President, yesterday I spoke to the events of January 8 in Tucson, AZ, specifically referencing the people we are honoring by the resolution that is before us today. At 2:30 this afternoon, we will have an opportunity to act as a body, Democrats and Republicans from all parts of our country, to recognize the people who were injured, the families of those who were killed, and, of course, the heroes of the tragic Tucson shooting.

On that morning of January 8, Representative GABRIELLE GIFFORDS arrived at a Tucson Safeway store for her ''Congress on Your Corner'' event. She was there to meet with constituents, which is something she enjoyed doing very much. This was the first such event of the year. She had hosted others previously.

She was joined by members of her staff. Among them were Pam Simon, Ron Barber, Gabriel Zimmerman, and Daniel Hernandez, an intern. They stood alongside as Congresswoman GIFFORDS greeted her constituents who had lined up to speak with her. One of those individuals was Judge John Roll, chief judge of the U.S. District Court of Arizona, a personal friend of mine. Like most mornings, he had attended mass. Then he decided to stop by the Safeway to thank the Congresswoman for her assistance in dealing with the court's overwhelming caseload. Also attending the event was 9-year-old Christina-Taylor Green, who, like Congresswoman GIFFORDS, had recently won elected office. This third grader had recently been elected to the student council by Mesa Verde Elementary School. Dorothy Morris and her husband George, a retired marine, were attending the event together. And Phyllis Schneck, a great grandmother who spent the winters in Tucson but was actually from New Jersey, was there as well, as were Dorwan and Mavy Stoddard. As all of these people were waiting to speak to Congresswoman GIFFORDS, a gunman approached and shot the Congresswoman in the head, then turning his gun on the others in line. Gabriel Zimmerman, Judge Roll, Christina-Taylor Green, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard were all killed. George Morris, Mavy Stoddard, Pamela Simon, Ron Barber, and the Congresswoman were injured, along with eight others.

Those who were killed had much more to offer in their lives.

Gabe, the Congresswoman's director of community outreach, was only 30 years old. He was engaged to be married. According to news reports, he was killed while rushing to assist others. He worked closely with my Tucson staff.

Judge Roll was not only a very distinguished and respected jurist but was known most of all in the Tucson community for his kindness and courtesy. He was killed as he tried to protect Ron Barber, who had been shot just moments before.

Christina-Taylor Green, as I mentioned, was only 9 years old, a third grader.

Dorothy Morris was married for 50 years to George, and he was injured trying to protect his wife. The couple has two daughters. I met one of them when I visited with George in the facility in which he is recuperating, where I was last Friday.

Phyllis, like others in this group, was a volunteer at her church. She was also known for her cooking.

Dorwan Stoddard I mentioned was also a church volunteer, and he, too, was shot as he dove to the ground to cover his wife, who escaped with wounds to her legs. I had an opportunity to visit with her again Friday as well.

As we know, the gunman was prepared to take more lives. His plans for more bloodshed were thwarted by brave and selfless citizens. Their stories have been documented in the media in the past few weeks, but a few of their heroic acts are worth recounting here.

After a bullet grazed his head and took him to the ground, Bill Badger, a 74-year-old retired Army colonel—and in good shape, I might add—got up and he helped hold the gunman down until the police arrived.

Anna Ballis was shopping that morning at Safeway. She was leaving the store when the shooting began. According to reports, she rushed to the aid of Barber after a bullet hit an artery in his leg. Anna is the mother of two U.S. marines who have been deployed to Iraq and Afghanistan multiple times. I mentioned yesterday visiting Ron Barber in the hospital, holding Anna's hand, repeating over and over again how she had saved his life.

Such multiple acts of bravery and kindness.

Daniel Hernandez was in the gallery at the State of the Union speech last night. He is a 21-year-old intern for Congresswoman GIFFORDS. He rushed to her aid right after the incident. He had some training in first aid and applied pressure to her wounds, which prevented her from bleeding more than she did. He stayed with her even after emergency service personnel arrived.

Sixty-one-year-old Patricia Maisch grabbed the magazine of additional ammunition the gunman was hoping to reload in his weapon and then administered first aid to a shooting victim.

Steve Rayle, a doctor and former emergency room physician, helped subdue the gunman until law enforcement arrived, and then he, too, helped to care for the injured.

As the gunman was trying to reload his weapon, Roger Salzgeber wrestled him down from behind.

Joseph Zamudio ran toward the scene from a nearby store when he heard the shots being fired and helped subdue the gunman again until law enforcement officers arrived.

We are obviously grateful for these acts of bravery. We are proud of the people I have mentioned but also all of the emergency workers who quickly arrived on the scene and provided lifesaving aid and comfort to the injured in the very crucial moments following the attack.

I must mention also the incredible team of professionals, the surgeons and other highly skilled personnel at University Medical Center. We are proud of that facility in southern Arizona, and they certainly showed their competence in dealing with all of the wounded and some who died.

It has now been more than 2 weeks since the tragedy, and the families who lost loved ones are obviously still grieving. We all pray that they find comfort in the days ahead, and we hope and pray that the wounded will soon make full recoveries. In recent days, we have received some good news in that regard as those who were wounded are beginning to recover and leave the hospital. Our friend and colleague GABBY GIFFORDS, although she remains in serious condition, we are heartened to hear positive reports from her doctors, and we wish her the very best as she begins a new phase of her recovery in Houston.

The tragedy in Tucson was a shock to us all. It is difficult to comprehend that such horror could be visited upon such fine individuals and their families. In some respects, however, we see once again how it has brought out the best in good people.

In honor of the victims and the heroes of this tragic event, Senator MCCAIN and I ask our colleagues in the Senate to pass S. Res. 14. We can do little to bring solace to those who lost loved ones, but we can affirm that this body is united in its grief for the fallen, its admiration for the heroes, and prayers for the injured.

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

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, first, I would like to express my strong support for the resolution on the floor honoring the victims and the heroes of the Tucson shooting, and I thank Senators KYL and MCCAIN for submitting it.

Let me take this opportunity to express once again my sympathy to the families of those who lost their lives that morning and to join with all those who are persevering in prayer for the injured, including Congresswoman GIFFORDS, whose condition, thankfully, still appears to be improving day by day.

We will never forget the heroism of those who sacrificed their own safety that morning in Tucson for the good of those around them nor the dedication of those who attended to the wounded immediately after the shooting both at the scene and in the hospital rooms in the days that followed.

We thank all of them for giving us, in the midst of this horrific event, some reason for hope and a powerful example of service to follow.

It is my hope that today's resolution will help in some way to preserve the memory of the dead, the injured, and the heroes of Tucson.

Hopefully, out of this terrible national tragedy the rest of us can draw strength and inspiration, grow in concern for those around us, and deepen our sense of purpose about the work we do here every day.

STATE OF THE UNION ADDRESS

Mr. President, for 2 years I have insisted again and again that the two parties can and should work together on legislation that would spur the economy, create an environment for good private sector jobs, and put our Nation on a stronger footing for the future. Last night, the President did the same. So this afternoon I would like to accept the President's offer to work together just as I did after last year's State of the Union.

I agree with the President that we can and should work together to increase, without Federal mandates, production of more domestic sources of energy, including nuclear, clean coal, and natural gas; on strengthening and protecting our borders and enforcing immigration laws; on increasing U.S. exports by completing free-trade agreements with South Korea but also Panama and Colombia; on medical liability reform to rein in frivolous lawsuits; on finding a bipartisan solution to strengthen Social Security for future generations of Americans; on finishing the job in Iraq and Afghanistan; and on simplifying the individual Tax Code and reducing our corporate tax rates, which are making it harder and harder for U.S. companies to compete around the world.

Working together in all these areas would help the economy by encouraging the creation of private sector jobs, improving security, and helping us keep our commitments to our children and our parents. I take the President at his word when he says he is eager to cooperate with us on doing all of it.

But achieving each of these things should be an end unto itself. It cannot be contingent on some cynical bargain whereby one party agrees to secure the border as long as the other party agrees to amnesty for illegal immigrants; where one side agrees to increase domestic energy exploration as long as the other side agrees to cripple the economy with higher fuel prices; where one side agrees to fight terror as long as the other side agrees to artificial timelines and preordained withdrawal dates—in other words, a bargain whereby the party offering to work together has no real intention of working together at all. And too often that has been the approach this President and his party have taken over the last 2 years.

Take health care. For more than a year, we offered to work with the White House and Democrats on a bill that would incorporate the best thinking on both sides. They refused every step of the way. In the end, they got the bill they wanted: a massive government-driven system that creates an unknowable number of new bureaucratic entities and two massive new government entitlements, which is already leading people to lose the care they like, which nearly two-thirds of U.S. doctors surveyed predict will lead to worse care, and which is causing already struggling businesses to struggle even more with a mountain—a mountain—of new mandates and fees. It is only after this disastrous bill has become law that the President says he is now interested in making it better, even as he belittles the legitimate concerns so many Americans continue to have about it.

He has taken the same approach to spending and debt. Two years ago, the President came to Congress and told the country we needed to invest in the future through a trillion-dollar stimulus that was supposed to be a model of transparency and efficiency. Within a year, this bill, which was sold to us as the answer to our Nation's economic woes, had become a national punch line, a tragic waste of money. And 2 years after that investment in our future was signed into law, what do we have? Nearly $3.5 trillion more in debt and nearly 3 million more Americans out of work.

These out-of-work Americans do not want to sit around and wait for the Democratic vision of the future to appear, compliments of the experts in Washington. They are not particularly moved by someone's vision of what America could look like 40 years from now if only they hand over more of their paychecks or more of their freedoms now. They want a job. They want Washington to stop trying to help them and let them help themselves.

So the President talks a good game, but call us skeptical, because when all of the applause is over and the speeches are through, the debt is higher, more and more wasteful spending and job-stifling regulations come to light, and millions of Americans are still asking the same simple, persistent question: Mr. President, where are the jobs?

The President made some good suggestions on areas where we could work together, and we stand ready to do so, just as we have in the past. But we have now seen enough to know that what the President says and what the President does are two very different things. He has called for investments in energy before and we got the stimulus. He called for working with us on trade. We are still waiting. He said before we need to get serious about the debt, even as it reached dizzying new heights as a result of his policies. He speaks like one who recognizes that spending is out of control, and yet his response is to propose that we lock in spending levels we already know are completely unsustainable. This isn't progress. This is an admission of defeat. Americans don't want a spending freeze at unsustainable levels. They want cuts—dramatic cuts—and I hope the President will work with us on achieving them soon.

To put it simply, the President still sounds as though he is trying to have it both ways. His tone may be changing, but based on past performance we will remain skeptical until we see actual results. Republicans have pledged to the voters that we will do everything we can to cut wasteful government spending, work to lower the debt, get government out of the way of economic growth, and to work to repeal the health care bill, even as we replace that health care bill with the kind of commonsense reforms people actually want. The President has shown he is willing to talk about some of these things. Let's hope he surprises us by showing a new willingness to do more than that—to actually work with us on achieving real results.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, it is my understanding that all time has been used under the order that is now before the Senate. If it has not, let's pretend it has and let's start the vote now.

The PRESIDING OFFICER. Without objection, the order for the vote will be changed to 2:25.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Virginia (Mr. WEBB) would each vote ''yea.''

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—97

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Whitehouse
DeMint	McCaskill	Wicker
Durbin	McConnell	Wyden
Ensign	Menendez	
Enzi	Merkley	

NOT VOTING—3

Feinstein	Rockefeller	Webb

The resolution (S. Res. 14) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 14

Whereas on January 8, 2011, a gunman opened fire at a ''Congress on your Corner'' event hosted by Representative Gabrielle Giffords in Tucson, Arizona, killing 6 and wounding 13 others;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Matthew Zimmerman lost their lives in this attack;

Whereas Christina-Taylor Green, the 9-year-old daughter of John and Roxanna Green, was born on September 11, 2001, and was a third grader with an avid interest in government who was recently elected to the student council at Mesa Verde Elementary School;

Whereas Dorothy Morris, who was 76 years old, attended the January 8 event with George, her husband of over 50 years with whom she had 2 daughters, and who was also critically injured as he tried to shield her from the shooting;

Whereas John Roll, a Pennsylvania native who was 63 years old, began his professional career as a bailiff in 1972, was appointed to the Federal bench in 1991, and became chief judge for the District of Arizona in 2006, was a devoted husband to his wife Maureen, father to his 3 sons, and grandfather to his 5 grandchildren, and heroically attempted to shield Ron Barber from additional gunfire;

Whereas Phyllis Schneck, a proud mother of 3, grandmother of 7, and great-grandmother from New Jersey, was spending the winter in Arizona, and was a 79-year-old church volunteer and New York Giants fan;

Whereas Dorwan Stoddard, a 76-year-old retired construction worker and volunteer at the Mountain Avenue Church of Christ, is credited with shielding his wife Mavy, a longtime friend whom he married while they were in their 60s, who was also injured in the shooting;

Whereas Gabriel Matthew Zimmerman, who was 30 years old and engaged to be married, served as Director of Community Outreach to Representative Gabrielle Giffords, and was a social worker before serving with Representative Giffords;

Whereas Representative Gabrielle Giffords was a target of this attack, and was critically injured;

Whereas 13 others were also wounded in the shooting, including Ron Barber and Pamela Simon, both staffers to Representative Giffords; and

Whereas several individuals, including Patricia Maisch, Army Col. Bill Badger (Retired), who was also wounded in the shooting, Roger Salzgeber, Joseph Zamudio, Daniel Hernandez, Jr., Anna Ballis, and Dr. Steven Rayle helped apprehend the gunman and assist the injured, thereby risking their lives for the safety of others, and should be commended for their bravery: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms the horrific attack which occurred at the ''Congress on your Corner'' event hosted by Representative Gabrielle Giffords in Tucson, Arizona, on January 8, 2011;

(2) offers its heartfelt condolences to the families, friends, and loved ones of those who were killed in that attack;

(3) expresses its hope for the rapid and complete recovery of those wounded in the shooting;

(4) honors the memory of Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Matthew Zimmerman;

(5) applauds the bravery and quick thinking exhibited by those individuals who prevented the gunman from potentially taking more lives and helped to save those who had been wounded;

(6) recognizes the service of the first responders who raced to the scene and the health care professionals who tended to the victims once they reached the hospital, whose service and skill saved lives;

(7) reaffirms the bedrock principle of American democracy and representative government, which is memorialized in the First

Amendment of the Constitution and which Representative Gabrielle Giffords herself read in the Hall of the House of Representatives on January 6, 2011, of ''the right of the people peaceably to assemble, and to petition the Government for a redress of grievances'';

(8) stands firm in its belief in a democracy in which all can participate and in which intimidation and threats of violence cannot silence the voices of any American;

(9) honors the service and leadership of Representative Gabrielle Giffords, a distinguished member of the House of Representatives, as she courageously fights to recover; and

(10) when adjourning today, shall do so out of respect to the victims of this attack.

The PRESIDING OFFICER (Mr. BEGICH). The motion to reconsider is laid upon the table.

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. PRYOR. 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

The PRESIDING OFFICER. The Senate will resume morning business.

PASSING OF ANTHONY AND NICOLE RIGGAN

Mr. PRYOR. Mr. President, today I come to the floor to honor CPT Martin Anthony Riggan, Jr., and his wife Nicole Riggan. Their journey on this Earth was cut short but it was one filled with honor, purpose, and distinction.

Anthony was one of those individuals whom everyone knew would grow up to be exceptional, and he did. I have known him since he was a small child. We went to church together. I think it was in maybe the seventh grade when he approached me the first time about going to the U.S. Air Force Academy. I have followed his path since he graduated from Pulaski Academy High School in Little Rock in 2003, where he served as class president, Honor Council president, and was a representative on the Varsity Football Leadership Council. During this time, Anthony received numerous awards for his character, service to others, and hard work.

Then he fulfilled his lifelong dream to attend the United States Air Force Academy where he continued to receive accolades for performance and leadership. As a member of the Board of Visitors at the Air Force Academy, I was able to visit the academy from time to time. I enjoyed seeing the facilities and visiting with the brass, but honestly I most enjoyed getting to visit with Anthony in Colorado. During these times, he reminded me about the true definition of selfless service.

In his senior year, Anthony was selected to be Group 1 Commander for the Cadet Wing, overseeing 1,200 cadets and their activities. He was also named cadet colonel, the highest rank possible for a cadet at the academy. He shared with me how excited he was to be graduating and how proud he was to serve our Nation in our military. I was proud of all he was achieving and he was certainly representing Arkansas well.

Following graduation, Anthony began undergraduate pilot training in Columbus, MS, flying the T–6 Texan, the T–38 Talon and the B–1B Lancer Strategic Bomber. He received the Top Gun Award for Formation Flying and was presented with the Leadership Award by the local Air Force association. Classified as ''exceptionally qualified'' to pilot the B–1, Anthony was scheduled to deploy this month to Qatar.

In life, Anthony's favorite copilot was his wife Nicole. She shared his strong faith and purpose. After graduating from Colorado's Lewis-Palmer High School as valedictorian, Nicole participated in Serteen, a volunteer program for teens and in mission trips to Peru and Guatemala.

She went on to study theater education at the University of Northern Colorado, graduating magna cum laude. She pursued her theater career and continued leadership roles in Bible studies and youth groups. During this time, many of Anthony and Nicole's friends and families found guidance through the devotionals they regularly sent.

Today we continue to find encouragement and inspiration through the selfless lives they lived. I will miss my friend Anthony and his lovely wife Nicole, and I look forward to the day when I see them again.

Mr. President, I yield the floor.

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

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

A CAN-DO AMERICA

Mr. NELSON of Florida. Mr. President, whenever a Senator, such as Senator PRYOR from Arkansas, has to announce to the Senate the loss of a near personal friend, especially one he has been friends with, and with their parents, for years, it is always a tremendous loss.

We are coming up in a couple of days on the 25th anniversary of another great loss in this country, when the Space Shuttle Challenger exploded before our eyes on our television screens on January, 28, 1986. It was such a shock to the Nation, and it hit deep in our psyche because the symbol of America's technological prowess was the space shuttle in the early infancy of the program. The Challenger was only the 25th flight of the space shuttle that the Nation witnessed. In that rerun over and over of the close-up view of those solid rocket boosters going off in different directions 10 miles high in the Florida sky, the Nation witnessed that extraordinary loss.

I will never forget the memorial service in Houston at the Johnson Space Center, when the President of the United States—as sometimes happens in times of grief—became not the President of the United States, not the Commander in Chief, but the comforter in chief. And that was again vividly illustrated a few weeks ago as President Obama delivered that ringing and highly emotional speech in Tucson, AZ. So 25 years ago, as all the crews gathered there at the Johnson Space Center, President Reagan touched the Nation as the comforter in chief and pointed out that despite that tragedy, those brave souls were doing what America has in our genes. By nature, we are explorers and adventurers, and we don't ever give that up. Otherwise, we become a second-rate Nation.

Look at the history of America as explorers. Remember the criticism we read about in our history books concerning President Thomas Jefferson when he wanted to spend a paltry couple of thousand dollars on an expedition called the Lewis and Clark expedition, to see if they could find the passage to the Pacific coast. As a result of that mission, from which miraculously they returned and most of them were alive, they brought back all the artifacts of what this broad land contained.

Remember when Tom Hanks played Jim Lovell in ''Apollo 13.'' ''Apollo 13'' was one of the most successful American space ventures not because they didn't land on the Moon, because they couldn't. Most of the spacecraft on the way to the Moon blew up. We thought we had three dead astronauts who were going to drift in space until they ran out of consumables. And it was that incredible story about how all of America's aerospace expertise resided with the astronaut who had stayed behind. He had been training, but he was exposed to the measles and so he was replaced. So then he was there, with all that knowledge and training for the mission and he could go into the simulator and they were able to simulate in real time how they were going to convert that motor of the lunar lander to get the space ship kicked out of lunar orbit and back on a trajectory to Earth. And remember after they got back—as Tom Hanks is playing Jim Lovell, the commander, in the movie—someone in the audience asks the commander of the now safely returned crew of Apollo 13: Well, is there really the money to continue to explore space? And Lovell's answer is: What would it have been like if Columbus had returned from America and they never went back to follow in his footsteps as an explorer?

So it is, during this time of tragedy, and hearing an individual Senator, Senator PRYOR, talk about the loss of loved ones and family friends and young people with bright futures, and the reflection in a day or so of the anniversary of the Challenger tragedy and the loss of seven lives, including the teacher, Christa McAuliffe, who was going to teach that lesson plan to the classrooms from space, we are once again reminded that because we dare to venture, because we are by nature explorers, there are risks, and sometimes the price to be paid is with human life. But that is not a reason not to take the risk and to boldly venture forth.

This is a good reminder for us as Americans as we face so many uncertainties—whether it be financial and our future of trying to get out of the recession, or whether it be the uncertain future in Afghanistan or Pakistan, or how the leadership of al-Qaida is being morphed into other countries, such as Yemen or Somalia, or the constant uncertainty of whether we will have a job tomorrow, or whether we can retrain for the new kinds of jobs that are coming on line.

There are a lot of uncertainties—the uncertainties of our energy future. Can we remain dependent on 70 percent of our daily consumption of oil coming from places such as the Persian Gulf and Nigeria and Venezuela? No. It is time for us to venture forth, to explore new realms, to develop new technologies and to be creative. And, of course, as the President spoke last night, we can't do that unless we have an educated workforce, which is so necessary for us to be creative. It is that creativity, that Yankee ingenuity of Americans, that keeps us competitive in the global marketplace today because we can outinvent, we can outcreate. That is the change America has.

As we reflect upon the tragedies, the individual tragedies that we have, the collective tragedy that we had as a nation—25 years ago with Challenger, several years ago with the loss of Columbia, the losses we had most recently that are seared into our hearts in Tucson—the hope that springs forth for those who are wounded, that they would come back to lead normal lives, these are our challenges. Keep at it. Keep at it.

I say this also. Because it is a time of uncertainty, a lot of pundits are having fun because it appears that NASA is in disarray. NASA should not be in disarray. We have a blueprint. We have a roadmap for the future in the NASA bill that passed this Congress—one of the few that passed in the Congress before the lameduck session. It simply says let's continue to encourage the commercial companies to develop a service of taking astronauts and cargo to and from the space station and let's see if we can do that safely, as determined by NASA, but more efficiently and, therefore, more cheaply, given the constraints of budgets.

But, at the same time, we then allow NASA to do what it does best, which is to venture out and explore the heavens. In so doing, we are going to build a new rocket that will take large components up and that will fulfill the President's goal, which is to go to Mars.

The President specifically set a timetable of 2025 to land and return safely on an asteroid. That is no easy feat, given how fast an asteroid flies through space. But it will give us new technologies, as we develop, to go to Mars.

Think of the unbelievable time it would take us under conventional technology—10 months to get to Mars. Then, once you got to Mars, you pretty well have to stay on the surface of Mars for 1 year, until the planets are realigned, revolving about the Sun, so Mars comes in closer to the Earth for the 10-month trip back. That is why we need new technologies. An astronaut who flew seven times, Dr. Franklin Chang-Diaz, a plasma physicist from MIT, is developing a plasma rocket that will take us to Mars in 39 days. Then, with that short time flying, at 400,000 miles per hour by plasma thrust, we could stay on the surface 1 month, to return to Earth without having to stay 1 year.

These are exciting new technologies. A pilot project of that plasma rocket, with the acronym VASIMR, is being developed to fly on the space station and provide a continuous pulse that will keep the space station boosted, instead of it having, in the degrading of its orbit for conventional technology, to keep boosting it.

Not only is the sky the limit, not only is the stratosphere the limit, the heavens are the limit if we as Americans will assume this can-do posture that is so typical of the personalities of explorers and adventurers; in other words, the personalities of we, the Americans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

ADDITIONAL TEMPORARY EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. BEGICH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 366, which is at the desk.

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

The bill clerk read as follows:

A bill (H.R. 366) 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.

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

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

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

The bill (H.R. 366) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING THE ANNIVERSARY OF THE TRAGIC EARTHQUAKE IN HAITI ON JANUARY 12, 2010

Mr. BEGICH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 26, which was submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 26) recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the Haitian people.

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

Mr. BEGICH. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 26) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 26

Whereas on January 12, 2010, an earthquake measuring 7.0 on the Richter scale struck the country of Haiti;

Whereas, according to the United States Geological Survey, the epicenter of the earthquake was located approximately 15 miles southwest of Port-au-Prince, the capital of Haiti;

Whereas, according to the United States Geological Survey, the earthquake was followed by 59 aftershocks of magnitude 4.5 on the Richter scale or greater, with the most severe measuring a magnitude of 6.0 on the Richter scale;

Whereas, according to the Government of Haiti, more than 230,000 people died as a result of the earthquake, including 103 citizens of the United States;

Whereas an untold number of international aid personnel also died as a result of the earthquake, including more than 100 United Nations personnel;

Whereas, according to the United Nations and the International Organization for Migration—

(1) an estimated 3,000,000 people, or nearly ⅓ of the population of Haiti, have been directly affected by the disaster; and

(2) an estimated 1,300,000 people were displaced from their homes to settlements;

Whereas casualty numbers and infrastructure damage, including damage to roads, ports, hospitals, and residential dwellings, place the earthquake as the worst cataclysm to hit Haiti in more than 200 years and, proportionally, as one of the worst natural disasters in the world in modern times;

Whereas the Post Disaster Needs Assessment, which was conducted by the Government of Haiti, the United Nations, the World Bank, the Inter-American Development Bank, and other experts, estimates that damage and economic losses totaled $7,800,000,000, which is equal to approximately 120 percent of the gross domestic product of Haiti in 2009;

Whereas the Post Disaster Needs Assessment estimates that $11,500,000,000 is needed during the next 3 years for the reconstruction of Haiti and to lay the groundwork for long-term development;

Whereas Haiti was the poorest, least developed country in the Western Hemisphere before the January 2010 earthquake, when—

(1) more than 70 percent of Haitians lived on less than $2 per day; and

(2) Haiti was ranked of 149th out of 182 countries on the United Nations Human Development Index;

Whereas, before the earthquake, Haiti was in the process of recovering from a catastrophic series of hurricanes and tropical storms, food shortages, rising commodity prices, and political instability, but was showing encouraging signs of improvement;

Whereas President Barack Obama vowed the ''unwavering support'' of the United States and pledged a ''swift, coordinated and aggressive effort to save lives and support the recovery in Haiti'';

Whereas Senate Resolution 392, which was agreed to on January 21, 2010, by unanimous consent—

(1) expressed the profound sympathy and unwavering support of the Senate for the people of Haiti; and

(2) urged all nations to commit to assisting the people of Haiti with their long-term needs;

Whereas the response to the tragedy from the global community, and especially from the countries of the Western Hemisphere, has been overwhelmingly positive;

Whereas the initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute;

Whereas individuals, businesses, and philanthropic organizations throughout the United States and the international community responded to the crisis by supporting Haiti and its people through innovative ways, such as fundraising through text messaging;

Whereas more than $2,700,000,000 is estimated to have been raised from private donations in response to the tragedy in Haiti;

Whereas the Haitian diaspora community in the United States, which was integral to emergency relief efforts—

(1) has annually contributed significant monetary support to Haiti through remittances; and

(2) continues to seek opportunities to partner with the United States Agency for International Development and other Federal agencies to rebuild Haiti;

Whereas Haiti continues to suffer from extreme poverty, gross inequality, a deficit of political leadership at all levels, and weak or corrupt state institutions;

Whereas significant long-term challenges remain as Haiti works to recover and rebuild;

Whereas the International Organization for Migration estimates that approximately 800,000 people remain in spontaneous and organized camps in Haiti;

Whereas, according to numerous nongovernmental organizations and United States contractors, the pace of reconstruction in Haiti has lagged significantly behind the original emergency relief phase;

Whereas there is an acute need—

(1) to increase local capacity in health care and education; and

(2) to focus international attention on employment opportunities, rubble removal, permanent and sustainable shelter, reconstruction of roads, safety and security, and fundamental human rights in Haiti, especially in temporary camps and shelters;

Whereas the alleged irregularities and fraud that occurred in the election held in Haiti on November 28, 2010, have imperiled the credibility of the electoral process, undermined the recovery effort, and further destabilized security throughout Haiti;

Whereas political leadership is required to ensure that a democratically elected government, which is respected by the people of Haiti and recognized by the international community, is prepared to assume office on February 7, 2011, or shortly thereafter;

Whereas, on October 19, 2010, an outbreak of cholera was detected in the lower Artibonite region of Haiti;

Whereas initial efforts to contain the epidemic were disrupted by Hurricane Tomas and resulting widespread flooding, which led to the spreading and entrenchment of the disease throughout Haiti;

Whereas, according to the Haitian Ministry of Public Health and Population, between the outbreak in October 2010 and January 21, 2011—

(1) more than 3,850 people have died from cholera in Haiti; and

(2) more than 194,000 people in Haiti have been affected by the disease;

Whereas, according to the Pan American Health Organization and the Centers for Disease Control and Prevention, cholera could spread to as many as 400,000 people within the first year of the epidemic, potentially causing 8,000 deaths at the current case fatality rate;

Whereas the United States has provided $40,000,000 worth of assistance to combat the cholera epidemic, primarily through the Office of Foreign Disaster Assistance, to assist with stockpiling health commodities, equipping cholera treatments centers, providing public information, and developing a safe and sustainable water and sanitation system;

Whereas the efforts to combat the cholera epidemic have helped to drive the mortality rate from cholera down from 7 percent to 1 percent of all contracted cases during the 3-month period ending on January 21, 2011;

Whereas, during the first year following the January 12, 2010 earthquake in Haiti, the people of Haiti have demonstrated unwavering resilience, dignity, and courage;

Whereas at the conference of international donors entitled ''Towards a New Future for Haiti'', which was held on March 31, 2010, 59 donors pledged approximately $5,570,000,000 (including nearly $1,200,000,000 pledged by donors from the United States) to support the Action Plan for National Recovery and Development of the Government of Haiti;

Whereas the United Nations Office of the Special Envoy for Haiti estimates that approximately 63 percent of the recovery and development funds pledged for 2010 have been disbursed; and

Whereas Haiti requires sustained assistance from the United States and the international community in order to confront the ongoing cholera epidemic and promote reconstruction and development: Now, therefore, be it

Resolved, That the Senate—

(1) honors those who lost their lives as a result of the tragic earthquake in Haiti on January 12, 2010;

(2) honors the sacrifices of the men and women of the Government of Haiti, the Government of the United States, the United Nations, and the international community in their responses to those affected by the earthquake;

(3) expresses continued solidarity with the people of Haiti as they work to rebuild their neighborhoods, livelihoods, and country;

(4) reaffirms the commitment of the Senate to support the long-term reconstruction of Haiti, in partnership with the Government of Haiti and in coordination with other donors;

(5) supports the efforts of the Executive Branch to prevent the spread of cholera, treat persons who contract the disease, provide technical assistance to the Haitian Ministry of Public Health, and improve long-term water, sanitation, and health systems;

(6) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, other United States Government personnel, and all members of international organizations who have persevered through adverse local conditions and continue to serve Haiti and the Haitian people;

(7) supports the continued effort of the Interim Haiti Recovery Commission, under the leadership of former President Bill Clinton and Prime Minister Bellerive, in its efforts to improve coordination, build state capacity, and bring donors and the Government of Haiti together to effectively lead the reconstruction process;

(8) urges the international community—

(A) to call on the leaders of Haiti to immediately reach a democratic resolution to the current electoral crisis to enable the newly elected leaders of the Government of Haiti to take office by February 7, 2011, or shortly thereafter;

(B) to continue to focus assistance on the priorities of the Government of Haiti;

(C) to develop, improve, and scale-up communications and participatory mechanisms to more substantially involve Haitian civil society at all stages of the cholera and post-earthquake responses; and

(D) to give priority to programs that protect and involve vulnerable populations, including internally displaced persons, children, and persons with disabilities;

(9) urges aid agencies—

(A) to train and use Haitian local and national authorities in the delivery of assistance; and

(B) to enhance their coordination and consultation with the Haitian people and key Haitian Government ministries to ensure the effectiveness of aid; and

(10) expresses support for—

(A) the continuation of the work of United States agencies, nongovernmental organizations, private volunteer organizations, regional institutions, and United Nations agencies to confront the consequences of the crises affecting Haiti;

(B) comprehensive assessments of the long-term needs for confronting the cholera epidemic in Haiti, including the construction of adequate water and sanitation infrastructure; and

(C) the continuation of humanitarian and development efforts between the Government of the United States and the Government of Haiti, the Haitian Diaspora, and international actors who support the goal of a better future for Haiti.

MEASURE READ THE FIRST TIME—S. 192

Mr. BEGICH. Madam President, I understand that S. 192, introduced earlier today by Senator DEMINT, is at the desk and I ask for its first reading.

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

The bill clerk read as follows:

A bill (S. 192) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. BEGICH. Madam President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The President pro tempore of the Senate and the Speaker of the House of Representatives, pursuant to the provisions of section 201(a)(2) of the Congressional Budget Act of 1974, have appointed Dr. Douglas W. Elmendorf as Director of the Congressional Budget Office for the term expiring January 3, 2015.

The Chair, on behalf of the Republican leader, pursuant to Public Law 111–25, announces the appointment of the following individual to serve as a member of the Ronald Reagan Centennial Commission for the life of the commission: The Honorable ORRIN HATCH of Utah vice Robert Bennett.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JUDGE JOHN ROLL

Mr. INHOFE. Madam President, I heard this morning the tributes that were made by Senator JOHN MCCAIN and Senator JOHN KYL about the role that was played by the very heroic judge who lost his life in the tragedy that took place in Tucson.

Shortly after the tragedy, the offices of Senators MCCAIN and KYL reached out to my committee—the committee on which I am ranking member and Senator BOXER is chairman. They talked about how they would go about honoring Judge John Roll by naming the new courthouse that will be constructed in Yuma, AZ, after him.

Many of us have come to know the work of Judge Roll after his tragic, heroic death in the recent shooting where he died protecting Ron Barber, Congresswoman GIFFORDS' district director, and sacrificing himself. My office knew about him before, about Judge Roll's work on behalf of the judicial system in Arizona.

Judge Roll contacted my committee staff last year, after a GAO report criticizing the way Arizona was utilizing their courthouse space. This is a letter from Judge Roll to us:

On behalf of the district of Arizona, I strongly disagree with many of the conclusions in the report, particularly as they relate to Arizona and its attempts to cope with an ever-burgeoning criminal caseload largely arising from border enforcement.

He hoped his response to the report would be helpful to us. It was. We have learned that the problems they have in Arizona on the border are something they have never experienced before. It has put their judicial system into real problems, and consequently this judge was taking a leadership role in reaching out to us to let us know that GAO report was not accurate.

We have had a chance to talk with both Senator MCCAIN and Senator KYL. I sat down with Senator BOXER, who is the chairman of our committee, and talked about what we might be able to do in a very expeditious way. I believe the decision to name the Yuma, AZ, courthouse after Judge Roll is a fitting tribute to a man who served his State with distinction.

The courthouse is a new courthouse, government construction, to help alleviate some of the overcrowding going on in Arizona right now, primarily because of the problems that exist on the border.

I do not know of any time in the years I have been here that a bill has been introduced and then discharged the same day. We all feel strongly enough that this needs to be handled in this way. It is the very least we can do.

Judge Roll was highly regarded by his colleagues and clearly took his judgeship seriously, doing more than simply deciding cases and going home. He was an active advocate for the judicial system in Arizona. I believe we would have had this courthouse named after him upon his retirement had his life not been tragically taken.

Today Senators MCCAIN and KYL introduced S. 188, and I am happy to announce that Senator BOXER and I have discharged S. 188 to the floor on this same day. Anything else I do not think would have been appropriate.

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

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

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. BROWN of Ohio. Mr. President, I come to the floor pretty regularly to read letters from Ohioans, from people in my State, about things in their lives that are important to them. I think in this institution we—all of us, myself included—too often forget the pain of so many people at home who have lost jobs, who have lost hopes, who have lost health care.

I think often about—as I know the Senator from Oregon does—how difficult it would be for a parent to explain to their son or daughter: I lost my job and we lost our health insurance and now we may have to move.

Nobody has worked harder in the Senate than the Presiding Officer from Oregon on fixing HAMP and reforming some of the programs that can help people stay in their homes. I appreciate the work the Presiding Officer does.

My letters today are from people all over Ohio about health insurance. It was a long fight to be able to take on the insurance companies and basically say to the insurance companies: You are not going to run this health care system the way you have, excluding people with preexisting conditions, denying claims after they have turned in their insurance after they have been sick, dealing with all the problems people have.

The business model for health insurance in this country too often has been the insurance companies hire a bunch of bureaucrats to keep people from buying insurance—the preexisting condition exclusion—and then hire a bunch of people on the other end, when someone gets sick and turns in their insurance claims, to try to deny them their claims. I understand insurance companies do that. I do not even blame insurance companies because they are all competing with one another. They may have to do that. But the fact is, it does not work for our health care system.

That is what we fixed last year, and that is what Ohioans understand. I guess I—I do not want to say ''resent,'' but in some ways I do resent when I see conservative Washington politicians, who, for 20 or 25 years, have had taxpayer-financed health insurance for them and their families, and now they want to vote—in the House of Representatives, and some do here—to take away benefits for senior citizens or take away benefits for small businesses or young people who have a preexisting condition or others.

I will not take too long, but I wish to read three or four stories or maybe a handful more than that.

Laura—I will only mention first names. These are letters from people in Ohio who have written me. Laura, from Dayton, in Montgomery County in southwest Ohio, writes:

My youngest nephew has juvenile diabetes and he just started college in-state. Due to the new health care law, he will be able to stay on my older sister's health care insurance plan when he graduates from college.

My third oldest nephew can now go back on my second oldest sister's insurance plan.

It appears [that some in Congress care] more about money than the American people. Please fight for me so I won't have to worry about losing my health insurance plan if I get seriously ill in the future.

This story comes from Christine in Medina County, up close to where I live. It is a county south of Cleveland. She writes:

My name is Christine and I want to tell you the story of Carol . . . my mom. . . .

Nine years ago, my father was downsized. His position of over 40 years was eliminated and so was my parents' health coverage. My father was only a few months shy of retirement so Medicare was available to him and my mom was on COBRA. My mom's employer of over 20 years had just recently shut its doors and while she found work through a temp agency, it was only part-time and she didn't qualify for benefits.

A few months later my mom was diagnosed with Non-Hodgkin's Lymphoma and Emphysema.

Fortunately, her life was not in immediate danger and their lives were coasting along until her COBRA ran out.

COBRA is a plan you pay a lot of money for. Actually, you pay the employer's and the employee's side—yours and the employer's—to get coverage for up to 18 months after you lose your job and your insurance.

Christine writes:

. . . have you ever tried to find healthcare coverage for someone with a history of cancer and emphysema? I can, so from personal experience, it's infuriating, but I was able to find it. It would . . . cost her $1,400 per month—

Mr. President, $1,400 per month—

with a $4,000 deductible per year.

That means she would pay insurance—$1,400 a month. She would not be able to collect on any of her bills until she had already paid an additional $4,000 out of her pocket.

This was more than my parents were bringing home each month so needless to say whatever savings and retirement they had was used up quickly. What other option did [they] have?

During this time, my mom's health deteriorated. She required chemo and several hospital stays due to her lung collapsing. . . . I remember sitting with her in the hospital and listening to how worried she was about how she was going to pay [her] bill.

As if these kinds of illnesses are not bad enough in the stress it causes to a family, the anxiety it causes to a family, on top of that, they just wonder: What do we do about insurance? We know people get sicker and recover more slowly when they have that kind of anxiety about paying the bills.

My parents are good people. My dad is a veteran. They worked their entire lives and sacrificed to give me and my older sisters a better life than they had. They were fortunate to have 3 tireless advocates always looking out for them. Not everyone has that.

She then goes on:

State and Federal programs are what helped my parents. Without them, I honestly don't know where they'd be today.

My hope is that you'll remember my mom and everyone like her. Their lives are depending on it.

She says: State and Federal programs are what helped my mother.

This whole attitude of let's repeal the health care bill and then get the government out of it, and letting individuals take care of themselves is the American way—no, it is not. The American way is Medicare, is Medicaid, is Social Security, is private enterprise, is individualism, is helping one another, is a spirit of community in our communities. It is all that, and it is not get government out of our lives. They are against Social Security and they are against Medicare. Those are not the American values I was raised with and most people I know were raised with.

Michael from Twinsburg, north of Akron, in northeast Ohio, writes:

. . . my 22 year old son—a college student—was kicked off my insurance plan because of his age last year. It now costs $460 a month to insure him.

In January, he will be added back to my policy and it will cost nothing. There is no additional charge to add my son. This is due to the health insurance legislation.

Please [talk about] these good things. Most people do not know this and other good things.

Keep in mind, as I read these, this kind of benefit that goes to Michael's son. If the people in this body and in the other body—the people in the House of Representatives who actually voted to repeal the health care bill—if they have their way—and these are mostly people who they themselves are getting taxpayer-financed health insurance—they want to deny to Michael and his son, they want to deny those kinds of benefits we have voted for, while they, at the same time, are getting taxpayer-financed health insurance. I guess one word would be hypocritical, another would be callous, another would be cold. I do not understand that way of thinking from some of my colleagues.

Steve from Groveport, in Franklin County, Columbus, the center of the State, writes:

I believe the new health care law is one of the greatest things ever done for the middle class. . . .

I am so tired of hearing that [many in] this country [are] against it. Every poll I've seen shows it's split . . . down the middle. The other side . . . has got to be heard!

Steve wrote this a couple weeks ago. I think what we have seen has changed, as people learn more about these benefits. For instance, come January 1, every senior in America can go to the doctor and get, without copays and deductibles, a physical or can get a mammography test or can get screened for osteoporosis or can get colorectal screening.

Seniors also, in the so-called doughnut hole, where they continue to pay a premium but do not get a benefit—under the Bush-constructed health care bill, there is this huge hole that costs people a lot of money—because of the health care bill, because it is law, because the Senator from Oregon and I and others voted for it and the President signed it, those seniors now will see their drug costs during that period cut entirely in half, not taxpayer-subsidized cut in half but the drug companies giving up half of what they were paid.

This is from Donald in Hardin County, northwest of Columbus:

I know firsthand that the lack of necessary medical and dental services for children and students of all ages has created a serious impediment to the learning process. Families with access to a regular source of medical care are more likely to keep the entire family healthy and create a better learning environment within the home.

The health care reforms you helped pass are vital to the nation's economic recovery and a crucial ingredient for great public schools. . . . Moreover, passage of this reform was a moral imperative. . . .

Donald, in addition to what he writes about young people—there is an effort in the Ohio legislature where I believe 30 Republican legislators have legislation to cancel or eliminate universal all-day kindergarten—as if cutting back on children of that age, when children's brains are developing, and they are growing and maturing, especially at those crucial ages of 3, 4, 5, 6 years old—to pull the rug out from under them makes absolutely no sense.

The last letter I will read is from Rachael, who lives in Cincinnati, in southwest Ohio:

I simply wanted to thank you for the Pre-Existing Condition Insurance Plan. It is . . . very important . . . to me.

Your support for health care reform is greatly appreciated. Health insurance for my pre-existing condition will become one less thing I need to worry about. Thank you, thank you, thank you!

I can now concentrate solely on finding a job to replace the one I lost in January. . . .

Again, I hear people say—I have heard this for years. President Bush said it a few times, others have said it: Everybody in this country gets health care. If something is wrong, you go to the hospital, you go to the emergency room.

Well, the emergency room does not take care of you if you have chronic asthma, the emergency room does not take care of you if you have cancer. The emergency room will take care of you if you go in with a heart attack, but the emergency room does not take care of you if you need preventive care to keep you out of the hospital, to make you less likely to have that heart attack.

I read these letters about health insurance. I don't want to debate health insurance legislation anymore. I don't think we need to talk about this. We have passed the law. We have made things better. We have given people who have insurance better insurance now because of these consumer protections. People without insurance now will get assistance. People who have insurance and were about to get thrown off can keep it now.

We need to focus on the real problems in this country that we haven't addressed well enough, one of which is job creation. I am hopeful my colleagues will back off this whole idea of

let's keep debating health insurance and let's keep relitigating this and let's keep rediscussing it and let's try to repeal it. Instead, we can fix some things, as the President said last night, make some minor changes in it. But let's go back to what we need to do: create jobs in this country and help manufacturing.

My State is the third largest manufacturing State in the country. We need to do a lot to make sure that as we innovate, as we do the best innovation in the world and do the best research and development, that those jobs stay in the United States and don't get outsourced. That is our mission, to make sure these jobs are created here.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Oregon, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Oregon, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 7:45 p.m., recessed subject to the call of the Chair and reassembled at 8:25 p.m. when called to order by the Presiding Officer (Mrs. HAGAN).

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of the following resolutions en bloc:

A Wyden-Grassley-McCaskill resolution relative to secret holds, which is at the desk; a Udall of Colorado resolution regarding waiving the reading of an amendment, which is at the desk; S. Res. 8, Senator HARKIN; S. Res. 10, Senator UDALL of New Mexico with a substitute amendment, which is at the desk; and S. Res. 21, Senator MERKLEY, with a substitute amendment, which is at the desk; that there be up to 8 hours of debate, equally divided between the two leaders or their designees, for the purpose of debating these resolutions concurrently; that upon the use or yielding back of time, the substitute amendment to S. Res. 10 be agreed to and the substitute amendment to S. Res. 21 be agreed to; the Senate then proceed to vote in relation to the resolutions in the order listed above with no intervening action or debate; that the following resolutions be subject to a 60-vote threshold for adoption: Wyden-Grassley-McCaskill resolution and Udall of Colorado resolution; that the following remaining resolutions be subject to a threshold of two-thirds of those voting for adoption: S. Res. 8; S. Res. 10, as amended; and S. Res. 21, as amended; that there be no amendments, motions or points of order in order to any of these resolutions prior to the vote in relation to the resolution, except for the substitute amendments to S. Res. 10 and S. Res. 21 listed above; further, that if a resolution fails to achieve the listed threshold for adoption, it be returned to its previous status.

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

Mr. REID. Madam President, I have had a number of conversations this evening with my counterpart, the Republican leader. We on this side have a caucus scheduled for tomorrow at 12:30 and so do the Republicans. These votes are all going to occur after we finish our caucuses anyway, so there are going to be no votes in the morning. The debate will start in the morning. We are going to come in at 10 o'clock. There will be no morning business. It has been suggested we come in at 10:30 because of the inclement weather, and that is fine. There will be no morning business in the morning, and then we will vote immediately on these matters set forth in this agreement.

The weather reports are that the Sun is going to be shining. Tomorrow it will be cold, and we know the streets are bad. But as I have indicated, we are not going to have the votes until tomorrow afternoon, so we hope it will all work out. Senator MCCONNELL and I will visit this issue again if anything untoward happens. We know it would be better if we didn't have this bad weather, but we are not all fortunate enough to live in southern Nevada. Sometimes bad weather does come. That being the case, we have been out of session now for several weeks. We have this organizational stuff that we have to get out of the way so we can start having matters referred out of the committees. So as inconvenient as it is for everyone, we need to move forward.

BOMBING OF SAINTS CHURCH

Mr. DURBIN. Madam President, shortly after midnight Mass during the early hours of New Year's Day, a heinous suicide bombing attack at the Saints Church in Alexandria, Egypt, killed 21 innocent worshippers and injured dozens of others.

My condolences go out to the families of the victims and to the Coptic community. This was a devastating loss for the Christian community in Egypt and Christian communities around the world, including in my home State of Illinois.

I urge the Egyptian government to work swiftly and within the rule of law to bring those responsible for this heinous crime to justice.

The Obama administration already has offered U.S. law enforcement assistance, which I encourage Egypt to accept—particularly in light of findings that indicate al-Qaida or other international terrorism networks were involved.

Unfortunately, this bombing attack is not an isolated incident in Egypt. Just about one year ago, three men armed with automatic weapons killed six Christian churchgoers as they emerged from a Christmas Mass service in the Egyptian town of Naga Hammadi, along with one Muslim off-duty police officer.

While I commend the Egyptian government's quick arrest and ongoing prosecution of the four suspects in that case, the fact that these incidents of violence against their own Christian community have continued in Egypt is very worrying.

Coptic Christians have been practicing their faith in Egypt since antiquity. Egypt is home to some of the oldest Christian schools in the world, where students have been taught theology and the text of the Bible. Coptic Christians are an important part of Egyptian society and make up approximately ten percent of Egypt's population. Protecting them and other religious minorities from acts of violence should be a top priority for the Egyptian government.

The New Year's bombing in Egypt is, unfortunately, also part of a disturbing pattern of violence against religious minorities in the Middle East.

For example, on October 31, 2010, Our Lady of Salvation Church in Iraq was the victim of a vicious attack by an al-Qaida affiliate, where over 50 innocent lives were taken.

Such despicable acts of aggression should not be tolerated. They force minority communities, who deserve greater protection, to live in fear of random acts of violence.

Such violence and discrimination cause members of minority communities to become refugees in their own country or to seek refuge in other countries. The ability of religious minorities to worship freely and safely should be a basic tenent of any modern society.

It is incumbent on Egypt, as a leader in the Middle East, to promote an atmosphere of tolerance where members of all religions are given an equal opportunity to thrive and participate in the life of the country.

Earlier, Senator WHITEHOUSE joined me in a letter to President Mubarak expressing our concern for the protection of minority communities in Egypt, including the lack of representation that Coptic Christians have in government as well as the government's failure to fully prosecute those responsible for acts of violence against Coptic Christians in the past.

We are concerned that the current situation may embolden extremists

and foster increasing religious intolerance and sectarian violence.

I have joined Senator ROBERT MENENDEZ on a resolution condemning the New Year's Day attack in Egypt and expressing condolences to all Egyptians who have suffered from terrorist attacks in the past.

Egypt has a reputation as a peaceful, moderate Arab state, where, as provided under its laws, all faiths are free to practice their religion without fear of retribution or violence. Egypt is a leader in the region and a close friend of the United States. But there is no place in Egyptian society for the kind of extremists who attacked and killed peaceful churchgoers on New Year's Day.

I again express my deepest condolences to the members of Saints Church and join all of America in prayers for the victims of this tragedy.

REMEMBERING SARGENT SHRIVER

Mr. LEAHY. Madam President, I would like to take a moment to pay tribute to a hero of mine, Robert Sargent Shriver. He was a man of real courage, extraordinary idealism, committed to serving this country, and a dear friend.

As a veteran of World War II, the founding director of the Peace Corps, and the driving force behind Lyndon Johnson's war on poverty, Sarge believed in the good things government can do for people. Among his many accomplishments, he gave us the Head Start program, the Job Corps and Legal Services for the Poor, and the Volunteers in Service to America. Later in life he became the U.S. Ambassador to France, and then president of the Special Olympics, an organization founded by his remarkable wife Eunice Kennedy Shriver.

Sargent Shriver's impact on American life was profound. Through the many programs he championed, Sarge had a direct and lasting effect on the lives of millions of Americans. He was wholly committed to helping people and to the ideals he believed our country ought to stand for, and he was tireless and unrelenting in his pursuit of those goals.

The Peace Corps, one of Sarge's most important and long-lasting accomplishments, enables young Americans to serve their country by building understanding between cultures and working to improve the lives of others in developing countries. Shriver's spirit lives on through the Peace Corps, and it is incumbent on all of us to ensure that the agency fulfills his vision, and the vision of President Kennedy.

My friend Bono, a committed advocate in the fight against global poverty, was himself inspired by President Kennedy's call to action and by Sargent Shriver's work to put it into effect. He recently wrote an op-ed which appeared in the New York Times entitled, ''What I Learned From Sargent Shriver.'' In honor of Sarge, I ask unanimous consent that a copy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

[From the New York Times, Jan. 19, 2011]

WHAT I LEARNED FROM SARGENT SHRIVER

(By Bono)

The Irish are still mesmerized by the mythical place that is America, but in the '60s our fascination got out of hand. I was not old enough to remember the sacrifices of the great generation who saved Europe in the Second World War, or to quite comprehend what was going on in Vietnam. But what I do remember, and cannot forget, is watching a man walk on the moon in 1969 and thinking here is a nation that finds joy in the impossible.

The Irish saw the Kennedys as our own royal family out on loan to America. A million of them turned out on J.F.K.'s homecoming to see these patrician public servants who, despite their station, had no patience for the status quo. (They also loved that the Kennedys looked more WASP than any ''Prod,'' our familiar term for Protestant.)

I remember Bobby's rolled-up sleeves, Jack's jutted jaw and the message—a call to action—that the world didn't have to be the way it was. Science and faith had found a perfect rhyme.

In the background, but hardly in the shadows, was Robert Sargent Shriver. A diamond intelligence, too bright to keep in the darkness. He was not Robert or Bob, he was Sarge, and for all the love in him, he knew that love was a tough word. Easy to say, tough to see it through. Love, yes, and peace, too, in no small measure; this was the '60s but you wouldn't know it just by looking at him. No long hair in the Shriver house, or rock 'n' roll. He and his beautiful bride, Eunice Kennedy Shriver, would go to Mass every day—as much an act of rebellion against brutal modernity as it was an act of worship. Love, yes, but love as a brave act, a bold act, requiring toughness and sacrifice.

His faith demanded action, from him, from all of us. For the Word to become flesh, we had to become the eyes, the ears, the hands of a just God. Injustice could, in the words of the old spiritual, ''Be Overcome.'' Robert Sargent sang, ''Make me a channel of your peace,'' and became the song.

Make me a channel of your peace:
Where there is hatred let me bring your love.
Where there is injury, your pardon, Lord,
And where there's doubt, true faith in you.
Oh, Master grant that I may never seek,
So much to be consoled as to console.
To be understood as to understand,
To be loved as to love with all my soul.
Make me a channel of your peace,
Where there's despair in life, let me bring hope.
Where there is darkness, only light,
And where there's sadness, ever joy.

The Peace Corps was Jack Kennedy's creation but embodied Sargent Shriver's spirit. Lyndon Johnson declared war on poverty but Sarge led the charge. These, and the Special Olympics, were as dramatic an incarnation of the ideas at the heart of America as the space program.

Robert Sargent Shriver changed the world more than a few times and, I am happy to say, changed my world forever. In the late '90s, when the Jubilee 2000 campaign—which aimed to cancel the debts that the poorest nations owed to the richest—asked me to help in the United States, I called on the Shriver clan for help and advice. What I got were those things in spades, and a call to arms like a thump in the back.

In the years since, Bobby Shriver—Sarge's oldest son and—I co-founded three fighting units in the war against global poverty: DATA, ONE and (RED). We may not yet know what it will take to finish the fight and silence suffering in our time, but we are flat out trying to live up to Sarge's drill.

I have beautiful memories of Bobby and me sitting with his father and mother at the Shrivers' kitchen table—the same team that gazed over J.F.K.'s shoulder—looking over our paltry attempts at speechifying, prodding and pushing us toward comprehensibility and credibility, a challenge when your son starts hanging round with a bleeding-heart Irish rock star.

Toward the end, when I visited Sarge as a frailer man, I was astonished by his good spirits and good humor. He had the room around him laughing out loud. I thought it a fitting final victory in a life that embodied service and transcended, so often, grave duty, that he had a certain weightlessness about him. Even then, his job nearly done, his light shone undiminished, and brightened us all.

ADDITIONAL STATEMENTS

RECOGNIZING BRUCE RANDOLPH SCHOOL

• Mr. BENNET. Madam President, today I congratulate Bruce Randolph School in Denver, which President Obama recognized in the State of the Union Address for its remarkable turnaround.

Just 3 years ago, Bruce Randolph was one of the lowest performing schools in my home State of Colorado, but last May, 97 percent of the seniors graduated, including many who will be the first in their families to go to college.

I remember as superintendent working with the principal at the time, Kristin Waters, to get these turnaround efforts off the ground, and it is tremendous to see all the progress that has been made on behalf of the students at Bruce Randolph.

The Bruce Randolph community has seen firsthand that school turnarounds are possible, and with hard work and flexibility, we can improve our schools to better prepare our kids for success in college and the 21st century job market. We truly can improve the lives of our kids when teachers, parents, principals and communities come together.

And now we need to work together to bring similar turnaround efforts to other low-performing schools in Colorado and across the country. To build on successes like these, we need to put politics aside, listen to the ideas and aspirations of those closest to our kids, and work together to reform our public schools in a way that supports talented teaching, closes the achievement gap and equips our kids with the skills they are going to need to compete for the jobs of the 21st century.

On a more personal note, for me, for one moment, in a place that sometimes feels so removed from the work being done in classrooms across the country, having the children and teachers of Bruce Randolph invoked as an example of what is possible in public education was very powerful.

Congratulations again to teachers, parents, students and the principal at Bruce Randolph School. This is a great honor for all those involved in the turnaround effort and the continued success at Bruce Randolph School.●

WELLS WOOD TURNING & FINISHING, INC.

● Ms. SNOWE. Madam President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I have the privilege of hearing countless small business success stories from hard-working entrepreneurs across the country. And these stories are all the more gratifying when they involve companies located in my home State of Maine. Today I recognize the extraordinary achievements of Wells Wood Turning & Finishing, Inc., a small firm which recently celebrated several major milestones in the company's history.

Wells Wood Turning, located in the western Maine town of Buckfield, specializes in turning, finishing, and manufacturing a variety of custom wood products. Wells fashions a number of traditional wooden handles, knobs, and table legs, in addition to all manner of custom craft turnings, like bird houses, salt and pepper shakers, and napkin rings. The company also produces wooden toy parts, and miniature and promotional baseball bats. Wells Wood Turning primarily uses white birch in the construction of its products, but also utilizes other species of wood, such as ash, maple, and hickory.

In December, Wells Wood Turning marked two significant milestones. First was the company's 25th anniversary, which is a major accomplishment in any industry, much less Maine's competitive wood products industry. And December 24 marked the company's 18th year without a lost time accident at its plant, a truly remarkable feat. These milestones are a testament to the company's skilled workforce and their diligent efforts to promote a strong and safe working environment. I congratulate Tom Wallace, the company's president, and everyone at Wells Wood Turning for their dedicated service and impeccable record of quality and safety over the past quarter century.

A member of the Maine Wood Products Association and the Wood Products Manufacturers Association, Wells Wood Turning & Finishing has proven itself to be an exemplary small business. With a commitment to serving the customer by providing striking wood products, designed to the customers' specifications and in a timely manner, Wells Wood Turning has earned a reputation for fine craftsmanship. I again thank Tom Wallace and everyone at Wells Wood Turning for their strong work ethic and extraordinary safety record, and wish them continued success.●

REMEMBERING GENERAL VANG PAO

● Mr. WHITEHOUSE. Madam President, today I commemorate the recent passing of an iconic figure from a bygone era—a man who, with the help of his loyal Hmong people, kept what some estimate to be as many as 70,000 North Vietnamese soldiers from deploying through Laos to kill Americans during the Vietnam war.

General Vang Pao, the military leader of the mountain-dwelling Laotian Hmong during this era, was already at war with Pathet-Lao communist forces in Laos when the United States began working with him. The goal of the U.S. in Laos at the time was to prevent North Vietnamese from using Laos as a supply line for their attacks on South Vietnam along what was known as the Ho Chi Minh Trail. Unfortunately for the Hmong, who lived in the mountainous jungles between Laos and North Vietnam, their homes were located along this trail.

Vang Pao told the New York Times in 2008 that ''There were three missions that were very important that were given to us and to me . . . One was stopping the flow of the North Vietnamese troops through the Ho Chi Minh Trail to go to the south through Laos. Second was to rescue any American pilots during the Vietnam War. Third, to protect the Americans that navigated the B–52s and the jets to bomb North Vietnam.''

Bill Lair, Vang Pao's contact with the CIA, recounted Vang Pao saying, ''You give us the weapons, and we'll fight the communists.'' And so began a covert war in Laos in which thousands of Vang Pao's Hmong soldiers gave their lives, always persevering despite very heavy casualties.

To his mountain people and even to some of his CIA contacts, Vang Pao had a larger-than-life status. He shared meager food rations with his troops, commanded from the field instead of his headquarters, and led troops on the frontlines of battles, where he suffered bullet wounds to his arm and chest.

Vang Pao was known to have stated, ''If we die, we die together. Nobody will be left behind.'' These words proved tragic as the Vietnam war came to an end. U.S. forces evacuated Vang Pao and his leadership but were unable to mount an evacuation of the majority of his people. Vang Pao and his top associates were forced to leave Laos as over 20,000 of their compatriots stood on an airstrip in the mountains, waiting to be evacuated by their U.S. supporters as the enemy quickly approached. The evacuation never occurred. Thousands were left behind and killed as communist forces completed their invasion.

Today, many Hmong reside in poverty-stricken resettlement villages in Laos. A few thousand still remain in the mountains, where there are allegations that they have been persecuted in recent years. And many have resettled in the United States. Minnesota, California, Wisconsin, and Rhode Island are proud to have Hmong call our States their home.

In 1997, the Clinton administration authorized a plaque to be placed at Arlington National Cemetery stating that the valor of General Vang Pao's troops would never be forgotten. As my colleague from Minnesota told Minnesota's Star Tribune, there would be a few thousand more names on the Vietnam Veterans Memorial were it not for the efforts of the Hmong. Today, we in the Senate and thousands of Hmong throughout the world remember the bravery and dedication Vang Pao and his troops exercised while fighting to uphold democracy and protect the lives of so many young Americans at War in Southeast Asia.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13396 ON FEBRUARY 7, 2006, WITH RESPECT TO THE SITUATION IN OR IN RELATION TO CÔTE D'IVOIRE—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2011.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council

in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. In March 2007, the Ouagadougou Political Agreement was signed by the two primary protagonists in Côte d'Ivoire's conflict. As demonstrated by recent events surrounding the presidential election in Côte d'Ivoire, the situation in or in relation to Côte d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.

THE WHITE HOUSE, *January 26, 2011*.

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Novotny, announced that pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), the Democratic leader appoints the following Member to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of 6 years: TERRI A. SEWELL of Alabama.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 162. A bill to cut $500,000,000,000 in spending in fiscal year 2011.

S. 163. A bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

H.R. 2. An act to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

MEASURES READ THE FIRST TIME ON JANUARY 25, 2011

The following bills were read the first time:

H.R. 2. An act to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

S. 162. A bill to cut $500,000,000,000 in spending in fiscal year 2011.

S. 163. A bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 192. A bill to repeal the job—killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

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–123. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–625 ''Department of Health Functions Clarification Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–124. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–626 ''Performance Parking Extension Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–125. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–627 ''Extension of Time Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–126. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–628 ''Fiscal Year 2011 Income Tax Secured Revenue Refunding Bond Issuance Temporary Approval Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–127. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–629 ''Fiscal Year 2011 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–128. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–630 ''Veterans License Plates Authorization Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–129. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–631 ''Artist Protection Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–130. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–632 ''Samuel J. Simmons NCBA Estates No. 1 Limited Partnership Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–131. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–634 ''District of Columbia Uniform Law Commission Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–132. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–635 ''Saving D.C. Homes from Foreclosure Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–133. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–636 ''Alternative Money Lending and Services Reform Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–134. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–637 ''Computation of Gross Income Clarification Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–135. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–638 ''Annual Financial Reporting Modernization Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–136. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–639 ''Closing of a Public Alley in Square 0441, S.O. 09–8516, Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–137. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–640 ''Settlement Payment Integrity Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–138. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–641 ''14W and Anthony Bowen YMCA Project Tax Abatement Implementation Clarification Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–139. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–642 ''Long-Term Care Ombudsman Program Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–140. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–643 ''Capital Access Program Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–141. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–644 ''Closing of G Street, S.E., adjacent to Square 1104, S.O. 06–5665, Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–142. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–645 ''Processing Sales Tax Clarification Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–143. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–646 ''Reverend Donald Robinson Field Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–144. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–647 ''District of Columbia Good Time Credits Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–145. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–648 ''Miss B's Center, the Bernice Elizabeth Fonteneau Building Designation Act of 2010''; to the Committee on

Homeland Security and Governmental Affairs.

EC–146. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–649 ''Rental Housing Commission Reform Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–147. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–650 ''Rental Housing Act Extension Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–148. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–149. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Re-Issuance of the Prevention of Significant Deterioration Applicability Determination for the Carlsbad Energy Center Project, Carlsbad, CA'' (FRL No. 9256–9) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC–150. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation of the Rural PACE Provider Grant Program''; to the Committee on Finance.

EC–151. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program: Final Fiscal Year 2009 and Preliminary Fiscal Year 2011 Disproportionate Share Hospital Allotments, and Final Fiscal Year 2009 and Preliminary Fiscal Year 2011 Institutions for Mental Diseases Disproportionate Share Hospital Limits'' (RIN0938-AQ44) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC–152. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare, Medicaid, and Children's Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers'' (RIN0938-AQ20) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Finance.

EC–153. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans'' (Notice 2011–1) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC–154. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Initial Guidance on the Application of Section 162(m)(6)'' (Notice 2011–2) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC–155. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Over-the-Counter Drugs—Additional Guidance'' (Notice 2011–5) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC–156. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2011–7) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Finance.

EC–157. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Notice 2010–71'' (Notice 2011–9) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Finance.

EC–158. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Permitted Disparity in Employer-Provided Contributions or Benefits'' (Revenue Ruling 2011–3) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC–159. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Inflation Adjusted Items for 2011'' (Rev. Proc. 2011–12) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC–160. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of CC:INTL No-Rule Revenue Procedure, Rev. Proc. 2010–7'' (Revenue Procedure 2011–7) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC–161. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Section 7216 Regulations—Disclosure or Use of Information By Preparers of Returns'' ((RIN1545-BI86)(TD 9478)) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Finance.

EC–162. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0190–2010-0197); to the Committee on Foreign Relations.

EC–163. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0001–2011-0006); to the Committee on Foreign Relations.

EC–164. A communication from the Program Manager, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Permanent Certification Program for Health Information Technology'' (RIN0991-AB59) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–165. A communication from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–49; Small Entity Compliance Guide'' (FAC 2005–49) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–166. A communication from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Public Access to the Federal Awardee Performance and Integrity Information System'' ((RIN9000-AL96)(FAC 2005-49)) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–167. A communication from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–49; Introduction'' (FAC 2005–49) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–168. A communication from the Executive Director of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's annual FAIR Act Inventory Summary for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–169. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–170. A communication from the Regulatory Officer, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2010 Tariff-Rate Quota Year'' (7 CFR Part 6) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–171. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Payments to Deceased Persons'' (RIN0560-AH91) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–172. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Required Scale Tests'' (RIN0580-AB10) received during adjournment of the Senate in the Office of

the President of the Senate on January 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–173. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Highly Pathogenic Avian Influenza'' (Docket No. APHIS-2006-0074) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–174. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mefenoxam; Pesticide Tolerances'' (FRL No. 8855–1) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–175. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazifop-P-butyl; Pesticide Tolerances'' (FRL No. 8861–1) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–176. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazinam; Pesticide Tolerances'' (FRL No. 8859–3) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–177. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfentrazone; Pesticide Tolerances'' (FRL No . 8860–1) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–178. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the Oversight of Caron Markets Working Group's report entitled ''Report on the Oversight of Existing and Prospective Carbon Markets'' received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–179. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes'' (FRL No. 9247–8) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Environment and Public Works.

EC–180. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Rules and Regulations for Control of Air Pollution; Permitting of Grandfathered and Electing Electric Generating Facilities'' (FRL No. 9248–9) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Environment and Public Works.

EC–181. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Testing of Certain High Production Volume Chemicals; Second Group of Chemicals'' (FRL No. 8846–9) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Environment and Public Works.

EC–182. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Alaska: Adequacy of Alaska Municipal Solid Waste Landfill Permit Program'' (FRL No. 9247–6) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Environment and Public Works.

EC–183. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Fossil-Fuel-Fired, Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'' (FRL No. 9255–1) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Environment and Public Works.

EC–184. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard for the New Jersey Portion of the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area'' (FRL No. 9255–5) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC–185. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard for the Delaware, Maryland, and Pennsylvania portions of the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area'' (FRL No. 9251–7) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC–186. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standard'' (FRL No. 9250–6) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC–187. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation 1'' (FRL No. 9209–3) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC–188. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Lead Standards and Related Reference Conditions, and Update of Appendices'' (FRL No. 9255–9) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC–189. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Flat Wood Paneling Coatings'' (FRL No. 9256–2) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC–190. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Testing of Certain High Production Volume Chemicals; Second Group of Chemicals; Technical Correction'' (FRL No. 8862–6) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC–191. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Antelope Valley Air Quality Management District, Ventura County Air Pollution Control District and Placer County Air Pollution Control District'' (FRL No. 9249–5) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC–192. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9249–2) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC–193. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Removal of Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Alabama'' (FRL No. 9259–8) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC–194. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air

Quality Implementation Plans; Tennessee; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Nashville, Tennessee area'' (FRL No. 9259–2) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC–195. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Removal of Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Mississippi'' (FRL No. 9259–7) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC–196. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identifying and Listing Hazardous Waste Exclusion'' (FRL No. 9259–1) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC–197. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard; Withdrawal of Direct Final Rule'' (FRL No. 9258–7) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC–198. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Format and Content of Plant-Specific Pressurized Thermal Shock Safety Analysis Reports for Pressurized Water Reactors'' (Regulatory Guide 1.154) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Environment and Public Works.

EC–199. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Wildlife Refuge Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''2010–2011 Refuge-Specific Hunting and Sport Fishing Regulations—Additions'' (RIN1018-AX20) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Environment and Public Works.

EC–200. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice of Availability of the Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-513, Revision 3, ''Revise PWR Operability Requirements and Actions for RCS Leakage Instrumentation'' (NRC-2009-0444) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Environment and Public Works.

EC–201. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Nuclear Critically Safety Standards for Fuels and Materials Facilities'' (Regulatory Guide 3.71, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Environment and Public Works.

EC–202. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–611 ''Wayne Place Senior Living Limited Partnership Real Property Tax Exemption Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–203. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–612 ''2323 Pennsylvania Avenue Southeast Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–204. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–613 ''Thirteenth Church of Christ Real Property Tax Relief and Exemption Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–205. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–614 ''800 Kenilworth Avenue Northeast Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–206. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–615 ''Randall School Disposition Restatement Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–616 ''Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–617 ''African American Civil War Memorial Freedom Foundation, Inc., African-American Civil War Museum Approval Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–633 ''Prevention of Child Abuse and Neglect Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–210. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2009–027, Personal Identity Verification of Contractor Personnel'' ((RIN9000–AL60)(FAC 2005–48)) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–211. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2009–031, Terminating Contracts'' ((RIN9000-AL56)(FAC 2005–48)) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–212. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2011–005, Repeal of the Small Business Competitiveness Demonstration Program'' ((RIN9000–AL87)(FAC 2005–48)) received during adjournment of the Senate in the Office of the President of the Senate on January 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–213. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2009–018, Payrolls and Basic Records'' ((RIN9000–AL53)(FAC 2005–48)) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–214. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–215. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Homeland Security and Governmental Affairs.

EC–216. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to a nomination in the position of Principal Deputy Director of National Intelligence; to the Select Committee on Intelligence.

EC–217. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to an order that would cancel construction debt assessed against Indian-owned lands within the Flathead Indian Irrigation Project; to the Committee on Indian Affairs.

EC–218. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a report entitled ''Funding Requirements for Contract Support Costs of Self-Determination Contracts Fiscal Year 2009 Report''; to the Committee on Indian Affairs.

EC–219. A communication from the Deputy General Counsel, Office of Government Contracting, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Women-Owned Small Business Federal Contract Program'' (RIN3245–AG06) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Small Business and Entrepreneurship.

EC–220. A communication from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Veteran-Owned Small Business Verification Guidelines'' (RIN2900–AM78) received during adjournment of Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. McCAIN (for himself and Mr. KYL):

S. 188. A bill to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the ''John M. Roll United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. MORAN (for himself, Ms. CANTWELL, Mr. ROBERTS, Mrs. MURRAY, Mr. BLUNT, Mrs. McCASKILL, and Mr. GRAHAM):

S. 189. A bill to require the Secretary of Defense, in awarding a contract for the KC–X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess; to the Committee on Armed Services.

By Mrs. HUTCHISON:

S. 190. A bill to amend title 23, United States Code, to prohibit the imposition of new tolls on the Federal-aid system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 191. A bill to direct the Department of Homeland Security to undertake a study on emergency communications; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. McCAIN, Mr. McCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, Mr. WICKER, Mr. KIRK, Ms. SNOWE, and Mr. ENZI):

S. 192. A bill to repeal the job—killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010; read the first time.

By Mr. LEAHY:

S. 193. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself, Mr. COBURN, and Mr. JOHANNS):

S. 194. A bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions; to the Committee on Finance.

By Mr. REID of Nevada (for Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE)):

S. 195. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

By Mr. GRASSLEY:

S. 196. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice President, Members of Congress, political appointees, and congressional staff; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself, Mr. INHOFE, Mr. VITTER, Mr. BURR, Mr. CORNYN, and Mr. ALEXANDER):

S. 197. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 198. A bill to require the return and redistribution among State transportation departments of certain unexpended highway funding; to the Committee on Environment and Public Works.

By Mr. CASEY:

S. 199. A bill to require the obligation of certain highway funding within a 3-year period; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 200. A bill for the relief of Alemseghed Mussie Tesfamical; to the Committee on the Judiciary.

By Mr. McCAIN (for himself and Mr. KYL):

S. 201. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PAUL (for himself, Mr. DEMINT, and Mr. VITTER):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH:

S. 203. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to institute research into the special circumstances associated with oil spill prevention and response in Arctic waters, including assessment of impacts on Arctic marine mammals and other wildlife, marine debris research and removal, and risk assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 204. A bill to amend the Oil Pollution Act of 1990 to permit funds in the Oil Spill Liability Trust to be used by the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies for certain research, prevention, and response capabilities with respect to discharges of oil, for environmental studies, and for grant programs to communities affected by oil spills on the outer Continental Shelf, and to provide funding for such uses and for other purposes; to the Committee on Finance.

By Mr. BEGICH:

S. 205. A bill to amend the Outer Continental Shelf Lands Act to require that oil produced from Federal leases in certain Arctic waters be transported by pipeline to onshore facilities and to provide for the sharing of certain outer Continental Shelf revenues from areas in the Alaska Adjacent Zone; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. ALEXANDER, and Mr. ENSIGN):

S. 206. A bill to reauthorize the DC Opportunity Scholarship Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LEAHY, Mr. REID of Nevada, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 207. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 208. A bill to amend the Internal Revenue Code of 1986 to extend the 100 percent exclusion for gain on certain small business stock; to the Committee on Finance.

By Mr. KIRK:

S. 209. A bill to prohibit the use of funds to transfer individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, and certain other enemy belligerents to the United States; to the Committee on Armed Services.

By Mr. COBURN (for himself and Mr. WARNER):

S. 210. A bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. CORNYN, Mr. CRAPO, Mr. INHOFE, Mr. McCAIN, Mr. GRASSLEY, Mr. ROBERTS, Mr. LUGAR, Mr. BURR, Ms. SNOWE, Mr. ENSIGN, Mr. ISAKSON, Mr. BARRASSO, Mr. JOHANNS, Mr. CHAMBLISS, Ms. AYOTTE, Mr. PORTMAN, Mr. BLUNT, Mr. HOEVEN, and Mr. KIRK):

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON of Florida (for himself, Mr. KERRY, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. CASEY, Mr. LAUTENBERG, Mr. LUGAR, Mr. CORKER, Mr. MENENDEZ, Mr. RUBIO, and Ms. LANDRIEU):

S. Res. 26. A resolution recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the Haitian people; considered and agreed to.

By Mr. WEBB:

S. Res. 27. A resolution designating January 26, 2011, as ''National Kawasaki Disease Awareness Day''; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Con. Res. 4. A concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1, a bill to strengthen the economic competitiveness of the United States.

S. 7

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 7, a bill to reform the Federal tax code.

S. 18

At the request of Mr. JOHANNS, the names of the Senator from Kentucky (Mr. PAUL) and the Senator from Mississippi (Mr. COCHRAN) were added as

cosponsors of S. 18, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations and for other purposes.

S. 19

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 20

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

S. 21

At the request of Mr. REID, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 21, a bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 34

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 34, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 49

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 49, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 72

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 72, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 75

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 75, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 81

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 167

At the request of Mr. ENSIGN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 167, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. RES. 10

At the request of Mr. UDALL of New Mexico, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 10, a resolution to improve the debate and consideration of legislative matters and nominations in the Senate.

S. RES. 20

At the request of Mr. JOHANNS, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

S. RES. 21

At the request of Mr. MERKLEY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. SANDERS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 21, a resolution to amend the Standing Rules of the Senate to provide procedures for extended debate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. KYL):

S. 188. A bill to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the ''John M. Roll United States Courthouse''; to the Committee on Environment and Public Works.

Mr. MCCAIN. Mr. President, I wish to introduce legislation to name the United States courthouse in Yuma, AZ, the John M. Roll United States Courthouse. Is that legislation at the desk?

The ACTING PRESIDENT pro tempore. The bill will be received.

Mr. MCCAIN. Madam President, I am pleased to introduce legislation, along with Senator KYL, that would designate the soon-to-be-constructed Federal courthouse in Yuma, AZ, to be named in honor of Chief Judge John Roll, who died tragically during the senseless act of violence against Congresswoman GIFFORDS and other Arizonans in Tucson earlier this month. I had the distinct privilege of knowing and working with Chief Judge Roll for many years. In fact, it was my honor to recommend him to President George Herbert Walker Bush for nomination to the Federal bench in 1991. He served with distinction. Most recently, Judge Roll became known by so many in the State of Arizona, the Judicial Conference, and many in Congress as a tireless advocate for the plaintiffs, defendants, and judges in Arizona by working to secure additional funding and resources to assist the court in its heavy caseload.

The morning of the shooting, Judge Roll was in line to speak to Congresswoman GIFFORDS, who was also a friend, about his efforts to have the Ninth Circuit declared a judicial emergency in the District of Arizona. He died doing what he did each and every day: working to guarantee the Federal courts in our State were capable of handling the growing caseload, while ensuring swift justice for all.

Judge Roll exemplified the qualities all Presidents should seek in candidates for the Federal bench: intelligence, humility, integrity, and fidelity to the law. He embodied all these qualities and many more. Additionally, he was known as a kind neighbor, a dedicated father and husband, and a loyal friend. He will now be known also as a hero.

The Arizona Daily Star reported on January 20, 2011:

> Surveillance footage of the January 8 shooting campaign in Tucson showed that Judge Roll used his body as a shield to cover the wounded Ron Barber. Roll then took a bullet to the back and lost his life in the process.
>
> ''The judge is a hero,'' Pima County sheriff's Bureau Chief Rick Kastigar said.

The article states that the suspected gunman:

> . . . shot Barber, Giffords' district director. Almost simultaneously, Roll moved Barber toward the ground and both crawled beneath

a table, Kastigar said. Roll then got on top of Barber.

''Judge Roll is responsible for directing Mr. Barber out of the line of fire and helped save his life,'' Kastigar said.

Barber told the Arizona Daily Star:

That just gives me more admiration for the judge than I ever had. . . . John Roll was a dear, dear man.

Barber and Judge Roll had been friends for many years, dating back to their days as college students at the University of Arizona. Most recently, they worked together with the Arizona congressional delegation to secure funding for a new Federal courthouse in Yuma, AZ, to alleviate the congestion at the Tucson Federal courthouse. In fact, Judge Roll had just reviewed the architectural drawings of the new courthouse weeks before his death and told my office he was very pleased with the design.

It is the hope of myself and Senator KYL and every Member of the Arizona delegation that the architectural designs will soon include the name of Chief Judge John Roll prominently on the building. This esteemed jurist, friend, and hero deserves this honor and much more. Our State has lost a good man, a true and able advocate for justice for all, and a great Arizonan. For this reason, I ask my fellow Senators to join me in passing this legislation to allow the new Yuma Federal courthouse to be proudly known as the John M. Roll United States Courthouse.

Mr. KYL. Mr. President, my State has lost an outstanding jurist, a true and able public servant, and a great Arizonan in Judge John M. Roll. In his honor, my Arizona colleague, Senator MCCAIN, and I propose naming the soon-to-be constructed Yuma Federal courthouse the ''Judge John M. Roll United States Courthouse.''

Judge John Roll was the top proponent for the addition of a new courthouse in Yuma, which is intended to help deal with the vast number of Federal cases in the underserved Yuma sector. He was involved in nearly every aspect of its approval, working tirelessly to overcome the many obstacles that arose during the process and spending countless hours poring over designs and meeting with architects and contractors. Without Judge Roll's energy and enthusiasm the project may not have been accomplished.

We name special places after special people not just to thank them, although we do, but to honor the qualities that make them exceptional and distinct.

I had the privilege and honor of working with Judge John Roll for many years. He was known for his fairness to all who appeared in his courtroom, both plaintiffs and defendants. As chief judge, he was a vigorous advocate, working to guarantee the Federal courts in Arizona were capable of handing their extraordinary caseload. In fact, he died protecting the life of a member of Representative GIFFORD's staff with whom he had just been discussing the need to designate the need for more judges as a judicial emergency.

We are eternally grateful for his many years of public service. I believe naming the courthouse in his honor befits the rich legacy he leaves behind.

I urge my colleagues to support this legislation in honor of my friend Judge John Roll.

By Mr. LEAHY:

S. 193. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, Congress now faces a deadline to take action on the expiring provisions of the USA PATRIOT Act. The bill I introduce today, the USA PATRIOT Act Sunset Extension Act of 2011, will preserve law enforcement techniques that are set to expire on February 28, 2011, and extend them to December 2013. This bill will also promote transparency and expand privacy and civil liberties safeguards in current law. It increases judicial oversight of government surveillance powers that capture information on Americans. This is a package of reforms that all Americans should support. In fact, a bipartisan group of Senators on the Judiciary Committee voted in favor of it in the last Congress.

In the 111th Congress, the Judiciary Committee reported virtually identical legislation, S. 1692, with bipartisan support, including the votes of Senators KYL and CORNYN. Subsequent negotiations produced a package that was endorsed by the Attorney General and the Director of National Intelligence. Because Congress did not act on that negotiated package of reforms, but instead passed an extension of the expiring authorities until February 28, 2011, I took steps to see that key portions of the package were implemented administratively by the Department of Justice.

Even with this progress, enacting the USA PATRIOT Act Sunset Extension Act of 2011 remains imperative for several reasons. First, surveillance authorities are set to expire in a matter of weeks. We should not play politics with national security by delaying debate over these issues until the 11th hour. I am prepared to extend the sunsets on the three expiring provisions to December 2013, the same sunset date I included in S.1692RS, the bill I introduced in the 111th Congress. Earlier this month, a bill was introduced in the House of Representatives to extend the expiring provisions only until February 2012, an expiration date chosen deliberately to try to force a debate over national security in an election year. My bill sets a longer sunset period, which law enforcement strongly favors.

Second, the Senate should pass the USA PATRIOT Act Sunset Extension Act of 2011 to codify the steps forward that the Attorney General has taken by implementing parts of the bill administratively. The reforms adopted by this Attorney General could be undone by a future Attorney General with the stroke of a pen. We must ensure that the progress in accountability and transparency that we achieved last year is not lost simply because it was never written into the statute.

Third, we must enact the parts of the bill that the Attorney General did not or could not adopt because they require a change in the statute. Chief among these is adding a new sunset on National Security Letters. Second is repealing the presumption in favor of the government that a judge must honor when he or she reviews an application for a section 215 order for business records. The government does not need this presumption. In fact, the Attorney General endorsed the repeal of the presumption when he expressed his support for the bill in the prior Congress.

When this bill was considered by the Judiciary Committee in the 111th Congress, it received a bipartisan vote. Members of the committee agreed to continue discussions over a handful of provisions to ensure that the final language promoted transparency, protected civil liberties, and aided law enforcement. I appreciate the votes of Senators KYL and CORNYN in favor of the reported bill. In the weeks following the 2009 markup, this bipartisan group of Senators worked closely with me and Senator FEINSTEIN to reach an agreement on language that each Senator supported, and that the Department of Justice endorsed. In a letter dated November 9, 2009, the Attorney General strongly endorsed the bill and stated unequivocally that the bill did not pose any operational concerns. That support was reaffirmed in a letter from the Attorney General and the Director of National Intelligence to Senate and House leadership on February 19, 2010.

The bill I introduce today is virtually identical to the product of those negotiations. It includes only two noncontroversial updates. First, the new bill updates the deadlines by which the Department of Justice must issue public reports. This modification simply reflects the fact that more than 1 year has passed since the original dates were written into the bill. Second, the section of the bill that previously required the Department of Justice to establish minimization procedures for National Security Letters is redrafted to reflect that fact that the Department adopted such procedures in October 2010. Otherwise, this bill is the same in substance as that which was supported by a bipartisan majority of the Senate Judiciary Committee in 2009.

We must move quickly, in advance of the looming deadline, to pass this bipartisan package. We can preserve the authorities currently in place, which give law enforcement the tools it needs to protect national security. And we can ensure that inspectors general, the

Congress, and the public maintain vigilant oversight of the government, making sure these authorities are used properly and within Constitutional bounds. I urge all Senators to support the USA PATRIOT Act Sunset Extension Act of 2011.

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. 193

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 ''USA PATRIOT Act Sunset Extension Act of 2011''.

SEC. 2. SUNSETS.

(a) SECTIONS 206 AND 215 SUNSET.—

(1) IN GENERAL.—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 ''February, 28, 2011'' and inserting '' December 31, 2013''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 3 of this Act, is amended—

(i) in the table of contents in the first section, by striking the items relating to title V and sections 501, 502, and 503 and inserting the following:

''TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES

''Sec. 501. Definitions.

''Sec. 502. Access to certain business records for foreign intelligence and international terrorism investigations.'';

(ii) in title V (50 U.S.C. 1861 et seq.)—

(I) in the title heading, by striking ''AND OTHER TANGIBLE THINGS''; and

(II) by striking section 503; and

(iii) in section 601(a)(1)(D) (50 U.S.C. 1871(a)(1)(D)), by striking ''section 501;'' and inserting ''section 502 or under section 501 pursuant to section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);''.

(B) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2477) is amended by striking the period at the end and inserting '', except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

'' ''(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);'.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on December 31, 2013.

(b) INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.—

(1) EXTENSION OF SUNSET.—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note) is amended to read as follows:

''(b) SUNSET.—

''(1) REPEAL.—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

''(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) 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.''.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting ''pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note);''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on December 31, 2013.

(c) NATIONAL SECURITY LETTERS.—

(1) REPEAL.—Effective on December 31, 2013—

(A) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(B) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(C) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), read on October 25, 2001;

(D) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(E) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2013—

(A) section 3511 of title 18, United States Code, is amended—

(i) in subsections (a), (c), and (d), by striking ''or 627(a)'' each place it appears; and

(ii) in subsection (b)(1)(A), as amended by section 6(b) of this Act, by striking ''section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)'' and inserting ''section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)'';

(B) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(i) in subparagraph (C), by adding ''and'' at the end;

(ii) in subparagraph (D), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (E); and

(C) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

SEC. 3. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND TANGIBLE THINGS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by inserting ''**AND OTHER TANGIBLE THINGS**'' after ''**CERTAIN BUSINESS RECORDS**'';

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking ''a statement of facts showing'' and inserting ''a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant''; and

(ii) by striking ''clandestine intelligence activities,'' and all that follows and inserting ''clandestine intelligence activities;''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) if the records sought are the circulation records or patron lists of a library (as defined in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)), a statement of facts showing that there are reasonable grounds to believe that the records sought—

''(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(ii)(I) pertain to a foreign power or an agent of a foreign power;

''(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

''(C) a statement of proposed minimization procedures.''; and

(3) in subsection (c)(1)—

(A) by inserting ''and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)'' after ''subsections (a) and (b)'';

(B) by inserting '', and directing that the minimization procedures be followed'' after ''release of tangible things''; and

(C) by striking the second sentence.

(b) TRANSITION PROCEDURES.—Notwithstanding the amendments made by this Act, an order entered under section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

''SEC. 503. DEFINITIONS.

''In this title, the terms 'Attorney General', 'foreign intelligence information', 'international terrorism', 'person', 'United States', and 'United States person' have the meanings given such terms in section 101.''.

(2) TITLE HEADING.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by inserting ''AND OTHER TANGIBLE THINGS'' after ''CERTAIN BUSINESS RECORDS''.

(3) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(A) by striking the items relating to title V and section 501 and inserting the following:

''TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

''Sec. 501. Access to certain business records and other tangible things for foreign intelligence purposes and international terrorism investigations.''; and

(B) by inserting after the item relating to section 502 the following:

''Sec. 503. Definitions.''.

SEC. 4. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) APPLICATION.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)—

(A) by striking ''a certification by the applicant'' and inserting ''a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) a statement of whether minimization procedures are being proposed and, if so, a statement of the proposed minimization procedures.''.

(b) MINIMIZATION.—

(1) DEFINITION.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

''(4) The term 'minimization procedures' means—

''(A) specific procedures, that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the retention, and prohibit the dissemination, of nonpublicly available information known to concern unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

''(B) procedures that require that nonpublicly available information, which is not foreign intelligence information shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

''(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.''.

(2) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(A) in subsection (d)(1), by striking ''the judge finds'' and all that follows and inserting the following: ''the judge finds—

''(A) that the application satisfies the requirements of this section; and

''(B) that, if there are exceptional circumstances justifying the use of minimization procedures in a particular case, the proposed minimization procedures meet the definition of minimization procedures under this title.''; and

(B) by adding at the end the following:

''(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with any applicable minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.''.

(3) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

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

(B) by inserting after subsection (b) the following:

''(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures be followed, if appropriate.''.

(4) USE OF INFORMATION.—Section 405(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)(1)) is amended by striking ''provisions of this section'' and inserting ''minimization procedures required under this title''.

(c) TRANSITION PROCEDURES.—

(1) ORDERS IN EFFECT.—Notwithstanding the amendments made by this Act, an order entered under section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(2) EXTENSIONS.—A request for an extension of an order referred to in paragraph (1) shall be subject to the requirements of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this Act.

SEC. 5. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that the Director of the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of this title, unless an appropriate official of the Federal Bureau of the Investigation makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a recipient has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request or order;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request or order for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D) PROHIBITION OF CERTAIN DISCLOSURE.—

''(i) PROHIBITION.—

''(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

''(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

''(aa) a danger to the national security of the United States;

''(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(cc) interference with diplomatic relations; or

''(dd) danger to the life or physical safety of any person.

''(ii) EXCEPTION.—

''(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(aa) those persons to whom disclosure is necessary in order to comply with the request;

''(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

''(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(II) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(III) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

''(IV) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(iii) RIGHT TO JUDICIAL REVIEW.—

''(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement.

''(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

''(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the authorized investigative agency described in subsection (a) makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

SEC. 6. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''a production order'' and inserting ''a production order or nondisclosure order''; and

(ii) by striking ''Not less than 1 year'' and all that follows; and

(B) in clause (ii), by striking ''production order or nondisclosure''; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific and articulable facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.''.

(c) MINIMIZATION.—Section 501(g)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)(1)) is amended by striking ''Not later than'' and all that follows and inserting ''At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.''.

SEC. 7. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, as amended by this Act, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there

are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking ''FORM OF CERTIFICATION'' and inserting ''CERTIFICATION'';

(2) by striking ''The certification'' and inserting the following:

''(1) FORM OF CERTIFICATION.—The certification''; and

(3) by adding at the end the following:

''(2) WRITTEN STATEMENT.—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subparagraph (A).''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) is amended by adding at the end the following:

''(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained by the authorized investigative agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized inquiry or investigation described in paragraph (3)(A)(ii).''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510(e) of title 18, United States Code, is amended by striking ''section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)),'' and inserting ''section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) and 3414(a)(5)(D)(i)),''.

(2) SEMIANNUAL REPORTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraph (6) as paragraph (4).

SEC. 8. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

''(c) REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'applicable period' means—

''(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the USA PATRIOT Act Sunset Extension Act of 2011 and ending on December 31, 2011; and

''(ii) with respect to the second report submitted under paragraph (2) or (3), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report; and

''(B) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(2) CLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 436) during the applicable period.

''(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

''(i) the number of authorized requests under the provision, including requests for subscriber information; and

''(ii) the number of authorized requests under the provision—

''(I) that relate to a United States person;

''(II) that relate to a person that is not a United States person;

''(III) that relate to a person that is—

''(aa) the subject of an authorized national security investigation; or

''(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

''(3) UNCLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period ending on the last day of the second month before the date for submission of the report. Each report under this subparagraph shall be in unclassified form.

''(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

''(i) that relate to a United States person;

''(ii) that relate to a person that is not a United States person;

''(iii) that relate to a person that is—

''(I) the subject of an authorized national security investigation; or

''(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).

SEC. 9. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding at the end the following:

''SEC. 602. ANNUAL UNCLASSIFIED REPORT.

''Not later than June 30, 2012, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for the protection of classified information from unauthorized disclosure, shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives an unclassified report summarizing how the authorities under this Act are used, including the impact of the use of the authorities under this Act on the privacy of United States persons (as defined in section 101).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 601 the following:

''Sec. 602. Annual unclassified report.''.

SEC. 10. AUDITS.

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2011'';

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and inserting the following:

''(C) with respect to calendar years 2007 through 2011, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures protect the constitutional rights of United States persons.''; and

(ii) in subparagraph (D), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

''(4) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.'';

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2011, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—

''(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

''(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

''(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

''(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

''(2) SUBMISSION DATES FOR ASSESSMENT.—

''(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

''(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.'';

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by inserting ''and any Inspector General of an element of the intelligence community that submits a report under this section'' after ''Justice''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) and (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)'';

(6) in subsection (f) as redesignated by paragraph (3)—

(A) by striking ''The reports submitted under subsections (c)(1) and (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''; and

(7) by adding at the end the following:

''(g) DEFINITIONS.—In this section—

''(1) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

''(2) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2011''; and

(B) in paragraph (3)(C), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

''(4) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.'';

(3) by striking subsection (g) and inserting the following:

''(h) DEFINITIONS.—In this section—

''(1) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a);

''(2) the term 'national security letter' means a request for information under—

''(A) section 2709(a) of title 18, United States Code (to access certain communication service provider records);

''(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

''(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

''(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

''(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

''(3) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).'';

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2011, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the intelligence activities of the element of the intelligence community shall—

''(A) examine the use of national security letters by the element of the intelligence community during the period;

''(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the element of the intelligence community, including any improper or illegal use of such authority;

''(C) assess the importance of information received under the national security letters to the intelligence activities of the element of the intelligence community; and

''(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

''(2) SUBMISSION DATES FOR ASSESSMENT.—

''(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

''(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.'';

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by inserting ''and any Inspector General of an element of the intelligence community that submits a report under this section'' after ''Justice''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) or (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)''; and

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking ''The reports submitted under subsections (c)(1) or (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2011.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2007 through 2011;

(B) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 and 2011, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) SUBMISSION DATES.—

(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2007 through 2009.

(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(4) INTELLIGENCE ASSESSMENT.—

(A) IN GENERAL.—For the period beginning January 1, 2007 and ending on December 31, 2011, the Inspector General of any element of the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

(B) SUBMISSION DATES FOR ASSESSMENT.—

(i) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 and 2011.

(5) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(A) NOTICE.—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) UNCLASSIFIED FORM.—Each report submitted under paragraph (3) and any comments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section—

(1) the terms ''foreign intelligence information'' and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 11. DELAYED NOTICE SEARCH WARRANTS.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking ''30 days'' and inserting ''7 days''.

SEC. 12. PROCEDURES.

(a) IN GENERAL.—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) CONSIDERATIONS.—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) REVISIONS TO PROCEDURES AND OVERSIGHT.—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 13. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

SEC. 14. OFFSET.

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, $5,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 15. EFFECTIVE DATE.

The amendments made by sections 3, 4, 5, 6, 7, and 11 shall take effect on the date that is 120 days after the date of enactment of this Act.

By Mr. MCCONNELL (for himself, Mr. COBURN, and Mr. JOHANNS):

S. 194. A bill to reduce Fedeal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions; to the Committee on Finance.

Mr. MCCONNELL. 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. 194

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

SECTION 1. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2009.''.

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9014. TERMINATION.

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.''.

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury.''.

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9043. TERMINATION.

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9014. Termination.''.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 195. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, I rise to introduce the Child Support Protection Act of 2011 with my colleagues, Senators CORNYN, KOHL, and SNOWE. This bill continues the long-standing, bipartisan support of Congress for the Child Support Enforcement program, which began with the passage of the authorizing legislation in 1974.

Child support enforcement is a strong partnership between the Federal Government and State governments to help parents provide long-term support for their children. It includes a network of 60,000 dedicated staff serving 17 million children across this country. It provided $24.4 billion to children in 2009. The Congressional Research Service reports that receipt of child support reduces child poverty by nearly 25 percent. The Urban Institute estimates that $4 in child support expenditures reduces spending in other public programs by $5.

So, the Child Support Enforcement program's results are impressive and it is widely recognized as one of the most effective programs operated by the Federal Government. In fact, the program is notable for collecting $4.78 for each dollar of expenditure. It is a true bargain that works well.

Child support programs do much more than just collect money. It works with noncustodial parents who need employment so that they can make regular payments. Child support staff also plays a critical role in times of high unemployment, by processing adjustments to support orders so that noncustodial parents do not fall hopelessly behind.

When Congress passed the Child Support Performance and Incentive Act of 1998, CSPIA, it created an innovative incentive program that rewards efficient, results-oriented child support enforcement efforts. These earned performance incentives must be used for child support activities. One of every four dollars from State expenditures to fund the child support program comes from CSPIA incentives and matched Federal funds. The Deficit Reduction Act, DRA, of 2005 repealed the authority to use the earned performance incentives as a match for Federal funds. The bill we have introduced today reverses the funding reduction imposed by the DRA.

States are using the incentives in a variety of ways. In my State of West Virginia, the incentive dollars are being used to invest in technology to upgrade services and enhance customer service. Thirty States or territories are investing in staff and program operations. Sixteen States are investing in technology, and three others are investing in customer service programs.

The Child Support Protection Act would give States the authority to use earned performance incentives to fund this important work and continue the impressive results that are being achieved. This permanent reversal is critical so that those in State and local government can budget for the future. I urge my colleagues in the Senate to cosponsor this much needed legislation that is not only important to child support enforcement, but our children, their families, and the States.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 201. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleague, Senator KYL, in introducing a bill that would clarify the jurisdiction of the Bureau of Reclamation over program activities associated with the C.C. Cragin Project in northern Arizona. A companion measure is being introduced today in the House by Congressman PAUL GOSAR from Arizona.

Pursuant to the Arizona Water Settlements Act of 2004, AWSA, Congress authorized the Secretary of the Interior to accept from the Salt River Project, SRP, title of the C.C. Cragin Dam and Reservoir for the express use of the Salt River Federal Reclamation Project. While it is clear that Congress intended to transfer jurisdiction of the Cragin Project to the Department of the Interior, and in particular, the Bureau of Reclamation, the lands underlying the Project are technically located within the Coconino National Forest and the Tonto National Forest. This has resulted in a disagreement between the Bureau of Reclamation and the National Forest Service concerning jurisdiction over the operation and management activities of the Cragin Project.

For more than 5 years, SRP and Reclamation have attempted to reach an agreement with the Forest Service that recognizes Reclamation's paramount jurisdiction over the Cragin Project. Unfortunately, the Forest Service maintains that this technical ambiguity under the AWSA implies they have a regulatory role in approving Cragin Project operations and maintenance. This bill represents a negotiated compromise between the agencies and our offices that appropriately clarifies each agency's role with respect to the Dam and the Federal lands surrounding it. A similar bill was introduced during the 111th Congress and was reported with an amendment by the Senate Energy and Natural Resources Committee. The version we are introducing today is identical to the Committee reported bill.

Speedy resolution of this jurisdictional issue is urgently needed in order to address repairs and other operational needs of the Cragin Project, including planning for the future water needs of the City of Payson and other northern Arizona communities. This clarification would simply provide Reclamation with the oversight responsibility that Congress originally intended. I urge my colleagues to support this bill.

By Mr. PAUL (for himself, Mr. DEMINT, and Mr. VITTER):

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; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PAUL. 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. 202

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 ''Federal Reserve Transparency Act of 2011''.

SEC. 2. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed before the end of 2012.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House of Representatives, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after ''in writing.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. ALEXANDER, and Mr. ENSIGN):

S. 206. A bill to reauthorize the DC Opportunity Scholarship Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Scholarships for Opportunity and Results Act—SOAR—which seeks to reauthorize the DC Opportunity Scholarship Program or OSP. And I am proud to be joined by a bipartisan group of Senators in introducing this bill—Senator COLLINS, Senator FEINSTEIN, Senator ALEXANDER and Senator ENSIGN.

The DC Opportunity Scholarship Program offers scholarships to low-income students, especially those from failing schools, to attend private schools where they can get a better education. This program offers District of Columbia students and their families a choice that improves the quality of their education and significantly increases their likelihood of graduating from high school and attending college.

Here in Washington, there are many families who can exercise school choice. They can afford to live in neighborhoods with good schools, they can provide engaging supplemental and afterschool opportunities for their children, or they can choose to send their children to private schools. However, there are many low-income families whose children are trapped in failing schools and do not have those options.

School reformers in Washington, through their hard work and, at times, controversial policies, have begun to make a difference for students in the District of Columbia. I applaud the work of Michelle Rhee and her team in their tireless efforts to make the District's schools better. I am pleased that Mayor Gray has indicated he will continue school reform because there is much more work to do on behalf of Washington's schoolchildren. District of Columbia test scores are on the rise but even so, according to recent National Assessment of Educational Progress data, the District of Columbia, while having one of the highest per pupil expenditures in the country, settles at the bottom of all states in reading and math for both 4th and 8th grade students. District of Columbia schools also have among the lowest graduation rates in the country.

We all know that meaningful and effective change is slow and we still have a long way to go before we can be confident that each student in the District is getting the public education they deserve. Ronald Holassie, a high school student in the OSP, expressed the implications of this well when he said ''public schools in the District did not go bad over night and they won't get better over night.'' Students cannot wait for reforms to take effect in the worst of the District's public schools—they need a good education right now if they are going to be able to fulfill their potential. The Opportunity Scholarships respond to that immediate need.

One of the goals of the OSP is holistic support of the reforms that are helping to improve education in all sectors of education here in the District. Since 2003, Congress has supported a tri-sector approach by appropriating new funds for District public schools, District public charter schools and the Opportunity Scholarship Program. Critics of the OSP argue that it takes away funds from public schools. That is simply not true. The scholarship program was intentionally designed to ensure that any funding for Opportunity Scholarships would not reduce funding for public schools. This legislation will provide additional new money for the District of Columbia's Public Schools, for District of Columbia Public Charter Schools, and for the continuation of the Opportunity Scholarship Program. We have not changed the three part funding design of the initiative.

The SOAR Act also strengthens the existing requirements for all schools participating in the OSP by requiring a valid certificate of occupancy and ensuring that teachers in core subjects have an appropriate college degree. The bill continues to target students from lower income families who are attending those schools most in need of improvement and it increases the tuition amounts slightly to levels consistent with the tuition charged at typical participating schools. The new amounts are still well below the per pupil cost of educating a child in the District of Columbia public schools. While we have kept the income ceiling for entry into the program unchanged, we have increased slightly the income ceiling for those already participating in the program to ensure that parents are not forced to choose between a modest raise in their income and the scholarship.

The most recent study conducted by the Department of Education's Institute of Education Science shows that the offer of an OSP scholarship raised a student's probability of completing high school by twelve percentage points overall. The offer of a scholarship improved the graduation prospects by thirteen percentage points for the high-priority group of students from schools designated ''Schools in Need of Improvement'' and for those students actually using an OSP scholarship the improved graduation rate went up to twenty percentage points. In the District of Columbia, where the graduation rates are among the lowest in the country, this is important data that cannot be overlooked. Overall, parents of OSP students were more satisfied and felt school was safer if their child was offered or used an OSP scholarship.

In a landmark education speech at the outset of his presidency, President Obama promised that Education Secretary Arne Duncan ''will use only one test when deciding what ideas to support . . . : It's not whether an idea is liberal or conservative, but whether it works.'' By that standard, this program should be continued. It is not a Democratic, Republican, or Independent program—it is not a liberal or conservative program—it is a program that puts children first. The Opportunity Scholarship Program works as evidenced by increased graduation rates, higher reading proficiency, and the overwhelming support of District families. I urge Republicans and Democrats to rally behind the OSP program. Last year we had a vote on the bill that received the support of 42 Senators. In this Congress, I will be fighting for another vote and am confident there will be more than 50 votes to reauthorize the program. With these votes and the strong support of Speaker BOEHNER I am hopeful we can give students here in the District the opportunities they deserve.

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. 206

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 ''Scholarships for Opportunity and Results Act of 2011'' or the ''SOAR Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, as well as under other public school choice programs, is inadequate. More educational options are needed to ensure all families in the District of Columbia have access to a quality education. In particular, funds are needed to provide low-income parents with enhanced public opportunities and private educational environments, regardless of whether such environments are secular or nonsecular.

(3) While the per-student cost for students in the public schools of the District of Columbia is one of the highest in the United States, test scores for such students continue to be among the lowest in the Nation. The National Assessment of Educational Progress (NAEP), an annual report released by the National Center for Education Statistics, reported in its 2009 study that students in the District of Columbia were being outperformed by every State in the Nation. On the 2009 NAEP, 56 percent of fourth grade students scored ''below basic'' in reading, and 44 percent scored ''below basic'' in mathematics. Among eighth grade students, 49 percent scored ''below basic'' in reading and 60 percent scored ''below basic'' in mathematics. On the 2009 NAEP reading assessment, only 17 percent of the District of Columbia fourth grade students could read proficiently, while only 13 percent of the eighth grade students scored at the proficient or advanced level.

(4) In 2003, Congress passed the DC School Choice Incentive Act of 2003 (Public Law 108–199, 118 Stat. 126), to provide opportunity scholarships to parents of students in the District of Columbia to enable them to pursue a high quality education at a public or private elementary or secondary school of their choice. The DC opportunity scholarship program (DC OSP) under such Act was part of a comprehensive 3-part funding arrangement that also included additional funds for the District of Columbia public schools, and additional funds for public charter schools of the District of Columbia. The intent of the approach was to ensure that progress would continue to be made to improve public schools and public charter schools, and that funding for the opportunity scholarship program would not lead to a reduction in funding for the District of Columbia public and charter schools. Resources would be available for a variety of educational options that would give families in the District of Columbia a range of choices with regard to the education of their children.

(5) The DC OSP was established in accordance with the U.S. Supreme Court decision, Zelman v. Simmons-Harris, 536 U.S. 639 (2002), which found that a program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(6) Since the inception of the DC OSP, it has consistently been oversubscribed. Parents express strong support for the opportunity scholarship program. Rigorous studies of the program by the Institute of Education Sciences have shown significant improvements in parental satisfaction and in reading scores that are more dramatic when only those students consistently using the scholarships are considered. The program also was found to result in significantly higher graduation rates for DC OSP students.

(7) The DC OSP is a program that offers families in need, in the District of Columbia, important alternatives while public schools are improved. This program should be reauthorized as 1 part of a 3-part comprehensive funding strategy for the District of Columbia school system that provides new and equal funding for public schools, public charter schools, and opportunity scholarships for students to attend private schools.

SEC. 3. PURPOSE.

The purpose of this Act is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in other schools in the District of Columbia, at least until the public schools in the District of Columbia have adequately addressed shortfalls in health, safety, and security, and the students in the District of Columbia public schools are testing in mathematics and reading at or above the national average.

SEC. 4. GENERAL AUTHORITY.

(a) AUTHORITY.—From amounts made available to carry out this section in accordance with section 14(b)(1), the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 5 to carry out a program to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this Act.

(b) DURATION OF GRANTS.—The Secretary shall make grants under this section for a period of not more than 5 years.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding regarding the implementation of the program authorized under subsection (a) and the funding described in paragraphs (2) and (3) of section 14(b).

(2) CONTENTS.—The memorandum of understanding shall address how the Mayor of the District of Columbia will ensure that the public schools and the public charter schools of the District of Columbia comply with all reasonable requests for information as necessary to fulfill the requirements for evaluations conducted under section 9.

(d) SPECIAL RULES.—

(1) USE OF FUNDS.—Notwithstanding any other provision of law, funds appropriated for the DC opportunity scholarship program under the Omnibus Appropriations Act, 2009 (Public Law 111–8, 123 Stat. 654), the Consolidated Appropriations Act of 2010 (Public Law 111–117, 123 Stat. 3181), or any other Act, shall be available until expended and may be used to provide opportunity scholarships under section 7 to new applicants.

(2) REPEAL OF SITE INSPECTION AND REPORTING REQUIREMENTS.—The fourth and fifth provisos under the heading ''Federal Payment for School Improvement'' of title IV of Division C of the Consolidated Appropriations Act of 2010 (Public Law 111–117, 123 Stat. 3182) are repealed. Any unobligated amounts reserved to carry out such provisos shall be made available to an eligible entity for administrative purposes or for opportunity scholarships under a grant under subsection (a), including for opportunity scholarships for new applicants for the 2011–2012 school year.

SEC. 5. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under section 4(a), an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under section 4(a) unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 6;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 6;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities in order to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 7(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will—

(i) seek out private elementary schools and secondary schools in the District of Columbia to participate in the program; and

(ii) ensure that participating schools will meet the reporting and other requirements of this Act, and accommodate site visits in accordance with section 7(a)(4)(D);

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under a grant under section 4(a) effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 9.

SEC. 6. PRIORITIES.

In awarding grants under section 4(a), the Secretary shall give priority to applications from eligible entities that will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) give priority to students whose household includes a sibling or other child who is already participating in the program of the eligible entity under section 4(a), regardless of whether such students have, in the past, been assigned as members of a control study group for the purposes of an evaluation under section 9;

(3) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(4) provide students and families with the widest range of educational options.

SEC. 7. USE OF FUNDS.

(a) OPPORTUNITY SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity receiving a grant under section 4(a) shall use the grant funds to provide eligible students with opportunity scholarships to pay the tuition, fees, and transportation expenses, if any, to enable the eligible students to attend the District of Columbia private elementary school or secondary school of their choice beginning in school year 2011–2012. Each such eligible entity shall ensure that the amount of any tuition or fees charged by a school participating in such eligible entity's program under section 4(a) to an eligible student participating in the program does not exceed the amount of tuition or fees that the school charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—An eligible entity receiving a grant under section 4(a) shall make scholarship payments under the program under section 4(a) to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this Act.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, an eligible entity receiving a grant under section 4(a) may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—

(i) LIMIT FOR SCHOOL YEAR 2011–2012.—The amount of assistance provided to any eligible student by an eligible entity under a program under section 4(a) for school year 2011–2012 may not exceed—

(I) $8,000 for attendance in kindergarten through grade 8; and

(II) $12,000 for attendance in grades 9 through 12.

(ii) CUMULATIVE INFLATION ADJUSTMENT.—The limits described in clause (i) shall apply for each school year following school year 2011–2012, except that the Secretary shall adjust the maximum amounts of assistance (as described in clause (i) and adjusted under this clause for the preceding year) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) PARTICIPATING SCHOOL REQUIREMENTS.—None of the funds provided under subsection (a) for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

(A) has and maintains a valid certificate of occupancy issued by the District of Columbia;

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflecting the financial sustainability of the school and the school's ability to be in operation through the school year;

(D) agrees to submit to site visits as determined to be necessary by the eligible entity, except that a participating school shall not be required to submit to more than one site visit per year;

(E) has financial systems, controls, policies, and procedures to ensure that funds are used in accordance with the requirements of this Act; and

(F) ensures that each teacher of core subject matter in the school has a baccalaureate degree or equivalent degree.

(b) ADMINISTRATIVE EXPENSES.—An eligible entity receiving a grant under section 4(a) may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under such section during the year, including—

(1) determining the eligibility of students to participate;

(2) selecting eligible students to receive scholarships;

(3) determining the amount of scholarships and issuing the scholarships to eligible students; and

(4) compiling and maintaining financial and programmatic records.

(c) PARENTAL ASSISTANCE.—An eligible entity receiving a grant under section 4(a) may use not more than 2 percent of the amount provided under the grant each year for the expenses of educating parents about the program under this Act and assisting parents through the application process under this Act during the year, including—

(1) providing information about the program and the participating schools to parents of eligible students;

(2) providing funds to assist parents of students in meeting expenses that might otherwise preclude the participation of eligible students in the program; and

(3) streamlining the application process for parents.

(d) STUDENT ACADEMIC ASSISTANCE.—An eligible entity receiving a grant under section 4(a) may use not more than 1 percent of the amount provided under the grant each year for expenses to provide tutoring services to participating eligible students that need additional academic assistance in the students' new schools. If there are insufficient funds to pay for these costs for all such students, the eligible entity shall give priority to students who previously attended an elementary school or secondary school that was identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) as of the time the student attended the school.

SEC. 8. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in any program under this Act shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the school.

(2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) APPLICABILITY.—For purposes of this Act, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this Act as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this Act.

(c) CHILDREN WITH DISABILITIES.—Nothing in this Act may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school participating in any program under this Act that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1 et seq.), including the exemptions in such title.

(2) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under section 7(a) to eligible students, which are used at a participating school as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.—A scholarship (or any other form of support provided to parents of eligible students) provided under section 7(a) shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any such scholarship (or other form of support provided to parents of an eligible student) shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 9. EVALUATIONS.

(a) IN GENERAL.—

(1) DUTIES OF THE SECRETARY AND THE MAYOR.—The Secretary and the Mayor of the District of Columbia shall—

(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the performance of students who received scholarships under the 5-year program under section 4(a), and the Mayor shall ensure that, for the purposes of this evaluation, all public and public charter schools of the District of Columbia comply with all reasonable requests for information;

(B) jointly enter into an agreement to monitor and evaluate the use of funds authorized and appropriated under paragraphs (2) and (3) of section 14(b) for the public schools and public charter schools of the District of Columbia; and

(C) make the evaluations public in accordance with subsection (c).

(2) DUTIES OF THE SECRETARY.—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation under paragraph (1)(A) is conducted using the strongest possible research design for determining the effectiveness of the program funded under section 4(a) that addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the program in increasing the academic growth and achievement of participating students, and on the impact of the program on students and schools in the District of Columbia.

(3) DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.—The Institute of Education Sciences shall—

(A) use a grade appropriate measurement each school year to assess participating eligible students;

(B) measure the academic achievement of all participating eligible students; and

(C) work with the eligible entities to ensure that the parents of each student who applies for an opportunity scholarship under a

program under section 4(a) (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under section 4(a), agree that the student will participate in the measurements given annually by the Institute of Education Sciences for the period for which the student applied for or received the scholarship, respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 6(2).

(4) ISSUES TO BE EVALUATED.—The issues to be evaluated include—

(A) a comparison of the academic growth and achievement of participating eligible students in the measurements described in this section with the academic growth and achievement of eligible students in the same grades in the public schools and public charter schools of the District of Columbia, who sought to participate in the scholarship program but were not selected;

(B) the success of the program in expanding choice options for parents, improving parental and student satisfaction, and increasing parental involvement in the education of their children;

(C) the reasons parents choose for their children to participate in the program;

(D) a comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students who participate in the program funded under section 4(a), as compared to the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such program;

(E) the impact of the program on students, and public elementary schools and secondary schools, in the District of Columbia;

(F) a comparison of the safety of the schools attended by students who participate in the program funded under section 4(a) and the schools attended by students who do not participate in the program, based on the perceptions of the students and parents and on objective measures of safety;

(G) such other issues as the Secretary considers appropriate for inclusion in the evaluation; and

(H) an analysis of the issues described in subparagraphs (A) through (G) with respect to the subgroup of eligible students participating in the program funded under section 4(a) who consistently use the opportunity scholarships to attend a participating school.

(5) PROHIBITION.—Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate—

(1) annual interim reports, not later than December 1 of each year for which a grant is made under section 4(a), on the progress and preliminary results of the evaluation of the program funded under such section; and

(2) a final report, not later than 1 year after the final year for which a grant is made under section 4(a), on the results of the evaluation of the program funded under such section.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 5 percent of the total amount appropriated to carry out section 4(a) for the fiscal year.

SEC. 10. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each eligible entity receiving funds under section 4(a) during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee receiving funds under section 4(a) shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit to the Secretary a report, including any pertinent data collected in the preceding 2 academic years, concerning—

(A) the academic growth and achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee receiving funds under section 4(a) shall ensure that each school participating in the grantee's program under this Act during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate;

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions; and

(C) the accreditation status of the school.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—

(1) REPORTS BY SECRETARY.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives, and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate, an annual report on the findings of the reports submitted under subsections (a) and (b).

(2) REPORTS BY MAYOR.—In order for funds under paragraphs (2) and (3) of section 14(b) to be made available to the District of Columbia, the Mayor of the District of Columbia shall submit to the Committees on Appropriations, the Committee on Education and the Workforce, and the Committee on Oversight and Government Reform, of the House of Representatives, and the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate, information on—

(A) how the funds authorized and appropriated under paragraphs (2) and (3) of section 14(b) for the public schools and public charter schools of the District of Columbia were utilized; and

(B) how such funds are contributing to student achievement.

SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under section 4(a) shall comply with all requests for data and information regarding evaluations conducted under section 9(a).

(b) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—Each school participating in a program funded under section 4(a), including each participating school described in section 8(d), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

(c) NATIONALLY NORM-REFERENCED STANDARDIZED TESTS.—

(1) IN GENERAL.—Each school participating in a program funded under section 4(a) shall administer a nationally norm-referenced standardized test in reading and mathematics to each student enrolled in the school who is receiving an opportunity scholarship. The results of such test shall be reported to the student's parents or legal guardians and to the Secretary, through the Institute of Education Sciences of the Department of Education, for the purposes of conducting the evaluation under section 9.

(2) MAKE-UP SESSION.—If a school participating in a program funded under section 4(a) does not administer a nationally norm-referenced standardized test or the Institute of Education Sciences does not receive data regarding the results of such test for a student who is receiving an opportunity scholarship, then the Secretary, acting through the Institute of Education Sciences, shall administer such test not less than once during each school year to each student receiving an opportunity scholarship.

SEC. 12. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) A nonprofit organization.

(B) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who is a resident of the District of Columbia and comes from a household—

(A) receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(B) whose income does not exceed—

(i) 185 percent of the poverty line; or

(ii) in the case of a student participating in the program under this Act in the preceding year, 300 percent of the poverty line.

(4) PARENT.—The term ''parent'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term ''secondary school'' means an institutional day

or residential school, including a public secondary charter school, that provides secondary education, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 13. TRANSITION PROVISIONS.

(a) REPEAL.—The DC School Choice Incentive Act of 2003 (title III of division C of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126)) is repealed.

(b) REAUTHORIZATION OF PROGRAM.—This Act shall be deemed to be the reauthorization of the District of Columbia opportunity scholarship program under the DC School Choice Incentive Act of 2003.

(c) ORDERLY TRANSITION.—Subject to subsections(d) and (e), the Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act from any authority under the provisions of the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this Act or a repeal made by this Act shall be construed to alter or affect the memorandum of understanding entered into with the District of Columbia, or any grant or contract awarded, under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act.

(e) MULTI-YEAR AWARDS.—The recipient of a multi-year grant or contract award under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such award.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act, for the uses described in subsection (b), $60,000,000 for fiscal year 2012 and each of the 4 succeeding fiscal years.

(b) USE OF FUNDS AUTHORIZED UNDER THIS ACT.—For each fiscal year, any amount appropriated to carry out this Act shall be equally divided among—

(1) the Secretary, in order to carry out the District of Columbia opportunity scholarship program established under section 4(a);

(2) the District of Columbia Public Schools, in order to improve public school education in the District of Columbia; and

(3) the State Education Office of the District of Columbia, in order to expand quality public charter schools in the District of Columbia.

Ms. COLLINS. Mr. President, I am pleased to be joining Senator LIEBERMAN in introducing the Scholarships for Opportunity and Results Act of 2011, also known as the SOAR Act. This important piece of legislation will reauthorize the DC Opportunity Scholarship Program, which has successfully provided additional educational options for some of our nation's most at-risk children.

Sadly, DC's public schools continue to underperform despite a per-pupil expenditure rate that is one of the highest in the nation. Experts have carefully studied the DC Opportunity Scholarship Program and concluded that the educational success of the program's participants in reading has outpaced those in DC public schools.

Approximately 6 years ago, leaders in the District of Columbia became frustrated with institutionalized failure within the public school system, and designed a unique ''three-sector'' strategy that provided new funding for public schools, public charter schools and new educational options for needy children. Working with the District, Congress and the Bush administration then implemented the DC School Choice Incentive Act in 2004, giving birth to the DC Opportunity Scholarship Program.

The program is the first to provide federally funded scholarships to students, and has enabled low-income students from the District of Columbia public school system to attend the independent-private or parochial school of their choice. For many of these students, this was their first opportunity to access a high-quality education.

In March 2009, the Department of Education released its evaluation of the program's impact after three years, which showed that overall, students offered scholarships had higher reading achievement than those not offered scholarships—the equivalent of an additional three months of learning.

Studies have also shown that parents were overwhelmingly satisfied with their children's experience in the program. Common reasons for this higher level of satisfaction included, appreciation for the ability to choose their child's school, the success their children are having in new school environments, and the support provided by the DC Children and Youth Investment Trust Corporation, which runs the program.

In May 2009, Chairman LIEBERMAN and I held a compelling hearing in the Homeland Security and Governmental Affairs Committee where we heard the personal success stories of current and former participants in the program. Their testimony helped to highlight the real-world implications of discontinuing the program.

Ronald Holassie, then a junior at Archbishop Carroll, gave compelling testimony about the impact this program has had on his life. His mother was so concerned about the education he had been receiving that she was considering sending him to school in her home country of Trinidad, until she found out about the Opportunity Scholarship Program. Ronald said something very near the end of our hearing in response to a question from a member of the Committee that I also found enlightening. He said, ''DC schools didn't get bad over night, and they aren't going to get better overnight either.'' The program is critical to that improvement.

Based on what we have learned over the past few years, Chairman LIEBERMAN and I drafted a bipartisan bill to reauthorize the DC Opportunity Scholarship Program. This effort is also being replicated in the House with a bill introduced by Speaker BOEHNER.

One of the reasons that I so strongly believe in the three-sector approach to funding for education in the District is that it reaffirms Congress' commitment to improving educational outcomes and opportunities, not just for the students attending private schools, but also for all students in the District—including those attending DC public and charter schools.

I know that each of us shares the common goal of ensuring that all students in the District are receiving the highest quality education, which is why it is incumbent upon us to act and to act now to fully reauthorize the DC Opportunity Scholarship Program.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LEAHY, Mr. REID, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 207. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators LEAHY, REID, WHITEHOUSE and others to introduce the COPS Improvement Act of 2011. This legislation would reauthorize and make improvements to one of the Department of Justice's most successful efforts to fight crime, the Community Oriented Policing Services, COPS, program.

The success story of the COPS program has been told many times, but it is worth repeating. The goal in 1994 was to put an additional 100,000 cops on the beat. Over the next 5 years, from 1995 to 1999, the COPS Universal Hiring Program distributed nearly $1 billion per year in grants to state and local law enforcement agencies in all 50 states to hire additional law enforcement officers, allowing us to achieve our goal of 100,000 new officers.

Common sense told the American people that having more police walking the beat would lead to less crime, and our experience with the COPS program proved that to be true. This unprecedented effort to put more police officers in our communities coincided with significant reductions in crime during the 1990s. As the number of police rose, we saw 8 consecutive years of reductions in crime. Few programs can claim such a clear record of success.

Unfortunately, the success of the COPS program led some to declare victory. Beginning in 2001, funding for the COPS program came under attack. President Bush proposed cuts to state and local law enforcement programs that totaled well over $1 billion during his tenure. Despite bipartisan efforts in Congress to prevent those cuts, state and local law enforcement funding consistently declined. Ultimately, the administration succeeded in eliminating the COPS Hiring Program in 2005.

These cuts have been felt by the people who work tirelessly every day to keep our communities safe, and the consequences have been real. Cities across the country have seen the size of their police forces reduced. Many cities have hundreds of vacancies on their forces that they cannot afford to fill. They have been forced to choose between keeping officers employed and buying vital equipment. The men and women who have sworn to protect us from ever-evolving threats cannot go without either.

Over the past several years, there has been a bipartisan effort in Congress to renew our commitment to local law enforcement by restoring COPS funding. In 2009, we dedicated $1 billion to the COPS program through the American Recovery and Reinvestment Act. These funds helped state, local, and tribal law enforcement agencies create and preserve thousands of law enforcement positions. This boost has gone a long way to help many departments weather the economic downturn, but need is great—the COPS Office received nearly 7,300 applications requesting 39,000 officers and $8.3 billion in funds in response to this grant funding.

We can all agree that local law enforcement needs our unwavering support. One way we can do this is to reauthorize the COPS program through the COPS Improvement Act of 2011. This legislation will re-authorize hiring programs for three specific purposes—general community policing, local counter-terrorism officers, and school resource officers. The bill steps up our commitment to community policing and community cooperation by reauthorizing community prosecutor grants. Technology grants that cut down on investigation time and paperwork are included so that officers can spend more time on the beat and less time behind a desk. The bill also creates an independent COPS Office within the Department of Justice, a step that is important to the program's continued success and oversight. Finally, the legislation revitalizes a Troops-to-Cops program to encourage local police agencies to hire former military personnel who are honorably discharged from military service or who are displaced by base closings.

The bill makes additional improvements to the COPS program by including safeguards to ensure that our money is being spent wisely. For example, it will allow the COPS Office to do more than simply revoke or suspend a grant if a recipient fails to comply with its terms. The COPS Office, at the direction of the Attorney General, would be able to take any enforcement action available to the Department of Justice, such as civil penalties or recoupment of funds.

In addition to strengthening law enforcement's ability to prevent and fight crime, the COPS Improvement Act directly creates jobs and helps local governments cope with the economic downturn without jeopardizing community safety. Furthermore, by hiring more officers we will be better able to combat the crime that harms our economy by driving business opportunities out of distressed neighborhoods, taking with them economic opportunity.

The COPS Improvement Act of 2011 would authorize $900 million per year over six years for the COPS program. It would allocate $500 million per year for the hiring officers, $150 million for community prosecutors, and $250 million per year for technology grants.

To be sure, some will argue that $900 million is too large a price tag. But it is hard to put a price tag on the security of our communities. Investing money in such a successful program with such an important goal is certainly worth the cost. We must also remember that preventing crime from occurring saves taxpayers from the costs associated with victim assistance and incarceration. For that reason, a recent report by the Brookings Institution found ''COPS . . . to be one of the most cost-effective options available for fighting crime.''

It is difficult to overstate the importance of passing the COPS Improvement Act. Because of the success of the program and the need for a renewed commitment to it, the bill has long had the support of every major law enforcement group in the Nation, including the International Association of Chiefs of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials, the International Union of Police Associations, and the Fraternal Order of Police. These law enforcement officers put their lives on the line every day to make our communities a safe place to live, and they deserve our full support.

I urge my colleagues to support this important legislation.

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. 207

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 ''COPS Improvements Act of 2011''.

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c);

(3) by striking subsection (a) and inserting the following:

''(a) THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES.—

''(1) OFFICE.—There is within the Department of Justice, under the general authority of the Attorney General, a separate and distinct office to be known as the Office of Community Oriented Policing Services (referred to in this subsection as the 'COPS Office').

''(2) DIRECTOR.—The COPS Office shall be headed by a Director who shall—

''(A) appointed by the Attorney General; and

''(B) have final authority over all grants, cooperative agreements, and contracts awarded by the COPS Office.

''(b) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsections (c), (d), (e), and (f).'';

(4) in subsection (c), as so redesignated—

(A) in the heading, by striking ''uses of grant amounts.—'' and inserting ''COMMUNITY POLICING AND CRIME PREVENTION GRANTS'';

(B) in paragraph (3), by striking '', to increase the number of officers deployed in community-oriented policing'';

(C) in paragraph (4), by inserting ''or train'' after ''pay for'';

(D) by striking paragraph (9);

(E) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(F) by inserting after paragraph (4) the following:

''(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;'';

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14), (15), and (16) as paragraphs (13), (14), and (15), respectively;

(I) in paragraph (15), as so redesignated, by striking ''and'' at the end;

(J) by redesignating paragraph (17) as paragraph (18);

(K) by inserting after paragraph (15), as so redesignated, the following:

''(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

''(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.''; and

(L) in paragraph (18), as so redesignated, by striking ''through (16)'' and inserting ''through (17)'';

(5) by striking subsections (h) and (i);

(6) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively;

(7) by redesignating subsections (d) through (g) as subsections (g) through (j), respectively;

(8) by inserting after subsection (c), as so redesignated, the following:

''(d) TROOPS-TO-COPS PROGRAMS.—

''(1) IN GENERAL.—Grants made under subsection (b) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

''(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

''(e) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (b) to pay for additional

community prosecuting programs, including programs that assign prosecutors to—

''(1) handle cases from specific geographic areas; and

''(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

''(f) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (b) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.'';

(9) in subsection (g), as so redesignated—

(A) in paragraph (1), by striking ''to States, units of local government, Indian tribal governments, and to other public and private entities,'';

(B) in paragraph (2), by striking ''define for State and local governments, and other public and private entities,'' and inserting ''establish''; and

(C) in the first sentence of paragraph (3), by inserting ''(including regional community policing institutes)'' after ''training centers or facilities'';

(10) in subsection (i), as so redesignated—

(A) by striking ''subsection (a)'' the first place that term appears and inserting ''paragraphs (1) and (2) of subsection (c)''; and

(B) by striking ''in each fiscal year pursuant to subsection (a)'' and inserting ''in each fiscal year for purposes described in paragraph (1) and (2) of subsection (c)'';

(11) in subsection (j), as so redesignated—

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

(B) by striking the second sentence;

(12) in subsection (k)(1), as so redesignated—

(A) by striking ''subsection (i) and''; and

(B) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(13) by adding at the end the following:

''(m) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (c) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.

''(n) PROPORTIONALITY OF AWARDS.—The Attorney General shall ensure that the same percentage of the total number of eligible applicants in each State receive a grant under this section.''.

(b) APPLICATIONS.—Section 1702 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', unless waived by the Attorney General'' after ''under this part shall'';

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended to read as follows:

''SEC. 1703. RENEWAL OF GRANTS.

''(a) IN GENERAL.—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

''(b) NO COST EXTENSIONS.—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.''.

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended—

(1) in subsection (a), by striking ''that would, in the absence of Federal funds received under this part, be made available from State or local sources'' and inserting ''that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources''; and

(2) by striking subsection (c).

(e) ENFORCEMENT ACTIONS.—Section 1706 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–5) is amended—

(1) in the section heading, by striking ''**REVOCATION OR SUSPENSION OF FUNDING**'' and inserting ''**ENFORCEMENT ACTIONS**''; and

(2) by striking ''revoke or suspend'' and all that follows and inserting ''take any enforcement action available to the Department of Justice.''.

(f) DEFINITIONS.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended—

(1) by striking ''who is authorized'' and inserting ''who is a sworn law enforcement officer and is authorized''; and

(2) by inserting '', including officers for the Amtrak Police Department'' before the period at the end.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking ''$1,047,119,000 for each of fiscal years 2006 through 2009'' and inserting ''$900,000,000 for each of fiscal years 2012 through 2017''; and

(2) in subparagraph (B)—

(A) in the first sentence—

(i) by striking ''3 percent'' and inserting ''5 percent''; and

(ii) by striking ''section 1701(d)'' and inserting ''section 1701(g)''; and

(B) by striking the second sentence and inserting the following: ''Of the funds available for grants under part Q, not less than $500,000,000 shall be used for grants for the purposes specified in section 1701(c), not more than $150,000,000 shall be used for grants under section 1701(e), and not more than $250,000,000 shall be used for grants under section 1701(f).''.

(h) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking ''development'' and inserting ''use''; and

(2) in the matter following paragraph (4), by striking ''for a period of 6 years''.

(i) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting '', except for the program under part Q of this title'' before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

''(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.''.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 208. A bill to amend the Internal Revenue Code of 1986 to extend the 100 percent exclusion for gain on certain small business stock; to the Committee on Finance.

Mr. KERRY. Mr. President, for years I have worked to encourage investment in small businesses. We all realize that small businesses are the backbone of our economy. As the economy continues to recover, we must help small businesses have access to capital.

Many of our most successful corporations started as small businesses, including AOL, Apple Computer, Compaq Computer, Datastream, Intel Corporation, and Sun Microsystems. As you can see from this partial list, many of these companies played an integral role in making the Internet a reality.

Investing in small businesses is essential to strengthening our economy. Not only will investment in small businesses spur job creation, it will lead to new technological breakthroughs. We are at an integral juncture in developing clean energy technology. I believe that small businesses will repeat the role it played at, the vanguard of the computer revolution—by leading the Nation in developing the technologies which result in clean energy. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in these small businesses.

Today, Senator SNOWE and I are introducing legislation to extend the zero capital gains rate on certain small business stock and the exception from minimum tax preference treatment through 2012. During the past two Congresses, Senator SNOWE and I introduced legislation which would make permanent changes to the 50 percent exclusion for gain on small business stock.

Back in 1993, I worked with Senator Bumpers to enact legislation to provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for 5 years. Since the enactment of this provision, the capital gains rate has been lowered without any changes to the exclusion. Due to the lower capital rates, the 50 percent exclusion no longer provided a strong incentive for investment in small businesses.

Our efforts to improve this provision have been successful. The American Recovery and Reinvestment Act temporarily increased the exclusion to 75 percent. The Small Business Jobs Act

of 2010 temporarily increased the exclusion to 100 percent and the alternative minimum tax, AMT, preference item for gain excluded under this provision would be temporarily eliminated. These provisions were further extended through 2011 by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010. The legislation that I am introducing would extend these provisions through 2012.

Extending the zero capital gains rate on small business stock through 2012 would put this provision on equal footing with the extension of the lower capital gains rate included in the Tax Relief, Unemployment Insurance, Reauthorization, and Job Creation Act of 2010.

I believe that the additional improvements should still be made to the exclusion for small business stock and I will continue to work on this issue. As Congress begins its work on tax reform, encouraging investment in small businesses should be a goal of tax reform.

I urge my colleagues to support an extension of the zero capital gains rate and I look forward to working on tax reform which encourages job creation and investment in small businesses.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 26—RECOGNIZING THE ANNIVERSARY OF THE TRAGIC EARTHQUAKE IN HAITI ON JANUARY 12, 2010, HONORING THOSE WHO LOST THEIR LIVES IN THAT EARTHQUAKE, AND EXPRESSING CONTINUED SOLIDARITY WITH THE HAITIAN PEOPLE

Mr. NELSON of Florida (for himself, Mr. KERRY, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. CASEY, Mr. LAUTENBERG, Mr. LUGAR, Mr. CORKER, Mr. MENENDEZ, Mr. RUBIO, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 26

Whereas on January 12, 2010, an earthquake measuring 7.0 on the Richter scale struck the country of Haiti;

Whereas, according to the United States Geological Survey, the epicenter of the earthquake was located approximately 15 miles southwest of Port-au-Prince, the capital of Haiti;

Whereas, according to the United States Geological Survey, the earthquake was followed by 59 aftershocks of magnitude 4.5 on the Richter scale or greater, with the most severe measuring a magnitude of 6.0 on the Richter scale;

Whereas, according to the Government of Haiti, more than 230,000 people died as a result of the earthquake, including 103 citizens of the United States;

Whereas an untold number of international aid personnel also died as a result of the earthquake, including more than 100 United Nations personnel;

Whereas, according to the United Nations and the International Organization for Migration—

(1) an estimated 3,000,000 people, or nearly ⅓ of the population of Haiti, have been directly affected by the disaster; and

(2) an estimated 1,300,000 people were displaced from their homes to settlements;

Whereas casualty numbers and infrastructure damage, including damage to roads, ports, hospitals, and residential dwellings, place the earthquake as the worst cataclysm to hit Haiti in more than 200 years and, proportionally, as one of the worst natural disasters in the world in modern times;

Whereas the Post Disaster Needs Assessment, which was conducted by the Government of Haiti, the United Nations, the World Bank, the Inter-American Development Bank, and other experts, estimates that damage and economic losses totaled $7,800,000,000, which is equal to approximately 120 percent of the gross domestic product of Haiti in 2009;

Whereas the Post Disaster Needs Assessment estimates that $11,500,000,000 is needed during the next 3 years for the reconstruction of Haiti and to lay the groundwork for long-term development;

Whereas Haiti was the poorest, least developed country in the Western Hemisphere before the January 2010 earthquake, when—

(1) more than 70 percent of Haitians lived on less than $2 per day; and

(2) Haiti was ranked of 149th out of 182 countries on the United Nations Human Development Index;

Whereas, before the earthquake, Haiti was in the process of recovering from a catastrophic series of hurricanes and tropical storms, food shortages, rising commodity prices, and political instability, but was showing encouraging signs of improvement;

Whereas President Barack Obama vowed the ''unwavering support'' of the United States and pledged a ''swift, coordinated and aggressive effort to save lives and support the recovery in Haiti'';

Whereas Senate Resolution 392, which was agreed to on January 21, 2010, by unanimous consent—

(1) expressed the profound sympathy and unwavering support of the Senate for the people of Haiti; and

(2) urged all nations to commit to assisting the people of Haiti with their long-term needs;

Whereas the response to the tragedy from the global community, and especially from the countries of the Western Hemisphere, has been overwhelmingly positive;

Whereas the initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute;

Whereas individuals, businesses, and philanthropic organizations throughout the United States and the international community responded to the crisis by supporting Haiti and its people through innovative ways, such as fundraising through text messaging;

Whereas more than $2,700,000,000 is estimated to have been raised from private donations in response to the tragedy in Haiti;

Whereas the Haitian diaspora community in the United States, which was integral to emergency relief efforts—

(1) has annually contributed significant monetary support to Haiti through remittances; and

(2) continues to seek opportunities to partner with the United States Agency for International Development and other Federal agencies to rebuild Haiti;

Whereas Haiti continues to suffer from extreme poverty, gross inequality, a deficit of political leadership at all levels, and weak or corrupt state institutions;

Whereas significant long-term challenges remain as Haiti works to recover and rebuild;

Whereas the International Organization for Migration estimates that approximately 800,000 people remain in spontaneous and organized camps in Haiti;

Whereas, according to numerous nongovernmental organizations and United States contractors, the pace of reconstruction in Haiti has lagged significantly behind the original emergency relief phase;

Whereas there is an acute need—

(1) to increase local capacity in health care and education; and

(2) to focus international attention on employment opportunities, rubble removal, permanent and sustainable shelter, reconstruction of roads, safety and security, and fundamental human rights in Haiti, especially in temporary camps and shelters;

Whereas the alleged irregularities and fraud that occurred in the election held in Haiti on November 28, 2010, have imperiled the credibility of the electoral process, undermined the recovery effort, and further destabilized security throughout Haiti;

Whereas political leadership is required to ensure that a democratically elected government, which is respected by the people of Haiti and recognized by the international community, is prepared to assume office on February 7, 2011, or shortly thereafter;

Whereas, on October 19, 2010, an outbreak of cholera was detected in the lower Artibonite region of Haiti;

Whereas initial efforts to contain the epidemic were disrupted by Hurricane Tomas and resulting widespread flooding, which led to the spreading and entrenchment of the disease throughout Haiti;

Whereas, according to the Haitian Ministry of Public Health and Population, between the outbreak in October 2010 and January 21, 2011—

(1) more than 3,850 people have died from cholera in Haiti; and

(2) more than 194,000 people in Haiti have been affected by the disease;

Whereas, according to the Pan American Health Organization and the Centers for Disease Control and Prevention, cholera could spread to as many as 400,000 people within the first year of the epidemic, potentially causing 8,000 deaths at the current case fatality rate;

Whereas the United States has provided $40,000,000 worth of assistance to combat the cholera epidemic, primarily through the Office of Foreign Disaster Assistance, to assist with stockpiling health commodities, equipping cholera treatments centers, providing public information, and developing a safe and sustainable water and sanitation system;

Whereas the efforts to combat the cholera epidemic have helped to drive the mortality rate from cholera down from 7 percent to 1 percent of all contracted cases during the 3-month period ending on January 21, 2011;

Whereas, during the first year following the January 12, 2010 earthquake in Haiti, the people of Haiti have demonstrated unwavering resilience, dignity, and courage;

Whereas at the conference of international donors entitled ''Towards a New Future for Haiti'', which was held on March 31, 2010, 59 donors pledged approximately $5,570,000,000 (including nearly $1,200,000,000 pledged by donors from the United States) to support the Action Plan for National Recovery and Development of the Government of Haiti;

Whereas the United Nations Office of the Special Envoy for Haiti estimates that approximately 63 percent of the recovery and development funds pledged for 2010 have been disbursed; and

Whereas Haiti requires sustained assistance from the United States and the international community in order to confront the ongoing cholera epidemic and promote reconstruction and development: Now, therefore, be it

Resolved, That the Senate—

(1) honors those who lost their lives as a result of the tragic earthquake in Haiti on January 12, 2010;

(2) honors the sacrifices of the men and women of the Government of Haiti, the Government of the United States, the United Nations, and the international community in their responses to those affected by the earthquake;

(3) expresses continued solidarity with the people of Haiti as they work to rebuild their neighborhoods, livelihoods, and country;

(4) reaffirms the commitment of the Senate to support the long-term reconstruction of Haiti, in partnership with the Government of Haiti and in coordination with other donors;

(5) supports the efforts of the Executive Branch to prevent the spread of cholera, treat persons who contract the disease, provide technical assistance to the Haitian Ministry of Public Health, and improve long-term water, sanitation, and health systems;

(6) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, other United States Government personnel, and all members of international organizations who have persevered through adverse local conditions and continue to serve Haiti and the Haitian people;

(7) supports the continued effort of the Interim Haiti Recovery Commission, under the leadership of former President Bill Clinton and Prime Minister Bellerive, in its efforts to improve coordination, build state capacity, and bring donors and the Government of Haiti together to effectively lead the reconstruction process;

(8) urges the international community—

(A) to call on the leaders of Haiti to immediately reach a democratic resolution to the current electoral crisis to enable the newly elected leaders of the Government of Haiti to take office by February 7, 2011, or shortly thereafter;

(B) to continue to focus assistance on the priorities of the Government of Haiti;

(C) to develop, improve, and scale-up communications and participatory mechanisms to more substantially involve Haitian civil society at all stages of the cholera and post-earthquake responses; and

(D) to give priority to programs that protect and involve vulnerable populations, including internally displaced persons, children, and persons with disabilities;

(9) urges aid agencies—

(A) to train and use Haitian local and national authorities in the delivery of assistance; and

(B) to enhance their coordination and consultation with the Haitian people and key Haitian Government ministries to ensure the effectiveness of aid; and

(10) expresses support for—

(A) the continuation of the work of United States agencies, nongovernmental organizations, private volunteer organizations, regional institutions, and United Nations agencies to confront the consequences of the crises affecting Haiti;

(B) comprehensive assessments of the long-term needs for confronting the cholera epidemic in Haiti, including the construction of adequate water and sanitation infrastructure; and

(C) the continuation of humanitarian and development efforts between the Government of the United States and the Government of Haiti, the Haitian Diaspora, and international actors who support the goal of a better future for Haiti.

SENATE RESOLUTION 27—DESIGNATING JANUARY 26, 2011, AS ''NATIONAL KAWASAKI DISEASE AWARENESS DAY''

Mr. WEBB submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 27

Whereas Kawasaki disease is a serious illness characterized by the inflammation of blood vessels throughout the body;

Whereas symptoms of Kawasaki disease include fever, rash, swelling, irritation, redness of the whites of the eyes, and inflammation of the mouth, lips, and throat;

Whereas Kawasaki disease primarily affects young children and is a leading cause of acquired heart disease in the United States;

Whereas the Centers for Disease Control estimates that in 2006 approximately 5,500 individuals with Kawasaki disease were hospitalized in the United States;

Whereas Kawasaki disease affects children of all races, but occurs most often in children of Asian and Pacific Island descent;

Whereas the cause of Kawasaki disease is unknown;

Whereas Kawasaki disease can usually be treated if diagnosed promptly, but can cause major health problems or even death if left untreated;

Whereas there is no test to definitively diagnose cases of Kawasaki disease;

Whereas a lack of awareness among health professionals and the public may contribute to the underdiagnosis of Kawasaki disease; and

Whereas on January 26, 1961, Dr. Tomisaku Kawasaki saw his first patient who suffered from what would later be termed Kawasaki disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 26, 2011, as ''National Kawasaki Disease Awareness Day'';

(2) recognizes the importance of awareness in diagnosing and properly treating cases of Kawasaki disease;

(3) urges all people of the United States to educate themselves about Kawasaki disease and the signs and symptoms of Kawasaki disease; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 4—EXPRESSING THE SENSE OF CONGRESS THAT AN APPROPRIATE SITE ON CHAPLAINS HILL IN ARLINGTON NATIONAL CEMETERY SHOULD BE PROVIDED FOR A MEMORIAL MARKER TO HONOR THE MEMORY OF THE JEWISH CHAPLAINS WHO DIED WHILE ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES

Mr. SCHUMER submitted the following concurrent resolution; which was referred to the Committee on Veterans' Affairs:

S. CON. RES. 4

Whereas 13 Jewish chaplains have died while on active duty in the Armed Forces of the United States;

Whereas Army Chaplain Rabbi Alexander Goode died on February 3, 1943, when the USS Dorchester was sunk by German torpedoes off the coast of Greenland;

Whereas Chaplain Goode received the Four Chaplains' Medal for Heroism and the Distinguished Service Cross for his heroic efforts to save the lives of those onboard the Dorchester;

Whereas Army Chaplain Rabbi Irving Tepper was killed in action in France on August 13, 1944;

Whereas Chaplain Tepper also saw combat in Morocco, Tunisia, and Sicily while attached to an infantry combat team in the Ninth Division;

Whereas Army Chaplain Rabbi Louis Werfel died on December 24, 1944, at the young age of 27, in a plane crash while en route to conduct Chanukah services;

Whereas Chaplain Werfel was known as ''The Flying Rabbi'' because his duties required traveling great distances by plane to serve Army personnel of Jewish faith at outlying posts;

Whereas Army Chaplain Rabbi Meir Engel died at the Naval Hospital in Saigon on December 16, 1964, after faithfully serving his country during World War II, the Korean War, and the Vietnam War;

Whereas Army Chaplain Rabbi Morton Singer died on December 17, 1968, in a plane crash while on a mission in Vietnam to conduct Chanukah services;

Whereas Army Chaplain Rabbi Herman Rosen died in service of his faith and his country on June 18, 1943;

Whereas Chaplain Rabbi Herman Rosen's son, Air Force Chaplain Solomon Rosen, also died in service of his faith and his country, on November 2, 1948;

Whereas Army Chaplain Rabbi Nachman Arnoff died in service of his faith and his country on May 9, 1946;

Whereas Army Chaplain Rabbi Frank Goldenberg died in service of his faith and his country on May 22, 1946;

Whereas Army Chaplain Rabbi Henry Goody died in service of his faith and his country on October 19, 1943;

Whereas Army Chaplain Rabbi Samuel Hurwitz died in service of his faith and his country December 9, 1943;

Whereas Air Force Chaplain Rabbi Samuel Rosen died in service of his faith and his country on May 13, 1955;

Whereas Air Force Chaplain Rabbi David Sobel died in service of his faith and his country on March 7, 1974;

Whereas Chaplains Hill in Arlington National Cemetery memorializes the names of 242 chaplains who perished while on active duty in the Armed Forces of the United States; and

Whereas none of the 13 Jewish chaplains who have died while on active duty are memorialized on Chaplains Hill: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker, to be paid for with private funds, to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States, so long as the Secretary of the Army has exclusive authority to approve the design and site of the memorial marker.

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, February 1, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the American Medical Isotopes Production 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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 224–5521 or Abby Campbell at (202) 224–1219.

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, February 3, 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 the Energy and Oil Market Outlook for the 112th Congress.

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 Amanda_kelly@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Amanda Kelly at (202) 224–6836.

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 Wednesday, February 16, 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 the U.S. Department of Energy's budget for fiscal year 2012.

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 at (202) 224–3357, or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on January 26, at 9:30 a.m., in room SR–325 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate at 10 a.m. on January 26, 2011, in Dirksen 406.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 26, 2011, at 10:30 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Protecting American Taxpayers: Significant Accomplishments and Ongoing Challenges in the Fight Against Fraud.''

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 112–1

Mr. REID. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 26 of this year by President Obama:

Protocol Amending Tax Convention with Swiss Confederation (Treaty Doc. No. 112–1).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to their ratification, the Protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996, signed on September 23, 2009, at Washington, as corrected by an exchange of notes effected November 16, 2010 (the ''proposed Protocol'') and a related agreement effected by an exchange of notes on September 23, 2009 (the ''related Agreement''). I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Protocol and related Agreement.

The proposed Protocol and related Agreement provide for more robust exchange of information between tax authorities in the two countries to facilitate the administration of each country's tax laws. They generally follow the current U.S. Model Income Tax Convention and the Organization for Economic Cooperation and Development standards for exchange of tax information. The proposed Protocol and related Agreement also provide for mandatory arbitration of certain cases that the competent authorities of each country have been unable to resolve after a reasonable period of time.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and related Agreement and give its advice and consent to their ratification.

BARACK OBAMA.

THE WHITE HOUSE, *January 26, 2011.*

ORDERS FOR JANUARY 27, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. tomorrow, Thursday, January 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to the consideration of the rules changes resolutions, as provided for under the previous order.

Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the caucus meetings that I have indicated we are going to have.

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

PROGRAM

Mr. REID. Madam President, if all time is used, Senators should expect a series of rollcall votes tomorrow night about 7 o'clock. We hope that a lot of this time can be yielded back, but we have to wait and see. Those votes will be in relation to a series of resolutions to change the Senate rules. We have talked about that earlier this evening.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order and under the provisions of S. Res. 14, as a further mark of respect for the victims and heroes of the tragedy in Tucson, AZ.

There being no objection, the Senate, at 8:29 p.m., adjourned until Thursday, January 27, 2011, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE KAREN J. WILLIAMS, RETIRED.

MICHAEL CHARLES GREEN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK, VICE DAVID G. LARIMER, RETIRED.

RAMONA VILLAGOMEZ MANGLONA, OF THE NORTHERN MARIANA ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS FOR A TERM OF TEN YEARS, VICE ALEX R. MUNSON, RETIRED.

J. PAUL OETKEN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE DENNY CHIN, ELEVATED.

NELVA GONZALES RAMOS, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE HAYDEN WILSON HEAD, JR., RETIRED.

V. NATASHA PERDEW SILAS, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE CLARENCE COOPER, RETIRED.

LINDA T. WALKER, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE BEVERLY B. MARTIN, ELEVATED.

DEPARTMENT OF JUSTICE

DONALD B. VERRILLI, JR., OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE ELENA KAGAN, RESIGNED.

DEPARTMENT OF COMMERCE

ERIC L. HIRSCHHORN, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE MARIO MANCUSO, RESIGNED.

FEDERAL MARITIME COMMISSION

MARIO CORDERO, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2014, VICE HAROLD J. CREEL, JR., RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

PHILIP E. COYLE, III, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE ROSINA M. BIERBAUM.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SCOTT C. DONEY, OF MASSACHUSETTS, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, VICE KATHRYN D. SULLIVAN.

FEDERAL MARITIME COMMISSION

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2015. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DONALD M. BERWICK, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN.

DEPARTMENT OF HOMELAND SECURITY

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM.

DEPARTMENT OF THE TREASURY

MICHAEL F. MUNDACA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ERIC SOLOMON, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL W. PUNKE, OF MONTANA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED.

ISLAM A. SIDDIQUI, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD T. CROWDER.

UNITED STATES TAX COURT

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED.

DEPARTMENT OF THE TREASURY

TIMOTHY CHARLES SCHEVE, OF PENNSYLVANIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2015, VICE NANCY KILLEFER, TERM EXPIRED.

DEPARTMENT OF STATE

MATTHEW J. BRYZA, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

ROBERT STEPHEN FORD, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

NORMAN L. EISEN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

FRANCIS JOSEPH RICCIARDONE, JR., OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

DAVID LEE CARDEN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

OVERSEAS PRIVATE INVESTMENT CORPORATION

KATHERINE M. GEHL, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2013, VICE COLLISTER JOHNSON, JR., TERM EXPIRED.

ROBERTO R. HERENCIA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE PATRICK J. DURKIN, TERM EXPIRED.

MATTHEW MAXWELL TAYLOR KENNEDY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE SAMUEL E. EBBESEN, TERM EXPIRED.

DEPARTMENT OF LABOR

PAUL M. TIAO, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

AGNES GUND, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016. (NEW POSITION)

UNITED STATES INSTITUTE OF PEACE

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011, VICE KATHLEEN MARTINEZ.

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011, VICE RON SILVER.

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE DENNIS P. WALSH.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE GERALD WALPIN.

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE JACOB JOSEPH LEW, TERM EXPIRED.

LISA M. QUIROZ, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2014, VICE VINCE J. JUARISTI, TERM EXPIRED.

JOHN D. PODESTA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE ALAN D. SOLOMONT, RESIGNED.

MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE LEONA WHITE HAT, TERM EXPIRED.

MARGUERITE W. KONDRACKE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2014, VICE RICHARD ALLAN HILL, TERM EXPIRED.

JANE D. HARTLEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE DONNA N. WILLIAMS, RESIGNED.

RICHARD CHRISTMAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2012, VICE TOM OSBORNE, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

RAFAEL BORRAS, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE ELAINE C. DUKE, RESIGNED.

GOVERNMENT PRINTING OFFICE

WILLIAM J. BOARMAN, OF MARYLAND, TO BE PUBLIC PRINTER, VICE ROBERT CHARLES TAPELLA, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

SMALL BUSINESS ADMINISTRATION

WINSLOW LORENZO SARGEANT, OF WISCONSIN, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE THOMAS M. SULLIVAN.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ERIC E. FIEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. HOWARD D. STENDAHL

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DONALD S. WENKE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DENNIS L. VIA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARK P. HERTLING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SUSAN S. LAWRENCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. BEDNAREK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANCIS J. WIERCINSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID C. COBURN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. RENALDO RIVERA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM M. BUCKLER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MARK J. MACCARLEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARC T. ARELLANO
ROBERT C. BRAMLISH
MICHAEL A. ERWIN
GERALD E. HADLEY
JOHN K. MCHUGH
DAVID J. MONK
DONALD F. STRUBE
HOWARD E. WHEELER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GREGREY C. BACON
STEVEN A. FERNANDEZ
MARCUS R. HATLEY
TREVOR L. JACKSON
BRIAN R. NESVIK
DONNIE J. QUINTANA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES P. MCGRATH III

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JOHN G. BROWN

To be lieutenant commander

WILLIAM A. MIX

EXECUTIVE OFFICE OF THE PRESIDENT

HEATHER A. HIGGINBOTTOM, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE ROBERT L. NABORS, RESIGNED.

KATHARINE G. ABRAHAM, OF IOWA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE CHRISTINA DUCKWORTH ROMER, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID S. COHEN, OF MARYLAND, TO BE UNDER SECRETARY FOR TERRORISM AND FINANCIAL CRIMES, VICE STUART LEVEY, RESIGNING.