United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, MAY 10, 2011 No. 63

Senate

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

PRAYER

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

Let us pray.

Eternal Spirit, Your kingdom is above all earthly kingdoms.

Empower the Members of this body with the wisdom, courage, and strength needed for our times. Infuse them with a passion to act in ways that honor Your Name. Preserve their health and strength by Your mercy and power, and may they find Your grace sufficient for every need.

Lord, bless also the citizens of this great land. Give them the wisdom to pray for our governmental leaders so that all people may live quiet and peaceful lives in all goodness and holiness.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

The ACTING PRESIDENT pro tempore. The majority leader.

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

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

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business until 5 p.m. today. The majority will control the first 30 minutes and the Republicans will control the next 30 minutes. The Senate will recess from 12:30 until 2:15 today for our weekly caucus meetings.

We are working to set up the debate and vote on the nomination of Edward Chen to be a district judge from the State of California. Senators will be notified when that vote is going to be scheduled.

RECOGNITION OF THE MINORITY LEADER

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

SOLVING CHALLENGES

Mr. MCCONNELL. Madam President, later today the President is expected to speak in El Paso about our Nation's immigration policy. Getting immigration policy right is one of the more difficult challenges we face as a nation, and Republicans are committed to meeting it. As with most serious challenges, however, the only way we will make progress is by working on a solution that is acceptable to both parties. For Republicans, that means the President will have to present a plan that takes amnesty off the table and focuses instead on making a real commitment to border and internal security. If the President does these two things, he will find strong bipartisan support. If he doesn't, he won't.

Another difficult challenge we are solving only by working together is bringing down the Nation's debt. To that end, Members of both parties met with the Vice President last week at Blair House. The participants had what all sides agreed was a productive meeting, and they will meet again this afternoon. Unfortunately, there still seems to be a serious disconnect between the two parties on this issue. There are still those on the other side who think we can put off difficult decisions until after the next Presidential election or even beyond. Republicans strongly disagree. In our view, doing nothing about the debt would be far more dangerous in the long run than failing to raise the debt ceiling. I have said this before, and Speaker BOEHNER reiterated the point yesterday in New York. The warning bells are simply too loud to ignore this crisis any longer, and the debt limit debate presents us with a prime opportunity for meaningful, positive action.

If the last financial crisis taught us anything, it is that we can't afford to play with fire when it comes to economic forces this great. We need to get serious now before the crisis we know

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

Printed on recycled paper.

is coming. That means entitlement reform needs to be on the table. This is a serious crisis. We must do something serious. Entitlement reform needs to be a part of it. That is the only way we will send a message to the world that we are actually willing to make the tough decisions needed to get our fiscal house in order. That is the only way the markets, the American people, and the rest of the world—especially those who hold so much of our debt—will believe we are on the right track.

As we prepare for a second round of talks, I would renew the call to get serious about this looming crisis and do something serious. I renew my pledge this morning to do what it takes to make sure we avert it without raising taxes or building in automatic tax increases in the future which would only destroy jobs. We can avert this crisis without doing harm to the economy or slowing down any economic recovery. That means no tax hikes now, and it means not rewarding the failure of a future Congress with automatic access to more taxpayer dollars. Above all, it means serious reforms. We need to summon the courage to make some tough decisions right now.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

IMMIGRATION REFORM

Mr. REID. Madam President, briefly, first to comment on immigration reform, we have spent a great deal of time on the Senate floor the last two Congresses dealing with immigration reform. We worked hard in coming up with a solution, and we have a solution. We were working with President Bush toward coming up with a solution to immigration reform. The problem was that even President Bush—even President Bush—could not get his Republican colleagues to join with us in doing something about immigration reform.

Our immigration system is broken, and it needs to be fixed. But it is so important that the President in El Paso today talks about the need for immigration reform because he knows and we all know, as even President Bush knew, that immigration reform is necessary. The problem is that we can't get Republicans here in the Senate to help us. It is quite simple.

We know we have to do something about border security. We have done a lot in that regard. Have we done enough? No. There is more that can be done, but we have done a lot in that direction, and rightfully so. Just within the last year or so, we provided $650 billion for more border security. That was on a bipartisan basis. We passed that. That was important.

We also have to do something about our guest worker program. At any one given time, we have thousands and thousands of guest workers here. Why? Because it is necessary, and it has been for a long time. Take the Chesapeake Bay. We have learned that we have people who come in—seasonal workers—who can do the work on the clams and the stuff on the great Chesapeake Bay. We have about 1.5 million agricultural workers in our country, and we have a system that doesn't work even for them. We have to do this. Our agricultural industry depends on it.

We also have in our country today 11 million people who are undocumented. There isn't anybody with an ounce of common sense who thinks we can deport 11 million people. We can't do it fiscally, and we can't do it physically. Therefore, we should do something about the 11 million people who are here. How should we do that? Put them on a pathway to legalization. It doesn't mean amnesty. It means that they would pay penalties and fines, that they would go to the back of the line, not the front of the line. They would have to learn English. They would have to stay out of trouble. They would have to pay taxes. There are certain things they would be required to do.

Finally, we have to do something about the unworkable employer sanction provision that was put into the 1986 law. It hasn't worked. Prior to that time, the burden was on the government to make sure people who came to work throughout America were legal. We shifted that responsibility to employers. They can't do that. It is a catch-22 now. The way the law is set up now simply doesn't work. We have, since 1986, computerization which has taken over much of the world, and through that we can work toward having an employer sanction program in our country that will work.

My point is that President Obama should be commended for talking about immigration reform. It is necessary.

My friend the Republican leader should also understand that we have tried, and for our Republican people to talk about immigration reform and not vote accordingly is something the people of America have witnessed now for many years.

OIL COMPANY SUBSIDIES

Mr. REID. Madam President, saving money requires a lot of very difficult choices: Which programs do we cut in these tough times? Which priorities are more important than others? As we have seen in the Senate and across the country over the last few months, a lot of people have a lot of different answers to these questions.

Democrats believe we have to get our spending under control, and we have to look at what needs to be cut. But we need to have a fair program, one that looks at what we are going to do long term with the equities of our spending programs. We have to look at what we do with revenues to make sure they are fair and balanced. So there are a lot of choices.

My friend, the Speaker of the House, gave a speech last night in New York. He talked about raising the debt limit and some of the things he thinks would be necessary in order to get that done. But I would direct the attention of my friend, the Speaker, to one way it would go very quickly to solving some of these problems. We know there is waste in the Federal budget and the Tax Code, but what I want to direct the attention of my friend, the Speaker, to is these five big oil companies.

We, as taxpayers, are giving billions and billions of dollars every year to these companies—billions every year. Every cent of it is taxpayer money to oil companies that already are more than successful.

These oil companies made $36 billion in profits during the first quarter of this year. I repeat that: $36 billion in profits during the first quarter of this year. ExxonMobil alone made 70 percent more this year than they did last year. Exxon holds the record for making more than any corporation in the history of our country in years past. These oil companies, I repeat, made $36 billion in the first quarter.

The industry's $36 billion in quarterly profits means they are making about $12 billion a month or $4 billion a week, and yet the U.S. Government is giving these companies billions of dollars in corporate welfare every year. That is unnecessary. Why are taxpayers on the hook for oil companies that are doing just fine on their own?

If we are serious about reducing the deficit, what an easy place to start, I say to my friend, the Speaker of the House of Representatives. It is a no-brainer. Let's use these savings from these taxpayer giveaways to drive down the deficit, not drive up the profits of oil companies.

We need to make one thing very clear: Wasteful subsidies have nothing to do with gas prices. These oil handouts have existed for decades. Prices have continued to rise. Oil executives' paychecks have also continued to rise.

In the State of Alaska they are paying $8 or $9 a gallon for gasoline. In the State of California, there are places where you pay as much as $5 a gallon for gasoline. Here at an Exxon station along the waterfront, I looked out the other day, and the gas prices there were within a few cents of being $5 a gallon. That is in our Nation's Capital. So that money Americans are paying at the pump is not related to those subsidies I have talked about, but those profits are proof enough they do not need them. The companies do not need those subsidies. Even big oil CEOs, such as the head of Shell, and Republicans in Congress—even my friend, the Speaker—have said on occasion these subsidies are not necessary.

Some of our conservative colleagues have a hard time stomaching giving a hand to those who need it the most. But we should all agree—in the interest of fairness, common sense, and saving taxpayer money—that we cannot continue with this corporate welfare to those big oil companies that need it the least. That is a good place to start.

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 for debate only until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

OIL COMPANY SUBSIDIES

Mr. DURBIN. Madam President, I rise in support of the comments made by the majority leader. I was in Chicago over the weekend, and downstate as well in Illinois, and saw these gasoline prices and understand the hardship they cause. At a BP filling station in Chicago near Lawrence and Lake Shore Drive, I ran into a man who is a plumber who has a van and goes from job to job. He said it is not unusual now for him to spend over $100 a week on gasoline. Of course, that is taking away money he could have brought home for his family. It is a real hardship on him.

He kind of smiled and chuckled and said: They do it to us every year, don't they.

That is true, Madam President. Whether we are talking about the situation in New Hampshire or Illinois, we can predict the rights of spring in America: the opening of the baseball season, Easter egg hunts, Seder dinners for Passover, and skyrocketing gasoline prices.

Then there are the excuses. There is always an excuse: Oh, we had to switch from winter to summer. We didn't see that coming. Oh, there is a problem in the Middle East. Whatever it is, any excuse will do, and the gasoline prices go up.

We can do something about it, and we should. The majority leader is right. We accept the challenge of Speaker JOHN BOEHNER who said in New York: Let's make a serious effort to deal with this deficit. Well, we have a great downpayment: $21 billion we can take off the deficit. We can take it away from a group that does not need it. We are talking about the oil companies that are registering record profits—$36 billion. If we decide to take away the subsidies that are now being given to these extremely profitable companies, it will save taxpayers $21 billion over 10 years.

Let's get started there. That ought to be the easy part because right now we know what is going on. We are paying for these high gasoline prices three times: First, when we fill up our tanks. Oh, they hit us hard there—$60, $80, $100 just to fill up the tank. Second, because we are giving $4 billion a year in subsidies to the oil companies, taxpayers are being hit again. It is not just what we pay at the gas pump, it is what we pay on April 15. Part of that is going to the oil companies.

But there is a third hit. Do you know where we get the money to pay the subsidies to the oil companies? We borrow it from China—the largest creditor of the United States. We are borrowing 40 cents for every $1 we spend. So out of the $4 billion we are talking about that is going annually to these oil companies, 40 percent of it—about $1.6 billion—is being borrowed every single year from countries such as China. So the third way we pay is, ultimately, on the debt to China and the interest on that debt.

Can we afford that? At a time when Americans are sacrificing, can't we ask the oil companies, with record profits, to sacrifice their Federal subsidies? That is all we are trying to do. I know Senator SCHUMER from New York is going to take the floor momentarily and talk about this issue. We will have a bill on the Senate floor. For those Members on both sides of the aisle who have given impassioned speeches about reducing the deficit, here is their chance. It is a put-up-or-shut-up moment. If we believe in reducing the deficit, here is $21 billion of low-hanging fruit. Let's pick it. Let's pick it for the taxpayers. Let's take these savings and put it right on deficit reduction. I hope that is something on which both sides of the aisle can agree.

IMMIGRATION REFORM

Mr. DURBIN. Madam President, let me say a word very quickly about the President's speech today in El Paso.

I have said on the Senate floor many times, because it is a source of pride to me, I am a first generation American. One hundred years ago, my mother was brought to this country as an infant, 2 years of age. My grandmother brought her over from Lithuania, and they landed in Baltimore in 1911—100 years ago. How they made it—the four of them, at that point: my aunt, uncle, grandmother, and mother—how they made it from Baltimore to East St. Louis, IL, I do not have a clue because I am sure they did not speak but a handful of words in English.

They made it like other immigrants made it: because they were determined to come to this country. They were prepared to leave everything behind in their lives—their homes, their churches, their relatives, their friends, their languages, their cultures—and come to this great Nation and take the risk, the risk of opportunity. Think about that story and multiply it millions of times, and that is the story of America.

The people who hate immigration are turning their back on the heart and essence of this great Nation. We are an immigrant nation of people of extraordinary courage who picked up and moved and said: We are going to try our best in a new place with a new language. When most of them arrived—I am sure it was the case with many who were on the boat with my mom—there were folks standing on the shoreline saying: No, not more of those people. Don't we have enough of them? They don't speak our language. They don't look like us. They don't dress like us. They eat funny food. They hang out with one another. We don't need more of those people.

For as long as immigrants have been coming to these shores, there have been people standing on the shores saying: Please, pull up the ladder. We don't need any more of those folks. But we do. We need them not only because they work hard, we need them because they have a spirit and a determination which makes us a different nation.

The DNA each of us shares from those immigrant parents and grandparents gives us a drive and a determination to make this a better nation. When we close the doors to immigration—orderly, legal immigration—we are closing the doors of opportunity in this country.

The President will speak to immigration today. He has been a loyal friend of mine for a long time. He was a cosponsor of the DREAM Act, which I introduced 10 years ago, and I would not be surprised if he brought it up today in El Paso. He did last week in the White House. I know he is committed, as I am, to make sure children who were brought to the United States as infants and youngsters, who had no voice in the decision to come here, who have lived a good life here, worked hard and went to school, said the Pledge of Allegiance every morning in the classroom and know no other flag but the U.S. flag, children who want to become tomorrow's adults and tomorrow's leaders deserve a chance. The DREAM Act will give them that chance. They can choose to enlist in our military and become citizens of the United States, or they can choose to complete college, at least 2 years of it, and find a path to citizenship. That is reasonable, it is compassionate, and it is fair. I hope as part of immigration reform we include it.

I plead with my colleagues on the other side of the aisle: Do not turn your back on America's heritage. Do not turn your back on fairness and compassion. Join us in real immigration reform. Join us in passing the DREAM Act.

Madam President, I yield the floor.

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

Mr. SCHUMER. Madam President, first, I commend my colleague and friend from Illinois for his outstanding remarks on both subjects, the deficit and on immigration. I am here to talk about the deficit, but I will just touch on immigration.

People are saying, well, why is the President going to El Paso when we

have not made enough progress on immigration? They bring up a point, but the President's point is the right one. He is bringing the message to the country on why we need real immigration reform.

I think there is one point on which 100 Members of this Chamber would agree: our present immigration system is broken, badly broken. We turn away lots of people who should be here. We also do not have a rational system for who should come here, and America is the lesser for it. As the Senator from Illinois pointed out, immigration is part of our proud heritage, and immigrants help America.

One of the reasons we are doing a lot better than Europe is we have welcomed new people into this country, and we integrate them and say: As quickly as you can, become Americans. We all came from somewhere else originally.

Now, I am still very hopeful that as the President sets the table and let's America know how important this is, we can get bipartisan immigration reform done in this Chamber, on the floor of the Senate, and even over in the House. It is hard, no question, but I believe, first, to get comprehensive reform we need bipartisan support. That is obvious. But, secondly, that people see enough need to do it that we can actually get it done, particularly if the President goes around the country, as he is beginning to do today in El Paso and as he has done in the past, and talks about the need for immigration reform, setting the table so we can actually get something real done.

THE DEFICIT

Mr. SCHUMER. Now, let me speak to the issue I came here to speak about, which is the deficit.

Speaker BOEHNER was in my hometown of New York City last night, and he talked about how important it is to get a handle on this deficit. On that issue, my colleagues on this side of the aisle and I certainly have no problem. Neither does President Obama. The President has proposed $4 trillion in cuts—a huge amount of cutting, $4 trillion—to close the deficit both on the spending side and the tax side. So anyone who thinks one side wants to cut the deficit and the other does not has not looked at the facts. But, obviously, we have to come together.

If each side sticks to its own position, nothing will happen. There should be one obvious place where Speaker BOEHNER and his colleagues can show some goodwill; that is, on these subsidies to big oil. No one can defend them—no one. Oil companies are making record profits. Gas prices are at an all-time or close to an all-time high, and we, the taxpayers, are continuing to subsidize the five big oil companies.

You could not write a more ridiculous scenario. Senator MENENDEZ, along with Senators BROWN and MCCASKILL, later today will introduce legislation that our side agrees with, which will say take all that money and put it to deficit reduction. There are some who would have preferred to put the money into encouraging independence from particularly foreign oil. But because the deficit is such a huge problem and because we might have a dispute with our friends on the other side as to where the money ought to go, everybody can agree it would be worthwhile to take a little bit of the burden off of the taxpayers, have the oil companies pay their fair share, and stop these ridiculous tax breaks and subsidies to the five big oil companies.

So I ask Speaker BOEHNER to show some good faith. Some on his side have already said these subsidies don't belong. They were created at a time when oil was $17 a barrel, when we worried about production here. Oil was hovering at just over $100 a barrel again yesterday. You don't have to worry about their desire to explore. They are looking every place they can. They don't have to have a subsidy to do it.

Some might argue: What about the small and middle-size companies? Many of us believe they too should not get the tax breaks. But this bill Senator MENENDEZ will be introducing shortly doesn't even touch them—just the five big oil companies and just the tax breaks they now get. Why not? It is a perfect way to start this debate and show some good will.

Democrats have agreed to cuts—lots of cuts. People on the other side of the aisle can show some agreement on revenues. This area of revenues, which almost nobody can dispute, should not be there. So the time to repeal these giveaways is now. We would most prefer to do it in a bipartisan way. Speaker BOEHNER, and those on his side of the aisle, can show some good faith that they are not dug in and saying that only my way will lead to the kind of scenario that many tremble at, which is the debt ceiling not being approved.

We on this side of the aisle don't believe that should happen. Many on the other side have said they don't. The first good step that could be taken on the other side to show little give is to eliminate these big tax subsidies to big oil. I urge my colleagues to support it. I urge Speaker BOEHNER to pivot on his speech from yesterday and support this proposal. It would create a great deal of good will and put us in the direction of reducing the deficit that we all so much want to do.

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

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

The legislative clerk proceeded to call the roll.

Mr. INHOFE. 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.

GASOLINE PRICES

Mr. INHOFE. Madam President, it has been called to my attention that there are some people who are trying to respond to the fact that we have such high prices of gasoline at the pumps in a totally unrealistic way, in a way that is class warfare, in a way that doesn't make any sense to anyone, when we have a solution to this problem we have been talking about for a long period of time.

There are some who are trying to say we are going to have to do something about the subsidies that are given to oil companies, about what they have been doing over the years, and all of a sudden they are the ones who are responsible for the high price of gas at the pumps.

A CRS report was requested by my colleague, LISA MURKOWSKI, that grew out of frustration with the Democrats' refrain that "America has only 3 percent of the global oil reserves." Therefore, under this view, more drilling and production at home is futile. As President Obama has said many times, "with 3 percent of the world's oil reserves, the U.S. cannot drill its way to energy security."

Well, it can, because it is not 3 percent. A CRS report came out later and showed—and this is something people don't want to believe, but it is out there and it is a fact—the United States of America has the largest recoverable reserves of oil, gas, and coal of any country in the world—more than China, Saudi Arabia, or anyone else. Our problem is a political one—this administration. It goes down Democratic and Republican lines. The Democrats put 83 percent of America's Federal lands off limits to drilling. Of course, that is fine for the administration, because they have made some statements, which I will read in a minute, to demonstrate clearly that they want to increase the price of gas at the pumps.

On the idea that you can do this through regulation and through trying to further tax the oil industry, CRS stated that tax changes outlined in the President's budget proposal—I am quoting from CRS, which everyone knows is completely nonpartisan—"would make oil and natural gas more expensive for U.S. consumers and likely increase foreign dependence."

I was very proud of a couple of Democrats—the only two who were outspoken. Senator LANDRIEU, from Louisiana, said:

> The administration has put forward draconian taxes on the oil and gas industry. . . . It seems very contrary to our stated goal of being more energy sufficient in the United States. Taxing this domestic industry will instead cut jobs and increase our dependence on foreign oil. So I want you to deliver that message again to the administration. We have bipartisan opposition to increasing taxes on this industry.

Senator MARK BEGICH from Alaska said:

[The President's proposal] would cost thousands of jobs in Alaska and across the country. Energy companies are among the businesses investing and creating jobs at a time when our country needs both. I will fight any measure to end these incentives.

It should be obvious that without these two Democrats coming in—I appreciate the fact they did. We are not going to be able to reduce the price of oil at the pumps by further taxing the oil and gas industry. It is ludicrous to even think that anyone would suggest we could increase taxes on the oil industry and gas industry and somehow we are going to have energy more available and are going to reduce the cost of gas at the pump.

There is a way of doing this that I think is so simple. There is not a person in this country—certainly no one who serves in this body—who, back during his or her elementary education, did not learn about supply and demand. Here we are in the United States of America sitting on more gas and oil than any other country in the world, and we are the only country that does not exploit its own natural resources. We are the only country. If we did, we would be completely independent from the Middle East. We would not have to go outside this continent to supply our needs.

People say: If you do that, you start developing. Then it is going to take a long time. It is going to be maybe 8 or 10 years. That would be fine. They were saying that 8 or 10 years ago, and we could have done it then. That is not quite true because the economists have said that if we announce we are going to areas where we are not exploiting our resources—I am talking about the gulf, the east coast, the west coast, the North Slope in ANWR, Alaska. I am talking about the public lands where 83 percent of our public lands are off limits for drilling. If we were to announce today that we were going to open drilling and exploration and production in the United States of America, that price would drop tomorrow. It would drop immediately because people would know we are going to use our own resources.

I hate to say this, but somebody has to say it. We have an administration that is so wrapped up in saying that one of these days, we are going to have to have all this green energy, and they themselves are on record saying they want to increase the price of oil and gas.

Let's look at what happened.

Alan Krueger with the Department of Treasury said:

The administration believes that it is no longer sufficient to address our nation's energy needs by finding more fossil fuels.

The Obama Treasury Department said:

To the extent the lower tax rate encourages overproduction of oil and gas, it is detrimental to long-term energy security.

Therefore, we want to do away with oil and gas.

Here is the best one. President Obama's Energy Secretary, Steven Chu, said:

Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

We have an administration that wants to increase the price of gasoline at the pumps to be comparable to Europe, which is between $7.50 and $8 a gallon. Obviously, people know this is true. It was not long ago that President Obama gave his energy speech. In his energy speech, he said there is all this abundance of clean gas we can use. Then at the end of the speech he said: But we have some problems in getting the gas out of the ground. He is talking about natural gas in this case, not about oil. I happened to give a response on one of the TV stations. He said he wants natural gas. At the same time, he says he wants to end hydraulic fracturing.

Let me tell my colleagues about hydraulic fracturing. Hydraulic fracturing started in the State of Oklahoma, my State, in 1948. It is a way of pumping fluids and water primarily into these tight formations. These tight formations mostly are down about 1 mile to 2 to 3 miles under the surface. That will allow them to go in and get the gas. We have enough natural gas to take care of our needs for the next 100 years; we just need to use these systems. If we do away with hydraulic fracturing, then that means we are not going to be able to get any of the natural gas. We cannot produce 1 cubic foot of natural gas without using hydraulic fracturing. What did we find out last week? Secretary Chu is going to be in charge of a study to see how dangerous hydraulic fracturing is. This is the same guy who said that somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

I will only say this. We actually have three problems. We have the problem of, we have this abundance of resources we are not going after, and hydraulic fracturing. Then keep in mind that what we get, we have to refine. That is where the EPA comes in.

I have stood at this podium for 9 years talking about the problems we have with cap and trade, the fact that we can't have a cap-and-trade system that is going to have the effect of costing the American people—the estimates are between $300 billion and $400 billion a year. That is supposedly for greenhouse gases.

We had the Kyoto treaty back in the nineties, and then they tried seven different times on the Senate floor to pass legislation that would have the same type of cap and trade we would have had if we had become a party to and ratified the Kyoto treaty. The problem with that is, even if there are people out there—and there are. A very large percentage of the people in America, some 40 percent, believe that somehow greenhouse gases are causing catastrophic global warming. Even if that were true, which it is not, but if it were true, it does not make any difference what we do in the United States of America.

I admire the Administrator of the Environmental Protection Agency, Lisa Jackson, who was appointed by President Obama. Yes, she is way off in the leftwing. She is liberal and all of that. When you ask her a direct question, she gives an honest answer. She gave honest answers. I asked a question—I think at that time it was the Markey bill. It was one of the cap-and-trade bills. I said: In the event we were to pass a cap-and-trade bill in the United States, would that reduce emissions? Her response was, no, it will not, because that would only affect the United States of America.

That is not where the problem is. The problem is in India, Mexico, and China. Right now, China is cranking out two coal-fired generating plants every week. It is going to continue there. In fact, one could argue that it would even be more expensive or more polluting—if one calls CO_2 a pollution—because our jobs would go to places such as China where they do have this problem. They do not have any emissions control.

We have the problem of refining the gas once we get it. I see my good friend is on the floor and is going to be speaking perhaps to the same issue. I only want to mention one thing. With regard to the cap-and-trade agenda, since they are not able to get it passed, they are trying to do it through the Environmental Protection Agency through regulations.

Lion Oil, based in El Dorado, AR, recently testified before the House Energy and Commerce Committee that it commenced a $2 million expansion of its El Dorado refinery in 2007, with 2,000 construction jobs, but its completion has since been stalled. As Lion Oil vice president Steve Cousins explained:

The uncertainty and the potentiality of prohibitive costs associated with possible cap-and-trade legislation and EPA's greenhouse gas regulations were a critical factor leading us to delay the completion of the expansion.

What I am saying is, if we are—and I believe we are—going to break down this barrier and overcome this mentality that we should not be developing our own resources, then we also have to have a way of refining it. We can do it. It is within our reach. We can bring down the price of oil and gas and certainly gasoline at the pump by tomorrow. If we were to announce we were going to stop being the only country in the world that does not exploit its own resources, if we go after the oil and gas that is available in the gulf, the east coast, west coast, our public lands, as well as the North Slope of Alaska, we could be independent from any dependency on the Middle East. I believe the American people understand that point. It goes right back to our elementary school education. It is supply and demand. We have the supply in the United States of America. We have to open up that supply so we can use it, and obviously that would lower the price of gas at the pumps.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank my colleague from Oklahoma for his leadership on the Environment and Public Works Committee. I am pleased to be back on that committee with him. I share very much the substance of his views about the need to produce more oil and gas. It keeps money in the United States, creates jobs in the United States, and creates tax revenues for the United States. Offshore oil and gas in our gulf produces billions of dollars for States and the Federal Government. Why we would want to produce oil and gas off Brazil and not produce it off our shore I do not know. I thank my colleague.

THE BUDGET

Mr. SESSIONS. Madam President, I wish to make a few remarks about the budget circumstances in which we find ourselves.

Yesterday, we learned that the President has scheduled two summit meetings on the budget this week. The President will meet with Senate Democrats on Wednesday and Republicans on Thursday. By calling this summit, it would seem the President has effectively canceled this week's planned unveiling of a Democratic Senate budget in the Senate Budget Committee that was planned earlier. First it was going to be Monday, then Tuesday, then Wednesday. It looks as if maybe it will not be held this week at all. It might be that Senator CONRAD could do that, but somehow, with this event occurring, he may not.

Regardless of this new discussion period, it is my expectation and belief that the American people should be given a Senate budget plan so it can be examined and we can know what is in it and see what it is about. The American public deserves to know where our elected leaders stand.

I hate to say that we have gone 700-plus days without a budget for the United States of America during a time of the greatest debt increase we have ever faced. We will have doubled the debt of the United States, I believe, by next year in 4 years. We will add $13 trillion to the debt over the 10 years presented by President Obama's budget that he sent to us in February.

There have been all kinds of discussions and talks and a lot of speeches. The President created a fiscal commission. They came forward with a serious proposal that was worthy of real insight and study. They spent a lot of time on it. It did not go far enough, in my opinion, to reduce our surging growth in spending, but it was intellectually honest, and it offered us some very real suggestions about how we could do better.

Then we started hearing that after the President's budget was submitted and it was received very badly—in fact, it was not helpful at all but actually made the debt trajectory we are on worse. We had a gang of six Senators who tried to work together to establish a budget plan that might work for us. They met in secret and had ideas. I was interested in what they had to say, but somehow that seems to have gone on the back burner.

Then we had Vice President BIDEN. He is going to lead a discussion with House and Senate Republicans and Democrats, and he is going to work out something.

Now, just yesterday, we heard that the President is going to have another meeting at the White House and talk to us. I hope it is not like the one to which he invited the House Budget Committee chairman, PAUL RYAN, and criticized him, sitting right there in front of him, for producing what I think is a historic budget that would put us on a sound path if followed.

Here we are. We have not gotten a plan or a commitment as to what this administration intends to advocate for. They submitted their budget. It was alleged to have reduced the deficit by $2 trillion, but when the Congressional Budget Office, our objective analyst, took the document they submitted and studied it in detail, they concluded it would add $2.7 trillion. In other words, it would create more debt over the next 10 years by $2.7 trillion than was projected to accrue without the budget. That is not what financial experts are telling us, that is not what economists and professors are telling us we need to do. It is unacceptable.

That budget was criticized, and we hadn't heard much about it since. Well, the President, for a week or so, tried to propose that it would have us live within our means and help pay down the debt. According to the Congressional Budget Office, the lowest deficit in 10 years would be over $700 billion, and the President said this was going to have us living within our means? Apparently, desiring to back off that, the President made a speech and he said he is now going to save $4 trillion.

Well, the budget staff—I am ranking Republican on the Budget Committee—looked at what he said in the speech and noticed a couple of things. We noticed the President had moved the budget period from 10 years to 12 years, and that made the numbers look a lot better compared to a 10-year savings plan. If we save a little each year and we go 12 years, it looks better than 10, when everybody was talking about 10. It is kind of a little gimmick, you see, to make the numbers look better. Then they incorrectly took credit for every dollar that was saved when the Republicans in the House negotiated with the Senate on the CR and reduced spending about $75 billion a year below what the President had asked for. They took credit for that. That was about $800 billion of the savings.

The net result is, it was not any different than the budget plan he had proposed, except it took credit for the House reduction in spending.

I have to say, the House Republicans—PAUL RYAN—stood and faced the American people and revealed in advance the core of their plan. I attended one press conference in which PAUL RYAN announced the budget he was moving forward with. He had a series of press briefings. He basically said: This is my plan and I am ready to hear any exceptions you have to it, I am prepared to answer your questions, and I am prepared to defend what it is we have done. It was an honest, direct, and responsible approach.

The Ryan budget dealt with the long-term financial threats to America as well as the immediate. The numbers he proposed get us to the point where we can certainly say we are not on the same debt trajectory that put us in such great risk. I believe it is probably the most serious effort I have seen, in the 14 years I have been in the Senate, to address the significant fiscal challenges we face.

We face not only a short-term problem, but we face a long-term, systemic problem. We have an aging population—people drawing more Social Security for longer periods and Medicare for longer periods. We have other entitlement programs. We have been spending extraordinarily. So all that has to be a part of our discussion about how to put this country on a sound path. Senator CONRAD, our Democratic chairman, has done a good job in calling good witnesses. Every expert who has testified before the Budget Committee has told us the truth about the grim circumstances we find ourselves in. They have told us: If you don't act, we could have a debt crisis. They have told us the debt we have already accrued, and which continues to increase, is right now pulling down our economy; that our growth is not what it would be had we not incurred this much debt.

It is uncontroversial that this much debt slows down the economy. When I asked Treasury Secretary Geithner, he agreed with the Rogoff-Reinhart study that says when debt reaches 90 percent of GDP it pulls down economic growth 1 percent. Secretary Geithner said: Yes, that is an excellent study, and I would add one more thing. He said: When we get that much debt, we run the risk of having a debt crisis that could throw us back into some sort of recession or financial problem such as we have had. That was President Obama's Secretary of the Treasury. We know we have a serious problem. We need to do something about it.

The President submitted a budget that has basically been rejected. I can't imagine the Senate would bring it forward as the Senate Democratic budget. The House of Representatives, in accordance with the law and the timeframes of the Budget Act, has produced a budget, showed it publicly before they voted on it, and has defended it since. We haven't had one in the Senate. The Senate, by law, should have produced its budget and started its markup 6 weeks ago. The law says we

are supposed to have passed a budget by April 15—tax day. We haven't even begun to mark it up.

People are attempting, politically, to explain. The Democratic spinmasters are attempting to explain what it is all about. Why are we doing these things? Why hasn't a real budget been produced? They say Republicans are divided. They say: Oh, tea party people and Republicans are all divided. The Republican House has passed a budget. Where is the Democratic Senate? Who is divided? Why can't they produce a document? Why do we have to have the Vice President and the President having meetings and the President giving speeches? Why don't we see a real budget that the American people can see in advance and be able to evaluate and Senators standing, as we are paid to do, and casting votes for or against it? That is what we need to be doing.

I don't agree with the fact that the President is leading. I wish I could say that. Maybe he will surprise us on Thursday with something. I hope so. But I don't sense any leadership at all, because the budget he produced will not do the job. That is the only one we have in the Senate at this point. Indeed, Mr. Erskine Bowles, the man the President chose to head his fiscal commission, said the President's budget came nowhere near doing what is necessary. Actually, what he said was the President's budget goes nowhere near where they will have to go to resolve our fiscal nightmare.

I am wondering what is happening. The American people get it. They sent a message in the elections last November. They sent 64 new Members to the House of Representatives, and every single one of them promised to do something about reckless spending in Washington.

What about this budget the President has submitted to us? It is the only one we have in the Senate. The Senate Democratic leadership hasn't presented one. The President's budget called for a 10.5-percent increase in education, a 9.5-percent increase in energy, a 10.5-percent in the State Department's budget, and a 62-percent increase in the transportation budget. Well, we don't have the money. Forty cents of every $1 we spend is borrowed. That cannot be continued. We are on an unsustainable path. The American people know it. Every expert has told us. We know it. Where are our leaders in the Senate?

Senator CONRAD, apparently, made a presentation of his budget, and the Republicans have asked Senator CONRAD to present it to us 72 hours before the committee meets. He said he is not going to do that. He made a presentation to the Democratic conference and, apparently, it didn't go well. Senator CONRAD apparently proposed reducing spending more than they liked to hear. The Democratic leader, Senator REID, was sort of critical, actually. He said it was a nice bunch of charts. Obviously, he wasn't happy.

When are we going to see a budget? Are we going to go another 700 days? Are we not going to have a budget this year? The way things should work is like this: The Senate should come forward—the Democratic Senate, because they have the majority and we can pass a budget with a simple majority—and propose a budget that hopefully will get bipartisan support. If not, they stand and say what they believe in and how this budget reflects their vision for America. The House has done that. Then we go to conference committee. After it comes to the floor and is voted on, it goes to the conference committee and differences are worked out. Then it comes back and we have to vote on final passage of an agreed-upon budget.

We have to have a budget. It is time for this country to begin to reverse the reckless trend we are on because we are placing our Nation at risk. Mr. Bowles and Senator Alan Simpson, when they testified before the Budget Committee, warned us we have to do something significant. In the written statement they both signed, they said we are facing the most predictable economic crisis in our history. When asked when that could occur, Mr. Bowles said 2 years, maybe. Alan Simpson said: I think maybe 1. We are not talking about our grandchildren. I am talking about now.

What I would just say is, I think it is time for us to go back to regular order. We have tried a lot of different approaches to confront this crisis we face. It seems to me our leadership in the Senate is desperately seeking to avoid having to do what is responsible; that is, to stand and produce a budget. If they aren't prepared to stand before the American people and tell them how they think the country ought to be run and where the money ought to be spent and how much ought to be collected, then they are not leading, it seems to me.

I am very disappointed in the President's leadership. He has been roundly criticized because the only proposal he has sent to us is irresponsible. It in no way comes close, as Mr. Bowles said, to doing what is necessary to avoid our fiscal nightmare, and that is the path we are headed toward. It is not a matter of dispute. We will not reach 10, 15 years down the road spending like we are because we will have a catastrophe before then.

Alan Greenspan, the former head of the Federal Reserve, said he thought maybe some sort of compromise would be reached that would be good for the country. The only question, he said, was whether it would be before or after a debt crisis occurs. This was a few weeks ago that Alan Greenspan was saying this.

It is a challenge for us and a challenge for the leadership in this Senate to come before the American people and produce their plan and seek support on the floor of the Senate. Let's debate it. Let's have amendments offered. Let's go to conference, and somehow, some way hammer out a budget that will put this country on a better path. We have no other choice. It is the defining moment for this Congress. We have no higher duty than to confront the dangerous fiscal path we are on.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that at 2:15 today the Senate proceed to executive session and begin consideration of Executive Calendar No. 61, the nomination of Edward Chen of California to be U.S. District Judge for the Northern District of California under the previous order.

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

Mr. REID. Madam President, there will be 3 hours of debate on the Chen nomination beginning at 2:15 p.m. today. Senators can expect a rollcall vote on the Chen nomination at approximately 5:15 p.m. today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

FLOODING AND FEMA

Mr. PRYOR. Madam President, I will speak in morning business for 10 minutes or less. Let me talk about a couple things this morning. First, I wish to talk about something my State has been going through since mid-March and has continued to the present day. We have been battered by tornadoes and high winds and now flooding. We see this in a photo that was taken a few days ago, late last week, of one of the areas in our State underwater. We have had many towns that have been evacuated, many counties have been declared disaster areas. In fact, the Corps of Engineers showed me a map on Friday when I met with them. They have a map that is a large overview that starts down near Dallas, TX, pretty much through all the State of Arkansas, then a little bit of Missouri and Tennessee and Illinois and even, I think, a little bit into Kentucky.

The folks in those areas in that oval have received six times the normal rainfall. When we have six times the normal rainfall, this is what we get. This is a photo where we can see the water is in the house and up on the front porch. These folks are underwater, similar to a lot of people in our State.

I will say this. The Governor of our State is doing all any Governor can do. He is doing a great job. Even though we have Interstate 40 underwater right now in one area where the White River goes under Interstate 40, they are trying very hard to get that open, maybe even today if the water will cooperate. We are seeing a lot of emergency response in our State, seeing neighbor helping neighbor, churches are rolling out, we have seen folks doing everything they can to make this work.

Also, I thank the Corps of Engineers. It is easy for us to beat up on the Corps

of Engineers sometimes, but the truth is probably 95 or more percent of the time they do things right. They do things the right way. If it weren't for the Corps of Engineers, a lot of east Arkansas would be underwater and maybe a lot more. The system they designed and built has worked. Even though this is a 100-year flood or even worse, it is working and it is saving billions of dollars in damages and hardship. I thank the Corps and I also thank FEMA. FEMA has been on the ground in Arkansas for 3 or 4 weeks now, probably, with different teams going around the State helping in different ways and they have been very helpful.

I wish to go to my second topic, and I wish to emphasize what we are seeing happening in the State right now is not impacted by what I am about to talk about. But I think this FEMA administration is still cleaning up some of the mess from the previous FEMA administration. A few years ago, we had another series of floods in our State. Now we are seeing FEMA trying to recoup that money against people in our State. Let me give a little background.

Three years ago, in an area around Mountain View, AR, the White River flooded. FEMA came and they actually went to a woman's house—I wish to talk about her and her husband. They went to this couple's house. They are on Social Security. They retired. FEMA assured them they would be eligible for assistance. FEMA took pictures. They verified the damage. They gave them the paperwork—even kind of coaxed them through some of the paperwork. They assured them repeatedly that they would qualify for some assistance from FEMA.

They did end up getting $27,000 for home repairs and that is exactly what they spent it for. They played by the rules. They filled out all the paperwork. FEMA was physically on their premises. They got the check, plowed it right back into the house, exactly like they said they would, and it helped them stay in their house.

Fast forward 3 years. We see FEMA writes them a letter, what I would call a demand letter, where they are requesting that they repay all this money, that they have 30 days to repay the balance of the debt they owe FEMA. This, of course, is a big shock to them because they were assured, repeatedly, that they had a legitimate claim. FEMA encouraged them to file this claim, they got the money, and they thought everything was great.

What has happened is, this couple, similar to many others in our State, built their home down on the river. They knew it could possibly flood one day. When they built it, they bought flood insurance. After years of paying the flood insurance, it never flooded. But after years of paying the flood insurance, the flood insurance company said they would not cover flood insurance anymore. They actually went to Lloyd's of London and paid for that for a number of years. Eventually, Lloyd's of London said: We are not doing flood insurance anymore. They desperately tried to find flood insurance and could never find it.

FEMA has a rule that in order for anyone to get flood insurance through the National Flood Insurance Program, the county or the city has to pass an ordinance. That is necessary in order for them, the people in the community, to get flood insurance. FEMA knew this particular county, Stone County, had not passed this ordnance. Nonetheless, they assured this couple, repeatedly, they were entitled to this money. So in a very real sense, these people and many others in our State are twice the victim. They are the victim of the storm and the flood, but then they are a victim of their government because their own government has injured them by the way they have handled all this—giving out the money and then demanding recoupment for the money 3 years after the fact, when they get the notice of debt.

FEMA, by the way, did not just send it out to this one couple; they sent it out to 35 families around the State. Three years later, when they get this notice of debt, they have no means to pay it back. These folks are on Social Security. In fact, they would not have qualified for the payment had they had substantial resources. So one of the ironies is, what we are doing is we are telling the poorer people they need to pay FEMA back. The poorer folks owe FEMA the most money. That is the way the program works.

I think if we had Director Fugate, who again I think is doing a good job running FEMA—if we had him here today, I don't know exactly what he would say about the situation, but I think he would say the statute ties his hands, and he doesn't have much flexibility under the statute. Whether he agrees with the hardship of the situation or the equity of the situation, he doesn't have a lot of leeway in trying to deal with this. I am offering a solution. I am offering it in the Homeland Security Committee this week. I hope Members of the Senate will look at my legislation. It is only four pages long. We are asking Congress to give FEMA some flexibility when it comes to the recoupment process and to allow leniency for some individuals under certain circumstances. I think our couple in Arkansas fits those circumstances exactly. Basically, they have played by the rules, they have done all they can do and they continue to play by the rules and do all they can do.

I filed a bill that is going to be in the Homeland Security Committee this week. I would love to have my colleagues look at it and support it, if they see fit. It does three things. No. 1, it says FEMA may waive a debt owed to the United States in cases where funds were distributed purely by FEMA error, which is the case here, because FEMA knew this particular county had not passed this ordinance. FEMA knew no one in this county was entitled to any assistance under this particular provision of the disaster relief law because the county had not passed the ordinance. FEMA knew that for the entire county. In fact, they have a list of every county—every ZIP Code in the country where people do not qualify. This woman of the couple from Arkansas was very clear about her location as she went through this process.

FEMA, whether they admit it—we can produce the documentation—FEMA was clearly in error in giving out this check, in assuring her she was entitled to it, and assisting her through this process. They were clearly in error. I think it is a case of the left hand not knowing what the right hand is doing.

Again, I think this FEMA administration has cleaned up this problem. My guess is we will not see this type of problem in the future, especially not out of this FEMA administration.

The second thing it does is it says they have to waive a debt owed to the United States in cases where the rationale for recoupment was failure to participate in the National Flood Insurance Program. Again, what this will do is acknowledge that FEMA made some mistakes 3 years ago. It is kind of competence 101 that they would know which counties and which residents would be entitled to this particular relief, but somehow, some way, they dropped the ball. This would make it very clear, from 2005 to 2010—again, this is the limited duration of this bill, this is a relief bill to help a specific group of people—that because of FEMA's mistake and because the folks here could not participate in the flood insurance program, no matter how much they wanted to—and this particular couple did want to participate in the FEMA flood insurance program, they could not do it—this would basically say we cannot now punish them and come back on them for that money.

The third thing it does, it makes clear that Congress is not giving any waivers in cases of fraud or misrepresentation or false claims or anything of that nature. This is purely for mistakes and errors made by the Federal Government when the Federal Government is trying to come back in and recoup moneys they wrongly paid.

Let me run through a couple other things, and I will be glad to yield the floor in just a few minutes. These communities that have not passed this ordinance and, therefore, are not entitled to participate in the flood insurance program, they are called sanctioned communities. That is what FEMA calls them. They are called sanctioned communities. There was a lawsuit a few years ago that basically challenged FEMA's ability to do certain things. It is too long and involved to talk about, but the court found there are 168,000 cases. Mostly these go back to the hurricanes of Katrina, Rita, et cetera—the biggest bulk of them. Of the 168,000 cases that FEMA has to revisit and

maybe recoup some money from people, so far they have only done 5,000 of these cases. Out of the 5,000 cases they have reviewed, only 18 cases, 18 total out of 5,000—out of 5,500 cases—would be impacted by my bill.

So we are talking a very small percentage. We are talking three-tenths of 1 percent is what we are talking about here. This is a very tiny, very narrow exception. I am for recoupment as much as anybody. I think it is very important that the government do it right and do it right the first time. If there is some sort of fraud or some sort of misrepresentation, then the government absolutely should go after that money and try to recoup as much of that as possible.

What we are talking about here is in 99.7 percent of the cases they can pursue recoupment. But based on the numbers we have today, it is three-tenths of 1 percent of the time where the mistake is completely on FEMA's side of the equation, and we would say no, as a matter of fairness and as a matter of equity, then they cannot seek recoupment in these cases.

To me this is a matter of equity. This is a situation where this particular couple in Arkansas—and we have other couples, we have other families too—we know of a total of four in our State who fall into this category. So we only have four out of how ever many thousands have received FEMA payments over the years. But nonetheless, this is a matter of equity because if you look at this couple I am talking about here in Arkansas near Mountain View, they basically would never have done this. They would have made other arrangements 3 years ago.

I do not know if they would have gone to the bank. I do not know if they would have gotten a second mortgage. I do not know if they would have sold the property and moved out. I do not know. They do not want to think about it. Because this FEMA check actually allowed them to stay in their house.

Now they are coming back in a worse condition than they were before because FEMA says, you have 30 days to pay this back. The fact they have not paid it back yet and that they filed an appeal with FEMA to try to work this process to get some relief, which FEMA, apparently, very seldom if ever grants—the fact that they filed this paperwork means that they have a little extension on the principle load. But it is very clear from the correspondence from FEMA that now interest is accruing. So interest is accruing on these folks.

Again, I think they are in a worse situation today than they would been had FEMA said no 3 years ago as they should have done. To me this is a matter of equity. I think if we were in a court, you might use the word estoppel. I think the Federal Government should be estopped in this situation from pursuing this money, because there was detrimental reliance on the part of the family.

They did not ask for this. FEMA showed up at their house. FEMA took pictures. FEMA helped them fill out the paperwork. FEMA walked them through the process. They do exactly what they are supposed to do. They put it in the house. It saves their house and gives them the ability to stay there. And now 3 years later, they get a letter basically saying, notice of debt, you owe FEMA $27,000. Well, you can imagine, this is devastating for a family on Social Security who has very few other means. Again, if they qualified for this in the first place, you know they are not high-income folks. And $27,000 at this stage of life for them is a lot of money. It is a mountain that is too tall to climb.

What I would love for my colleagues to do is look at what we are going to offer in the committee. I hope you can support it. We will be glad to answer any questions if any of my colleagues want to talk about it today or in the hallways here in the Senate over the next couple of days as we are working through this.

I certainly want to thank Senator LIEBERMAN for allowing us to put it on the markup. I think folks around here rightly are in a recoupment mode. They want to recoup money that has been wrongly paid out. And, again, I am for that 100 percent. In fact, we had a hearing in one of the Homeland Security subcommittees the other day about recoupment. We have talked about this. This is very important that we stop the bleeding and the government not pay out more money than they should. But in this particular case, I think the principle of equity and fairness is certainly on the side of these folks who again, as I said, are twice the victims. They were first victimized by the storm, and second they are victimized by their own government.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

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

NATIONAL ENERGY POLICIES

Mr. BINGAMAN. Mr. President, yesterday I introduced two bills on a subject of great importance—two different subjects—related to our national energy policy. The two bills were the Oil and Gas Facilitation Act of 2011. The second was the Outer Continental Shelf Reform Act of 2011.

Both of these bills are based on bipartisan, largely consensus work, that was done in the Committee on Energy and Natural Resources during the last Congress. I should note that these important issues are being addressed in separate bills very consciously and for a reason. In the past we have crafted comprehensive energy bills that attempted to address all of the energy policy issues of the day in a single piece of legislation. There are obvious advantages to that. But there are well-documented disadvantages as well. I wish to avoid those disadvantages this year in furtherance of completing our important work.

There is no disagreement in the Senate about the need to have robust and responsible domestic production of oil and gas. At the same time, there is probably considerable disagreement about how best to address that issue. We need to begin work on that. However, ensuring the safety and viability of our operations on the Outer Continental Shelf is a separate matter which deserves attention on its own. The question of how we undertake oil and gas exploration and production on the Outer Continental Shelf appropriately, in my view, stands apart from the question of where we undertake those activities.

I do not believe it would make sense to try to trade off safety or environmental protections against the issue of access, for example. I believe the Congress should set an appropriate level of safety and environmental compliance, regardless of where the oil and gas exploration and production is occurring.

I will also observe that there was much greater consensus on the need to reform the rules governing Outer Continental Shelf production in the last Congress than on other issues such as those related to access to particular areas. So conflating these separate issues in the one bill is not likely to be the best path to success in enacting a bill into public law. Accordingly, we have introduced two bills.

That is not to say we don't have a responsibility to address both issues. We do. I believe they should be addressed on parallel tracks and not in combination. I hope to be able to move forward in the committee with consideration of both of these bills later this month.

The first of the bills, the Oil and Gas Facilitation Act, is intended to enhance sufficient and appropriate domestic production of oil and gas and to limit the dependence of the United States on foreign sources of oil.

The last 2 years have been a time of real success in increasing our domestic production of both oil and gas and in reducing our reliance on imported oil. We are currently the third largest producer of oil in the world. The percentage of the oil we use that is imported has declined from 60 percent in 2008 to about 51.5 percent in 2009 and to about 49 percent in 2010. We want to be sure we continue this progress while protecting our other natural resources and our communities' health and safety.

This bill, the Oil and Gas Facilitation Act, addresses production issues in

a variety of ways. It requires a comprehensive inventory of the oil and natural gas under the waters of the Outer Continental Shelf to inform decisions about where leasing is likely to be most productive. To improve the efficiency of the permitting process for development on Federal lands and waters, permit coordination offices are reauthorized, and a new coordination office is established for the Alaska region of the Outer Continental Shelf.

Two provisions facilitate the transportation of Alaska's abundant oil and gas resources. The amount of Federal guarantee instruments is increased to support the construction of an Alaska natural gas pipeline and the Trans-Alaska oil pipeline system is exempted from certain requirements that unnecessarily slow the permitting process.

Coproduction of geothermal energy by existing oil and gas leaseholders is encouraged by making leases available for that purpose on a noncompetitive basis.

Finally, the bill will potentially contribute millions to the Federal Treasury by repealing the current law that requires the Secretary of the Interior to give relief from royalty payments to certain offshore oil and gas production. This bill would allow the Secretary to provide such relief in appropriate circumstances, but it would not require such relief. This avoids inappropriate giveaways of taxpayer-owned oil and gas resources to industry when it is unnecessary for us to maintain robust domestic production.

These provisions are drawn almost verbatim from S. 1462 which was reported by our committee on a bipartisan basis in the last Congress. The one significant change is that certain funding for the offshore oil and gas inventory provided by S. 1462 is redirected by the committee in subsequent legislation to be used for research on safety issues related to offshore oil and gas drilling. To avoid spending the same money twice, we have eliminated that funding here so it could be included in offshore safety legislation. At the same time, the bill retains the authorization of significant appropriations to be used for this oil and gas inventory.

The Outer Continental Shelf Reform Act is the other bill I am introducing. It is a verbatim reproduction of S. 3516 which was reported unanimously by our Energy Committee in the last Congress. Because of the widespread support for this bill, I have reintroduced it exactly as reported, since I believe it is a good place to begin our work this year. It will need a bit of updating as we move forward. A few of the provisions have largely been overtaken by events and we have learned from the President's Oil Spill Commission and others about some refinements we should make in this legislation.

I have been having discussions with Senator MURKOWSKI and others who supported last year's bill and I will continue those discussions as we move forward. I hope we will have the same strong bipartisan support for these efforts as we did last year when we reported this bill during the midst of the worst oilspill in our Nation's history. Our commitment to responsible operations in the gulf and protection of our citizens and communities should be well understood by all.

This bill is intended to respect those who lost their lives in the Deepwater Horizon accident and respect the people of the gulf who have suffered serious economic and emotional harm by doing what we can to create a better future for them. It is the particular responsibility of the Committee on Energy and Natural Resources to look at the future of the regulatory agency and the industry it regulates. As I said last year when we introduced this bill, our goal must be, of course, to prevent future disasters, but we can and must do more than that. Congress should create organizational resources and a set of requirements that will have safety and environmental protection and innovation at their core. We should require that both industry and agency employees have the expertise, the experience, and the commitment to quality that is necessary to handle the complex issues involved, and we should set principles in place to create a culture of excellence for the regulatory agency and for the industry that will be a model for the entire world.

Thus, this bill reforms the structure of the offices of the Department of the Interior dealing with offshore oil and gas leasing and development to avoid organizational conflicts of interest. It clarifies the breadth of the Department's responsibilities in managing the resources of the Outer Continental Shelf.

It increases the safety requirements for exploration and well drilling and production. It mandates use of best available technology, an evidentiary safety case, and a risk management system that identifies and addresses hazards in advance and manages for change. It provides for third-party review by qualified parties outside the agency of key equipment and well design.

It addresses the essential need for the Department of the Interior to have in-house research capacity on both the safety and the marine environment issues necessary for the exercise of its regulatory authority. Research departments in these areas will no longer be optional, but are required, and funding is redirected from other areas of research to ensure this will happen.

In order to ensure that the rules are enforced, the bill requires the collection of fees from industry to fully fund the necessary teams of inspectors. It provides for independent investigations of accidents and the sharing of data so that all can learn from mistakes. It also provides the Department of the Interior with adequate time to carry out necessary reviews and it makes the input of other Federal agencies occur in a transparent way. And it increases the civil and criminal penalties applicable to violations of the law and regulations.

I believe these policies and resources can set us on a new and constructive path toward managing the incredible natural resources we have on the Outer Continental Shelf. We must commit ourselves to the goal of excellence in this important endeavor. The fact that oil is no longer gushing into the Gulf of Mexico in no way diminishes the importance of this work.

Both of these bills address issues of great national importance. We will shortly be scheduling the necessary hearings and preparing these bills for committee consideration. If at all possible, we will do so before the Memorial Day recess. I look forward to working with my colleagues on the Energy and Natural Resources Committee and in the rest of the Senate on a bipartisan basis as we have in the past to address the vital issues presented by both of these bills.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:36 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF EDWARD MILTON CHEN TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

The legislative clerk read the nomination of Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours of debate equally divided in the usual form.

The Senator from Iowa is recognized.

Mr. GRASSLEY. We are on the nomination; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Mr. President, I rise today to speak in opposition to Magistrate Judge Chen, the President's

nominee for the Northern District of California. Before I address Judge Chen's nomination, I wish to say a few words about our progress on judicial nominations.

At the beginning of this Congress, I told the chairman that I would work with him to process consensus nominees at a fair and reasonable pace. Thus far this Congress, I have worked very hard and in good faith to do just what I promised. We have confirmed consensus nominees with a particular focus on nominees in so-called judicial emergencies. I made that commitment to the chairman, and I have kept it.

The Senate has been in session for only 46 days this Congress. In that short period, we have confirmed 20 judges. We confirmed three judges last week. In fact, thus far we have taken positive action on 43 of 71 nominees who have been submitted to this Congress by the President—20 have been confirmed, 13 have been reported out of committee, and 10 have had hearings in the committee. All totaled, we have taken positive action, then, on 61 percent of the judicial nominees submitted by the President during this Congress.

Despite my good-faith efforts, my colleagues from the other side continue to accuse us of not moving quickly enough. And, I might add, the White House Counsel continues to state publicly that we are not moving fast enough. Recently, the President's top lawyers spoke to a group of ABA members and asked them to ''bring home the impact or the effects of gridlock.'' The President's lawyer neglected to tell the American Bar Association that the problem begins at the White House. In other words, the Senate cannot act on nominees for judicial appointments if the President has not processed them and sent them to the Senate. The President has failed to send to the Senate a nomination for 50 percent of the current judicial nominees. Yet we have his White House Counsel telling the American Bar Association: Get on top of the Senate and tell them to get their job done, when we have processed 61 percent of the ones who are up here and done it in the 46 days we have been in session. Somehow they expect us to process nominees who have not been submitted to the Congress. That is not possible. This statistic certainly does not indicate a sense of urgency on the part of the White House—in other words, the fact that the Senate has not even received 50 percent of the nominees for those vacancies.

Notwithstanding my efforts to work together, the majority insists on taking detours and throwing up roadblocks to this cooperative effort. For example, last week, after moving forward with two district court judges, the majority leader filed cloture on one of President Obama's most controversial nominees, Mr. Jack McConnell. This week, the majority leader has turned to two more of the President's controversial nominees. Last night, we defeated a cloture motion for Mr. Cole, the President's nominee for Deputy Attorney General, and today we turn to Judge Chen. Of course there are noncontroversial nominees the Senate could turn to. We could confirm additional district judges as we have been doing. But rather than continuing to move forward with the consensus nominees, the other side has chosen to turn to the President's most controversial nominees.

I must say this makes it extremely difficult to continue to work in a good-faith effort to move forward on noncontroversial nominees. From our perspective, it appears that the more we try to work with the majority, the more we are accused of not moving fast enough. The test, I guess, is in the pudding and the general counsel for the White House telling the American Bar Association lawyers to get on the Senate to get more nominees confirmed. The more we try to move consensus nominees, the more the other side insists on moving the President's most objectionable nominees.

Judge Chen is not a consensus nominee. His nomination was considered during the last Congress and was voted out of committee on a party-line vote. The nomination was returned to the President on more than one occasion. Despite our repeated and consistent opposition, the nomination was resubmitted this year. Again it was reported out on a 10-to-8 party-line vote. Yet, despite the unanimous Republican opposition to the nominee, we have agreed to a short time agreement rather than engage in extended debate on this nomination.

With that, I have some remarks regarding Judge Chen's nomination. At the outset, let me emphasize the basis of my opposition. It is based on Mr. Chen's judicial philosophy, on his own statements, and on his record. It is absolutely critical that our judges remain impartial. That is the independence of the judiciary. That is why it is independent. Their job is to interpret law, not to make law. Our system depends upon this independence and impartiality. For that reason, when judges put on a robe for the first time, they take a solemn oath that they will remain impartial. They swear that they will administer justice ''without respect to persons and do equal right to the poor and to the rich.'' That is why we want to make sure judges we confirm will set aside their personal opinions. We do not want their personal views to influence how they do their job. They are supposed to decide cases based on facts and on law and nothing else.

Unfortunately, there are some who believe that this notion of impartiality is somehow just plain old-fashioned and outdated. They believe judges should not be limited to the facts and the law. Instead, they believe judges should look at the litigants themselves. The President seems to take this view. This is the heart of the so-called empathy standard. The problem, of course, is that empathy for one litigant is a bias against the other. But Mr. Chen appears ready and willing to adopt and to apply the so-called empathy standard. He appears to be a member of the camp who believes that being completely impartial is just an old-fashioned view of judging.

In 2003, as a sitting Federal magistrate judge, he wrote an article that summed up his view, and I want to quote it. It is fairly long.

> Judges have to make determinations that draw not so much upon legal acumen, but on an understanding of people and of human experiences. Such experiences inform assumptions that affect legal decisions. . . . Simply put, a judge's life experiences affect the willingness to credit testimony or understand the human impact of legal rules upon which the judge must decide. These determinations require a judge to draw upon something that is not found in case reports that line the walls of our chambers. Rather, judges draw upon the breadth and the depth of their own life experience, upon the knowledge and understanding of people, and of human nature.

I am sure John Marshall would turn over in his grave if he heard that about modern 20th-century and 21st-century judges.

The problem with this approach is that it is the exact opposite of what judges are supposed to be. Judges are supposed to determine the facts and apply the law. That is what their oath demands, and that is what judges must do for our judicial system to remain independent and impartial.

In addition to allowing empathy to affect his decisionmaking, Judge Chen appears willing to inject his personal views into judging. Both his writing and public comments while as a magistrate judge suggest that Judge Chen believes judges should interpret the law according to their personal understandings and preferences. This is a classic definition of judicial activism.

For example, in discussing his work as a magistrate judge, he stated in a speech in 2007 before the American Constitution Society that he finds ''most rewarding . . . contributing to the development of the law via published opinion, especially if it comports with my view of justice.'' Again, the problem here is that a judge's view of justice is very irrelevant. Judges are not policymakers. That is what we are in the Congress of the United States. Judges are called on to decide the facts and to apply the law. Their own view of justice is simply not relevant.

Given that Judge Chen believes a judge's personal views and experiences impact their decisions, it becomes important for us to understand his views and how they were shaped. Prior to becoming a magistrate judge, Judge Chen worked as a staff attorney at the ACLU for over 15 years. He was a advocate for the ACLU. He took very liberal positions on a variety of issues. I would like to name just a few. He opposed private drug testing, he opposed antigang injunctions, he defended affirmative action, he harshly criticized English-

only measures, and he argued that Alabama should be forced to give driving tests in languages other than English.

Those who have defended Judge Chen's nomination have argued that we should not consider his work for the ACLU. As I said, we have confirmed other nominees with strongly held personal views. But when a nominee says that personal views and experiences should and will influence how they approach cases, it becomes difficult to overlook their work on behalf of an organization such as the ACLU.

Judge Chen's advocacy on behalf of the ACLU is not disqualifying in and of itself. But it is hard to imagine why Judge Chen would devote so much of his professional career to the ACLU causes if he did not believe in them deeply. More importantly, given that in Judge Chen's view, personal views and personal experiences should influence how a judge decides cases, we have no choice but to examine Judge Chen's personal views and experiences, including his work at that organization.

For these reasons and others, I oppose this nomination. If Judge Chen is confirmed today, I sincerely hope he will prove me wrong. I sincerely hope he will set aside his personal views and make decisions based solely on the facts and on the law. But based on the record before this Senator, I fear he will not be able to do so. Therefore, I will vote no on his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

TENNESSEE FLOODING

Mr. ALEXANDER. Mr. President, on Friday, I visited Memphis to see the flooding along the Mississippi River myself, to meet with volunteers who were helping, and to see the tremendously well coordinated efforts of emergency workers who are meeting and working every day, long into the evenings, and have been doing so for the last few weeks and will continue to do so for the next several weeks.

I want to make sure that as the Federal Government's role for helping arrives, we are doing everything we should be doing. It is quite a sight in Memphis. The Mississippi River today is 14 feet above flood stage. It is at a level that nearly equals the level in 1937. The river is normally a half mile wide. Today it is 3 miles wide. A great many people in Tennessee and Arkansas have been evacuated because their homes are flooded with water.

As we saw a year ago in the Tennessee floods, which stretched from Nashville to Memphis, and as I saw last Monday in Hamilton County near Chattanooga, Tennesseans know how to respond to this kind of tragedy. They are doing it again by helping one another and helping to clean up rather than complaining and looting. It is an impressive sight. Bob Nations, who is the director of the Shelby County Emergency Management Agency, presides over daily meetings of maybe 50 or 60 people from a variety of volunteer and governmental organizations, who are carefully coordinated to deal with everything from watching the levees, to looking for sand boils, to helping people evacuate, to dealing with utilities that may be threatened by flooding. He is doing a tremendous job.

COL Vernie Reichling, commander of the Memphis District Corps of Engineers, was there on Friday. He has had a tough couple of weeks. He was the one who had to blow up a levee in Missouri which hurt families in that area but saved towns, whole towns that are down river along the Mississippi River from irreparable damage, in northwest Tennessee and also in Missouri. He was there providing us with the latest information. Overall the Corps' work has been exemplary. So far none of the levees around Memphis has been breached, and it appears none will be breached, despite the high water.

The National Weather Service, both State and local officials have been an important part of the efforts. The University of Memphis has contributed daily maps that will predict where the water will go, which have proved to be fairly accurate, which is enormously helpful to volunteers and others as they find a way to help people evacuate when they need to be evacuated, or before they need to be evacuated.

I visited with volunteers who were filling sandbags near the Pyramid. These included off-duty military personnel from the Navy base nearby. These included people from land that is going to stay dry in other parts of Shelby County. They knew someone needed to help. I traveled to Mud Island where the flood waters were continuing to rise. Officials predict as many as 3,000 properties and 6 schools may be affected by the flooding. One of the most impressive stories is that of Hope Presbyterian Church and its pastor, Dr. Craig Strickland. The church has organized up to 13 shelters, each of which could hold 150 to 200 individuals. Two of them were filled when I was there on Friday. More of them are filling up. All of this is being done without any cost to the government, without any cost to the individuals who are being sheltered there. It is all being provided by the churches and synagogues of Memphis. Reverend Strickland and Hope Presbyterian Church deserve enormous credit for the role they are playing, along with others, in Shelby County.

The Federal Government, through the efforts of the Corps, is leading the fight. This is the largest flood in the history of the Mississippi River and Tributaries project. The Mississippi is the third largest watershed. The problem is it received 600 percent more rainfall than it normally does in a span of 2 weeks. The Corps says it came in all the wrong places. Over 4 million people are protected by the comprehensive Mississippi River and Tributaries Project. It is being tested in ways that it never has before. But the system so far is performing as designed. The Corps has made some tough choices that I talked about earlier. It is going to continue to need to make tough choices as the water moves south.

The Memphis District has been fighting the flood since the 24th day of April, relying on 500 people working 24 hours a day around the clock. The Federal Government, through FEMA, the Federal Emergency Management Agency, is also helping State and local officials evacuate those in harm's way in advance of the floodwaters.

Governor Haslam of Tennessee requested, and our entire delegation has supported, our State's request for emergency evacuation assistance to help move residents in Dyer, Lake, Shelby, and Stewart Counties to higher ground.

The President responded quickly, and we thank him for that. Over the weekend, the congressional delegation also supported Governor Haslam's request for Federal assistance to help victims in 15 counties recover from the flood and severe storms that began impacting our State on April 19.

Actually this is a different sort of request. The first was evacuations; this is to help those recover. The record rainfall and flooding has only added to the devastation caused by the storms. Last night I learned the President has approved Tennessee's request to make individual and public assistance available to families in the hardest hit areas.

I would say to the Tennesseans who are affected by this, now that the President has approved opportunities for individual assistance, I hope they will take advantage of this. There is a telephone number to call. It is 1–800–621–FEMA. That is 1–800–621–3362. Unfortunately, we have had some experience with this telephone number in Tennessee in the last year. The floods that came exactly a year ago, which hit counties from Nashville to Memphis, produced enormous devastation, $2 billion alone in Davidson County. What we found with FEMA, once the President had granted the assistance, that Tennesseans who called that telephone number got a quick response, usually had an inspector there within a few days, and in most cases where there was damage, received a check of up to $30,000 within a few days. We hope that happens again, although we understand there is terrible devastation in hundreds of counties right now around the country, especially in Alabama and the eastern part of Tennessee. But I want to make sure that residents and neighbors in Tennessee know that the FEMA number, 1–800–621–FEMA, is available now to be called.

The first thing they will do is ask for your ZIP code. After that, they will have a chance to provide help. The most important thing that Tennesseans can do in preparation for that is to document the loss.

This flood will impact our State for weeks. The river only crested last night, the second highest flood stage

ever recorded. It will take days for the waters to recede. Only then will we know the true extent of the damage. The volunteers and the emergency crews and the church shelters will be open for a long time after today.

I am proud of the Tennesseans who are responding, from the Corps of Engineers' personnel, to the Hope Presbyterian Church shelters, to the professionals with Mr. Nations. It is an admirable sight.

Senator CORKER and I and our entire delegation are working together to make sure that we do all we can to expedite Federal help in response to this historic disaster that has occurred in the western part of our State.

I ask unanimous consent that two letters I am passing to the desk be printed in the CONGRESSIONAL RECORD immediately following my remarks. They are the two letters our delegation has sent to the President making a request for a declaration for disaster assistance.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, May 7, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the State of Tennessee, we urge you to approve Governor Bill Haslam's request to declare a major disaster due to severe storms, straight-line winds, tornadoes, flash flooding and river flooding that began on April 19, 2011.

Residents all across our State are faced with devastation from multiple disasters, and Governor Haslam has determined that this incident has caused so much damage that federal assistance is necessary. Flooding along the Mississippi River has compounded the impact of the storms that swept across the Southeast, and will continue to impact our State for weeks. Thousands of our constituents are now dealing with the challenge of rebuilding their homes, while many in West Tennessee are still under the threat of catastrophic flooding.

The Governor's request specifically seeks Public Assistance for all categories, under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, for Benton, Carroll, Crockett, Dyer, Gibson, Henderson, Henry, Houston, Lake, Lauderdale, Madison, Montgomery, Obion, Shelby and Stewart Counties, as well as state-wide assistance through the Hazard Mitigation Grant program. This assistance is critical to help local governments begin debris removal and start putting their communities back together.

In addition, the State is seeking Individual Assistance for Dyer, Lake, Obion, Shelby and Stewart Counties, making residents of these counties eligible for the Individuals and Households Program, Disaster Unemployment Assistance, Crisis Counseling, the Supplemental Nutrition Assistance Program, Disaster Legal Services and Small Business Administration disaster loans. Without this federal assistance, many families will simply not be able to recover.

Officials with the Federal Emergency Management Agency have been working with State and local officials since the beginning of this incident, and we are grateful for their efforts to respond to Tennessee's needs. We ask that you consider our State's request as soon as possible, and our offices can provide you with any additional information should you have any questions.

Sincerely,

Lamar Alexander, U.S. Senator; Bob Corker, U.S. Senator; Steve Cohen, Congressman; Marsha Blackburn, Congresswoman; Jim Cooper, Congressman; Chuck Fleischmann, Congressman; Phil Roe, Congressman; Stephen L. Fincher, Congressman; Diane Black, Congresswoman; Scott DesJarlais, Congressman; John J. Duncan, Jr., Congressman.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 3, 2011.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the State of Tennessee, we urge you to approve Governor Bill Haslam's request for emergency funding to help state and local authorities in Dyer, Lake, Shelby and Stewart counties to begin evacuation preparedness activities in advance of the flooding along the Mississippi, Tennessee, and Cumberland Rivers.

The flooding along the Mississippi River and its tributaries is historic. Heavy rainfall across the region has also caused major flooding along the Tennessee and Cumberland Rivers, In Tiptonville, which has been under a voluntary evacuation order since last week, the Mississippi River is forecast to reach the highest flood stage ever recorded. In the City of Memphis, the forecasted crest has been increased to 48 feet, and residents are being told to prepare for the worst. Those living along the Cumberland River in Stewart County, many of whom are still recovering from last year's floods, are also beginning to evacuate.

Governor Bill Haslam and the Tennessee Emergency Management Agency are working in cooperation with local officials to meet the needs of our citizens, but they need federal help. The requested funds are critical to support our state's evacuation efforts, which may be extensive, and we cannot afford to delay.

In light of the need to begin evacuations quickly, we urge you to consider our State's request as soon as possible, and we will provide you with any additional information about our State's needs should you have any questions.

Sincerely,

Lamar Alexander, U.S. Senator; Bob Corker, U.S. Senator; Steve Cohen, Congressman; Marsha Blackburn, Congresswoman; Jim Cooper, Congressman; Chuck Fleischmann, Congressman; Phil Roe, Congressman; Stephen L. Fincher, Congressman; Diane Black, Congresswoman; Scott DesJarlais, Congressman; John J. Duncan, Jr., Congressman.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, it is my honor to be here to support the nomination of Judge Edward Chen to the Northern District of California. I congratulate Judge Chen and I congratulate his family on this momentous day that is long overdue. I wish to thank Senator FEINSTEIN for her hard work and her leadership in support of Judge Chen's nomination.

I think the way we do our judge recommendations in California is exemplary. What we do is, we each have a committee that advises us, and they come up with the names of a few people who they think are the top choices. Then, each of us makes that recommendation to the President. Judge Chen was her nominee.

Judge Chen has had a distinguished career. He enjoys broad support and respect in California's legal community. When I heard the remarks of my colleague from Iowa, Senator GRASSLEY, it broke my heart because it doesn't sound to me as though he knows Judge Chen. He seems to be criticizing someone else—someone who sets aside the law. That is not Judge Chen. Judge Chen will make an outstanding addition to the Federal bench.

Since 2001, Judge Chen has served as a magistrate judge in the Northern District of California, where he has issued over 350 published legal opinions. Before coming to the bench, Judge Chen was a respected civil rights lawyer and part of the trial team that successfully overturned the wartime conviction of Fred Korematsu. He made history when he became the first Asian-American magistrate judge to serve in the Northern District. Today, Judge Chen takes another history-making step if he is confirmed—and I surely hope he will be—because when he is confirmed, he will be only the second Asian American in the 150-year history of the Northern District to be confirmed as a judge.

In our great Nation, we are a melting pot. I don't believe we can have the kind of justice our Founders envisioned unless we have juries of our peers and we have judges who also represent the broad quilt that is America. I think this is something to talk about, not to ignore.

While I am proud we are finally going to vote on the confirmation of Judge Chen, I have to again express frustration that it took so long to reach this point. Judge Chen was nominated over 21 months ago. I ask everyone to think about this—the family, everybody waiting for this moment, years and years on the bench with an outstanding record. I remember attending Judge Chen's confirmation hearing in September 2009. He was nominated for a judicial emergency seat, one that has been vacant since April 2008. That is a judicial emergency. We don't have enough judges. So one would think we would move quickly on this. Following his hearing, his nomination was held up by an unprecedented campaign of obstruction, unfortunately, by my friends in the Republican Party. They refused to allow an up-or-down vote, and they forced the White House to renominate Judge Chen, not once, not twice, not three times but four times—

four times. I tell my colleagues, I have read their objections, and they boil down to this: They object because once he worked as a staff attorney for the ACLU handling civil rights cases.

This is a man who received the highest rating from the American Bar Association. They gave him the ''well qualified'' rating. So I have to ask my colleagues why they would object to someone who did a good job defending the Constitution. By the way, I don't agree with the ACLU all the time, believe me. I am surprised at this objection. For example, the ACLU and the tea party in my State right now—in northern California—are working together to oppose free speech restrictions in front of the Redding Library. In fact, the ACLU and the tea party filed parallel lawsuits to strike down the restrictions.

So my friends on the other side who give the tea party a tremendous amount of support, I am a little surprised they would go after the ACLU, which is partnering with the tea party in defending the Constitution. It is hard for me to believe that because Ed Chen was once a staff attorney for the ACLU, he would come under this kind of fire.

They never objected to anything from his 9 years as a magistrate judge, not one complaint about any of the opinions he has written. Judge Chen's record as a fair and impartial judge since 2001 demonstrates clearly that he understands the difference between being an advocate and being a judge.

So I don't think we should say anyone who was ever the staff attorney for this organization or that organization is barred from getting promoted. That is a sad thing. I don't think people should be voted down or voted against because they stand for equal rights and civil rights. If anything, we ought to say: That is great, because we all want our civil rights protected. We all want our rights that are guaranteed to us in the Constitution protected.

Judge Roberts, the Chief Justice, has called on Senators to stop playing politics with judicial nominees. I have to say, to me, this sounds like politics. You don't like an organization, so then you say someone who has been a judge for 9 years—you have no complaints about him—go back 10 years and now say because you don't like that organization, they can't be promoted.

Chief Justice Roberts has warned that delays in filling vacancies has created acute difficulties in some judicial districts. That is a quote. Let me read it. The delays in filling vacancies ''has created acute difficulties in some judicial districts.'' Certainly, we know in this district we have been in an emergency situation.

It is time to get Judge Chen seated so he can continue serving the people of northern California as a district court judge. I commend Judge Chen for his strength and his perseverance over the past 21 months. This has not been an easy process. I commend his family for standing by him. I again commend Senator FEINSTEIN for fighting for him, and I commend everybody here who was able to somehow hammer out an agreement to have an up-or-down vote on this very talented man.

I close with great hopes that we are going to get this nominee confirmed. In advance of that—and I hope I am right in doing this—I wish to congratulate Judge Chen and his family.

I urge my colleagues to cast their votes to confirm this highly qualified and respected nominee to the Northern District and make history in doing so and be proud in doing so and know that when we put qualified people on the court who bring a different background to the court, we are doing something very positive for America. That is what America is. I am a first-generation American on my mother's side, and I can tell my colleagues what I learned from her: that we should kiss the ground in this country. As I grew up, I realized that one of the great things about our country is we are such an experiment in democracy. People from every background, every religion, differences, but we believe in one thing; that is, protection of our rights and the belief in freedoms we get from this Nation and we vow to protect those freedoms. Part of protecting those freedoms is putting people on the bench who understand that. As Benjamin Franklin once said: You have a Republic if you can keep it. The way to keep it is not to bar people from getting these up-or-down votes. Put good people on this bench. You can vote no. You can vote yes. Yes, there are times when we say we want a supermajority, but for Ed Chen, I can tell my colleagues right now, this isn't one of those times. I look forward to his positive vote.

Mr. President, I ask unanimous consent that the time that is unused during the quorum calls be charged to both sides.

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

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

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

The legislative clerk proceeded to call the roll.

Mr. KIRK. 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. KIRK. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

EGYPT'S POLITICAL FUTURE

Mr. KIRK. Mr. President, more than 2 months ago, a popular uprising in Egypt swept President Hosni Mubarak from power after 30 years in office. The Egyptian military is now charged with reforming that country's political system in preparation for parliamentary and Presidential elections.

History teaches us this sort of transition happens in three phases, not two. First, the dictator falls. Next follows a weak interim government. Only then does a final permanent government enter the scene.

We remember the French Revolution with the fall of Louis XVI, then the hopefulness of the French First Republic, and then finally the rise of Napoleon.

We remember the October Revolution—first the fall of the czar, then the hopefulness of the interim Kerensky government, and finally the rise of the Soviet Union. Most recently we remember Iran—first the fall of the shah, then the hopefulness of the interim Bakhtiar government, and finally the rise of Khomeini.

Today we are watching this sequence play out in Egypt. First Mubarak fell, then came the jubilation of Tahrir Square and the hopefulness of an interim military government, and now we are left to wonder what act 3 will bring.

Will Egypt remain a strong U.S. ally in the region; will it uphold the Camp David peace treaty with Israel; will it commit to the rule of law and human rights at home; or will Egypt fall into the hands of the radical Muslim Brotherhood; will it drift toward Iran and embrace the enemies of Israel?

Unfortunately, recent developments indicate Egypt is moving in the wrong direction. The Muslim Brotherhood is gaining additional influence and may soon gain significant legislative power.

According to a poll released on April 25 by the Pew Research Center, 78 percent of Egyptians hold a favorable view of the Muslim Brotherhood—and that is better than the youth-led ''April 6 Movement'' that removed Mubarak from power. In September's planned elections, the Muslim Brotherhood plans to contest anywhere between 30 to 50 percent of all parliamentary seats.

Meanwhile, Egypt's foreign policy is shifting away from the United States and our allies and toward the Islamic Republic of Iran and its terrorist proxies. On April 18, Iran announced the appointment of the country's first ambassador to Egypt in 30 years. On April 27, Egyptian Foreign Minister Nabil Elaraby said he will meet with the Iranian Foreign Minister, Ali Akbar Salehi, in Indonesia on the sidelines of the Non-Aligned Movement Summit. The two officials will discuss next steps for the Iranian-Egyptian relationship. On May 3, Iran's Foreign Minister announced he would send his deputy to visit Egypt in the coming days.

Egyptian authorities helped negotiate the recent reconciliation agreement between the terrorist movement Hamas and Fatah—a major setback to Israeli-Palestinian peace. When asked to comment on Hamas being a terrorist organization, Egypt's Foreign Minister said:

> [We must] allow someone who is fighting for a cause to see the light of day at the end of the tunnel and enter into peace.

On March 28, Hamas submitted a request to the Egyptian Government to

reopen its Embassy in the Gaza Strip. On April 28, Egypt's Foreign Minister announced plans to reopen the Rafah border with Hamas on a permanent basis—a potential boon to the Hamas terrorist organization. On April 30, Al Hayat reported that Hamas would be relocating its offices from Damascus—sending the terrorist group's No. 2 man, Musa Abu Marzouk, to Egypt.

Meanwhile, Egypt's commitment to democracy and human rights has suffered a serious setback following recent attacks on the country's Coptic Christian community that left scores dead and hundreds more injured. This follows the interim government's move to dismiss the Coptic governor of the city of Quena only days after his appointment—caving to mass demonstrations organized by the Muslim Brotherhood.

As one Coptic bishop told AFP:

> They are led by Salafis and the Muslim Brotherhood, and they are chanting: ''We won't leave until the Christians leave.''

Finally, on March 28, Dr. Maikel Nabil Sanad, a 25-year-old blogger, was arrested for ''insulting the military,'' and ''disturbing public security'' after posting comments on his blog that were critical of the military's role in the protests. This arrest clearly violated the International Covenant on International and Political Rights and the new government's commitment to the fundamental freedoms of its people. If Egyptians could freely express their views in Tahrir Square, they should have the freedom to express their views online.

Mr. President, the trajectory of Egypt's revolution now faces two distinct scenarios: It could become a secular American ally that respects the rule of law, diversity, and a peace treaty with Israel; or it could become a Muslim Brotherhood-controlled ally of Iran that embraces terrorist groups such as Hamas, persecutes its own religious minorities, and rejects peace with Israel.

We must do everything in our power to support the secular forces of Egypt or face the prospect of a strategic setback on the scale of Iran in 1979, laying the foundation for potentially yet another war in the Middle East.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Madam President, am I correct that we are now on the nomination of Ed Chen to the District Court for the Northern District of California?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. LEAHY. Madam President, today the Senate will finally consider the nomination of Judge Edward Chen to fill a judicial emergency vacancy on the District Court for the Northern District of California. Since 2001, Judge Chen has been a well-respected Federal Magistrate Judge on the court to which he is now nominated to serve as a Federal District Judge. His nomination has received the strong and consistent support of his home state Senators, Senator FEINSTEIN and Senator BOXER, since he was first nominated over 21 months ago. When he is confirmed, Judge Chen will be only the second Asian Pacific American to serve on the district court bench in the 150-year history of the Northern District of California. The debate and vote we have today are long overdue.

We are finally able to consider Judge Chen's nomination because of the vote the Senate took last week toward restoring a longstanding tradition of deference to home state Senators with regard to Federal District Court nominations. The Senate turned away from a precipice when 11 Republican Senators joined in voting to end a filibuster of the nomination of Jack McConnell to the District Court for the District of Rhode Island. In doing so, a super majority of the Senate came together to reject a new standard, which I believe is being unfairly applied to President Obama's district court nominees. Now, nearly 20 months after his confirmation hearing, and after having had his nomination reported favorably by the Judiciary Committee four times, Judge Chen's nomination will at last have an up-or-down vote in the Senate.

We should have taken up and confirmed his nomination when it was first reported favorably by the committee nearly 19 months ago. The supposed ''controversy'' that has delayed and obstructed this nomination is in my view entirely misplaced, the result of applying a partisan litmus test. This should be an easy nomination to confirm. It is no surprise that Judge Chen's nomination received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary, unanimously ''well qualified,'' since he has had a distinguished legal career and has issued over 350 judicial opinions in his decade as a Federal magistrate judge.

Judge Chen's nomination has received broad, bipartisan support from the judicial and legal community in California and from numerous bar associations, including the National Asian Pacific Bar Association, which has been a vocal proponent of this nomination. Judge Chen's nomination also has significant support from local law enforcement in the district he currently serves and would continue to serve if confirmed. Michael Hennessey, sheriff for the city and county of San Francisco, wrote: ''Judge Chen's solid record as a U.S. Magistrate Judge speaks for itself. He has published over three-hundred judicial opinions which are indicative of his work ethic and his thoughtful intellect as a respected magistrate judge.'' This praise is representative of the scores of letters of support we have received.

I thank Senator FEINSTEIN for her strong advocacy for Judge Chen's nomination the four times it has been considered and favorably reported by the Judiciary Committee. Any fair minded person who listened to the impassioned speeches Senator FEINSTEIN has made about Ed Chen in the committee would have to be impressed. Senator FEINSTEIN is right to be proud of her recommendation of Ed Chen to President Obama. As Senator FEINSTEIN has explained, Judge Chen was the recommendation of her bipartisan Judicial Advisory Committee in California, putting the lie to the caricature from the far right that this was a partisan nomination. This is a fine man with sterling legal credentials and all the qualifications needed to be an outstanding Federal judge.

The approach taken by opponents of Judge Chen's nomination threatens to take the Senate down a dangerous path of imposing partisan litmus tests in place of our constitutional duty to offer advice and consent on nominations. The debate in our committee on Judge Chen's nomination was ugly. One Republican Senator in explaining his opposition said that Judge Chen has the ''ACLU gene.'' I hope that we do not hear such a preposterous notion repeated today on the floor of the Senate. This is a distinguished Federal magistrate judge who has demonstrated that he knows how to be a fair and impartial judge.

Our legal system is an adversary system, predicated upon legal advocacy for both sides. Certainly defending civil liberties is no vice. The other side appears to be suggesting that Judge Chen's work as a staff attorney at the ACLU many years ago, primarily representing individuals in discrimination and civil rights matters, somehow renders him unfit to be a judge. Since when do we impose a litmus test for nominees that they can never have been legal advocates? If we were to do that, we would have no judges. Almost every nominee who had been a practicing lawyer would be disqualified by one side or the other.

Surely Judge Chen's work while in private practice as a member of the legal team that represented Fred Korematsu in a lawsuit that successfully overturned his prior conviction for violating the Japanese Internment Order during World War II does not render Judge Chen unfit to be a judge. In my view, that important advocacy to right a wrong from one of the dark chapters in our history serves as proof that President Obama made a wise choice in nominating Judge Chen for the Federal bench. Indeed, just a few years ago this Senate passed a resolution acknowledging that wrong and seeking to help right it.

The question for me about this nominee is the same question I have asked about every judicial nominee, whether

nominated by a Democratic or a Republican president whether he or she will have judicial independence. Does the nominee understand the role of a judge, and how it differs from the role of an advocate?

With this nominee, Judge Chen, that is not a hard question to answer. We know that he understands the role of a judge because he has been doing it for 10 years on the court to which he has now been nominated. As Judge Chen said in response to a question from Senator SESSIONS: ''The role of a judge is to be fair, neutral, and evenhanded in applying the law and finding facts . . . without regard to personal preferences.'' His 10 years as a Federal magistrate judge resoundingly have answered any concerns about bias or partisanship on his part. His testimony before the Judiciary Committee reflects his understanding of the proper role of a judge.

There was no need for the delays that plagued this nomination. There were no ''extraordinary circumstances'' that held up this nomination for nearly 2 years. With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 12 judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar, in addition to Judge Chen. No one should be playing partisan games and obstructing while vacancies remain above 90 in the Federal courts around the country.

Judge Chen, born and raised in Oakland, CA, as the son of two Chinese immigrants, spent much of his childhood helping his mother and siblings support a small family business after his father passed away. After earning his A.B. from the University of California, Berkeley, in 1975, and his law degree from Boalt Hall School of Law in 1979, Judge Chen clerked for Judge Charles Renfrew on the court to which he has now been nominated, the Northern District of California, and then for Judge James Browning on the Ninth Circuit. After a distinguished career in private practice and as a staff attorney for the American Civil Liberties Union Foundation of Northern California, Judge Chen was selected to serve as a Federal Magistrate Judge for the Northern District of California, having since been reappointed upon the recommendation of the nonpartisan Merit Selection Review Panel. His story is a moving reminder of what it is possible to achieve in this great Nation through hard work.

I congratulate Judge Edward Chen and his family on his confirmation today. I commend Senator FEINSTEIN and Senator BOXER for their steadfast support of his nomination.

Madam President, I suggest the absence of a quorum. Is time being divided?

The ACTING PRESIDENT pro tempore. Yes, it is.

Mr. LEAHY. I ask unanimous consent that the time be equally divided during the quorum call.

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

The clerk will call the roll.

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

Mr. LEAHY. 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. LEAHY. Madam President, I see the distinguished senior Senator from California on the floor. I will yield, of course, to her. She has been indefatigable in her support of Judge Chen in the committee, in the Halls of the Senate, and in her steadfast work with the leadership to get this nominee before us. I can brag about all the work she has done easier than she might, but I hope Judge Chen and his family know they had as strong and as stalwart a supporter on the Senate Judiciary Committee as they could possibly have with Senator FEINSTEIN.

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

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

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

Mrs. FEINSTEIN. 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.

Mrs. FEINSTEIN. Madam President, I wish to thank Chairman LEAHY for his leadership on this particular judgeship. I believe he is accurate in everything he said, and I very much appreciate his stalwart support.

I rise to add my support to the nomination of U.S. Magistrate Judge Edward Chen to become a U.S. district judge in the Northern District of California. I recommended Judge Chen to the President, so obviously he has my strong support.

I wish to tell my colleagues a little bit about him. He was born and raised in Oakland, and he is the son of Chinese immigrants. His father immigrated to the United States in the 1920s, and that was followed by his mother in the 1930s. He attended public schools in Oakland and then went on to the University of California at Berkeley, where he received his undergraduate degree with great distinction, and then on to Boalt Hall School of Law, where he graduated in the top 10 percent of his class.

He was a law clerk to District Judge Charles Renfrew on the U.S. District Court for the Northern District of California, as well as to Circuit Judge James Browning on the U.S. Court of Appeals for the Ninth Circuit. He then began his legal career as a litigator, first at the private law firm of Coblentz, Patch, Duffy, and Bass and later as a staff attorney at the American Civil Liberties Union.

In 2001, he was appointed to be a U.S. magistrate judge for the Northern District of California, and he has served in that capacity for the past 10 years.

So today Judge Chen is a solid, tested, and respected judge with over a decade of experience on the Federal bench. In these 10 years as a judge, he has written more than 350 published opinions. I would point out that not one of those opinions has been criticized by anyone in the 20 months this nomination has been awaiting action in the Senate. Nor has there been any criticism of any of his published opinions.

In fact, there is a broad consensus among those who have reviewed his judicial record that he is indeed a very good judge.

He was recommended to me by a bipartisan judicial advisory committee. That committee reviewed his record, and spoke with judges, attorneys, and litigants who knew his work as a judge. The committee unanimously recommended that I forward his name to the President, and I did.

The San Francisco Bar Association has rated him ''exceptionally well qualified.'' The American Bar Association has rated him ''well qualified''—their highest rating. And in 2009, a merit selection review panel, appointed by the U.S. District Court, thoroughly reviewed his record and recommended him for reappointment as a magistrate judge. That panel consisted of seven lawyers appointed by the district court. They solicited public comments on Chen's work as a judge. Only positive information was forthcoming.

They talked to Federal prosecutors in the U.S. Attorney's Office. Again, the reports were uniformly favorable. Prosecutors called Chen's analytical skills ''exemplary'' and said his rulings were ''balanced and well reasoned.''

Defense attorneys were similarly positive. They described Chen as ''respectful'' and ''considered'' in his judgments.

Partners with large law firms called Chen ''prompt,'' ''well-prepared,'' ''very intelligent'' and ''decisive.''

Overall, the panel recommended unequivocally that Chen be reappointed for a second 8-year term as a magistrate judge. Obviously, he has served 2 years of that second term.

I have the panel's full report here and would be pleased to share it with any Senator who wishes to review it.

Since Chen's nomination for the district court, the reports we have received in the Senate from those who know Chen's work as a judge have been similarly positive.

We have received letters urging Chen's confirmation from Republicans and Democrats, public officials and law enforcement, judges, civil rights groups, business leaders, and private lawyers. Let me share a few with you.

Judge Lowell Jensen, whom I have followed for decades, was appointed to the U.S. District Court by President

Reagan. He also served as second in charge of the Department of Justice during the Reagan administration. He has worked closely with Chen on the Federal bench and had this to say about him, and this is a direct quote:

I have found Judge Chen to be both an excellent jurist and a person of high character. He brings a conscientious, careful, and impartial approach to every issue and every party. The decisions he makes reflect not only good judgment but a complete commitment to the principles of fair trial and the application of the rule of law. I support his confirmation without reservation.

I can say that Judge Jensen is one of the most distinguished judges in California.

Former U.S. District Judge Fern Smith was also appointed by President Reagan to the Federal court. She writes:

Both in my own dealings with [Judge Chen] and based on his reputation among my former colleagues, I can attest to his intellectual competence, his respect for the law, his judicial temperament, and his integrity. I have no doubt that Ed Chen would do honor to any of our 94 United States District Courts.

We have a letter from the president of the San Francisco Police Commission, a lifelong Republican, Thomas Mazzucco. He published an op-ed in the Roll Call urging the Senate to confirm Chen and calling him ''an experienced judge who understands the distinction between personal preference and judicial obligation, and who has always based his rulings—more than 300 decisions over eight years—solely on the law and the merits of a case.''

The San Francisco Deputy Sheriffs Association said this:

Chen has earned a reputation as an evenhanded jurist who is constantly mindful of the role that judges such as himself fulfill in our society: as keepers of the rule of law and public trust in our system of justice.

I have over 50 more letters, if anyone wishes to read them. They come from the mayors of San Francisco, Oakland, and San Jose; the sheriff, city attorney, former chief of police, and former U.S. Marshal of San Francisco; the last 10 presidents of the bar association of San Francisco; the congressional Asian Pacific American Caucus; the National Asian Pacific American Bar; and many others.

The judgment is clear: Ed Chen is fair. He is impartial. He is an excellent jurist, and has been for 10 years, and he deserves to be confirmed.

You come back to Washington and what happens? Here is the story. Despite this long judicial track record and broad bipartisan support, this nomination has been sitting in the Senate for more than 600 days.

The President first nominated Chen on August 6, 2009. That was 643 days ago. Since that time, the minority has required the nomination to be sent back to the President three different times. The Senate Judiciary Committee has had to consider the nomination four different times.

This is extraordinary—but then the Republicans have an extraordinary search engine. I will talk about that in a minute.

This is a district court nominee with 10 years of judicial experience, with not a blemish on it. When other judicial nominees have come before the Senate, they have been criticized because they didn't have judicial experience or because there was no judicial track record to review. Well, here is a nominee who has both. Ten years on the bench; bipartisan support and uniformly positive reviews; more than 350 published opinions, and there has not been a single criticism of a single one. But his nomination has been sitting in the Senate for 600 days and sent back to the President 3 separate times.

I find this to be a deeply disappointing testament to the situation we face in the Senate today. Let me pose the question that Police Commissioner Mazzucco—a Republican—asked in his op-ed:

If Judge Chen—an experienced judge whose judicial record proves he is committed to the rule of law, without bias or favor, and who is widely respected by the bar that has practiced before him—isn't qualified for the Federal bench, then who is?

I echo that.

So what happened here? Well, let me take a few moments to address a couple of the attacks that have been made on Judge Chen.

First, Judge Chen has been criticized because he worked as a staff attorney for the ACLU long before becoming a judge. No one disputes that. Chen was once an advocate, and that is a fact. But he also has a 10-year record to prove that he has made the transition. He was once an advocate. He is now a judge—and a darn good judge.

As a coalition of Northern California Asian American Bar Associations wrote:

Chen has made a successful transition from a zealous advocate to a balanced and conscientious adjudicator who is committed to the impartial and active administration of justice.

Former Federal prosecutors from the Northern District of California made the same point. They wrote:

Judge Chen consistently treats all sides evenly and impartially, and conducts himself with the utmost propriety, as is fitting for a judge. . . . While we are aware of his previous position as a staff attorney at the ACLU of northern California, Judge Chen does not show favoritism toward the parties or issues before him.

The record is available. The evidence is in. Chen understands the unique role of the impartial adjudicator. He knows what it means to decide cases evenhandedly. He has been doing it for more than 10 years.

Let me turn then to some speeches that the ''search engine'' turned up. Since 2009, the Washington Times and others have used a handful of quotes from speeches Chen has given to try to paint him as someone he is not. As happens far too often, those quotes have been cut, spliced, and taken out of context. Let me give you an example.

The effort to label Chen as a ''radical'' is based on a speech he gave to students following the funeral of a man by the name of Fred Korematsu. I want to take a moment to explain Korematsu and the case. Some of you may be too young to remember Mr. Korematsu and his fight against Japanese internment during World War II, but I am not.

One of the singular experiences of my lifetime was when my father took me, as a small child, to the Tanforan Racetrack. That racetrack was a few miles south of San Francisco. During World War II, it was taken out of action as a racetrack and turned into an internment camp. It was fenced with barbed wire. Small buildings lined the center portion of the track. This is a photo of it. Here is the racetrack and here are the buildings. This is where Japanese Americans were essentially incarcerated for the remainder of World War II.

Let me show you this. This is the order, which is from the Western Defense Command and Fourth Army Wartime Civil Control Administration—instructions to all Americans of Japanese ancestry living in the following area, which is the city and county of San Francisco, lying generally west of the north-south line, and it describes that. It says:

All Japanese persons, both alien and nonalien, will be evacuated from the designated area by twelve o'clock on Tuesday, April 7, 1942. No Japanese person will be permitted to enter or leave the above-described area after 8 a.m. Thursday, April 7—

That is over half of the city of San Francisco.

without obtaining special permission from the provost marshal at the Civil Control Administration.

Then they are told where they are to report—to the Civil Control Station—to receive further instructions. This must be done between 8 a.m. and 5 p.m., Thursday, April 2, or between 8 a.m. and 5 p.m., Friday, April 3.

That is their notice. They turn up, get in a bus, and then this is where they go, and where they remained until the end of the war.

One young Californian, Fred Korematsu, challenged the internment. He took his case all the way to the U.S. Supreme Court, and he argued that the U.S. Constitution did not permit loyal American citizens to be forced into these camps solely because of their Japanese-American heritage, which was the case here. The Supreme Court heard his case, but he lost in a decision that is considered by many to be a black stain on the jurisprudence of our Supreme Court.

Decades later, in 1983, Korematsu challenged his conviction again. This time, he was represented by a team of volunteer lawyers, including Edward Chen. This team put forward newly discovered evidence that demonstrated that prosecutors in Korematsu's original case had withheld evidence, specifically, U.S. Government intelligence at the time indicating the internment was not justified.

This time they won. So four decades after the original internment order,

Fred Korematsu's conviction was overturned by the district court, and, four years later in 1987, President Ronald Reagan signed into law the Civil Liberties Act, issuing a formal, national apology for the Japanese internment.

So this was the context of the speech in which Chen was speaking to a group of students and reflecting on the funeral of Fred Korematsu. He said in the speech that, at times, he had experienced ''feelings of ambivalence and cynicism when confronted by appeals to patriotism.'' He was referring to the internment of Japanese-American citizens for no cause other than they happened to be of Japanese heritage. I would think you could get a bit cynical about that. People who did not see this do not believe it ever happened. But it did happen, and it happened here. This was the condition in which people were kept. It is not right.

But critics have picked out this line—''feelings of ambivalence and cynicism when confronted by appeals to patriotism''—and tried to use to paint Chen as unpatriotic. But they did not know the context. Sometimes things that have monumental importance at the time, such as the internment of Japanese-American citizens without due process, fade too quickly from our historical memory. I thought I would bring it back so this body could understand the total context.

This was a very big deal. It was not a proud moment for our country. Congress and President Reagan rightfully issued a formal apology for the injustice that was done years later.

To take a quote from a speech after Fred Korematsu's funeral and to use it to try to imply that Edward Chen does not love his country—it is shameful. It is also flatly inconsistent with the rest of the speech. Chen went on to say that when the congregation sang ''America the Beautiful'' at Korematsu's funeral, he was moved to tears because ''the song described the America that Fred envisioned, the America whose promised beauty he sought to fulfill, an America true to its founding principles.''

Fred Korematsu is no longer with us, but his daughter Karen sent me a letter about Edward Chen. Here are some of her words:

> My father's belief in our Constitution was unwavering, even when he was treated unfairly. Like my father, Judge Chen is adamant about upholding the Constitution, without bias or prejudice.

In my view, Edward Chen is a judicial nominee who has been treated extraordinarily unfairly. But he remains steadfast in his commitment to serving our country as a Federal judge, and he has a 10-year unblemished judicial track record to show that he will serve us exceedingly well.

I urge my colleagues to vote yes on the nomination of Judge Edward Chen to be a district judge for the Northern District of California.

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

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

The legislative clerk proceeded to call the roll.

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

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

All time has expired. The question is, Will the Senate advise and consent to the nomination of Edward Milton Chen, of California, to be United States District Judge for the Northern District of California?

Mr. LEE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 68 Ex.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Sanders
Brown (MA)	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	

NAYS—42

Alexander	Enzi	Lugar
Ayotte	Graham	McCain
Barrasso	Grassley	McConnell
Blunt	Hatch	Moran
Boozman	Heller	Paul
Burr	Hoeven	Portman
Chambliss	Hutchison	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Cochran	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Kyl	Toomey
DeMint	Lee	Wicker

NOT VOTING—2

Rockefeller	Vitter

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 2 p.m. tomorrow, May 11, the Senate proceed to executive session to consider the following nomination: Calendar No. 44; that there be 1 hour of debate, equally divided, in the usual form; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on Calendar No. 44; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

BIG OIL

Mr. TESTER. Mr. President, I rise in support of legislation I am proud to cosponsor—to finally end the taxpayer handouts to the world's largest oil companies—as they rake in record profits. This measure is about accountability. It is about responsibility. It is about fairness.

When I got off the tractor from planting last weekend and went to fill my tank, it was $3.69 in Big Sandy, MT—almost a dollar higher than just a few months ago. But while I am paying close to $4 gallon at the pump, like other working Americans, oil company executives are padding their stock options and bonuses. They are diminishing their investment here in America, choosing instead to use tax loopholes to offshore their production.

I would like to make just three quick points today about the over $4 billion in tax earmarks that the biggest oil companies in America are receiving today.

First, they never asked for them.

Second, they don't need them.

And finally, they are not good for America—or our economy.

These taxpayer handouts are running up our national debt, taking our jobs overseas, and they expose us to higher gas prices.

In 2005, the CEOs of the five largest oil companies testified in the Senate about these subsidies. When asked directly about these oil and gas tax breaks, all five executives said they did not ask for them.

They agreed with President Bush—that with the price of oil over $55 per barrel, they didn't need tax incentives. And today, oil is $109 per barrel.

The CEO of Chevron told the committee that ending these breaks ''will have a minimal impact on our company, minimal.''

Let me be as clear as those executives were then: This bill has nothing to do with Chevron's or Conoco's or Exxon's ability to operate refineries or put folks to work here at home.

It has everything to do with holding their top-level executives accountable to all American taxpayers as they rake in billions of dollars in profits every year. Right now Big Oil executives are writing off the royalties they pay to foreign countries as taxes, and until we fix it, all of us are paying for it.

That means you and I are footing the bill every time one of these big companies writes a check to the government of Saudi Arabia or Nigeria. And they are telling us they don't want it or need it. We should do the fiscally responsible thing and close these loopholes.

Instead, we should use that $8.5 billion to pay down our deficit. And that is what this bill does.

Special tax breaks are supposed to make companies more competitive and get new technologies into the market. But for major oil companies we have written a privileged tax code just for them.

Some of these provisions have been on the books since 1913. I don't know what companies after 98 years still need a subsidy, but if it does, either it isn't very effective or the system is being abused.

As you will hear again and again this week—because it is just an astonishing number—as gas surpasses $4 per gallon, oil companies are getting $4 billion annually in tax breaks.

The big five oil companies have made nearly $1 trillion in profits in the last decade. Nearly $32 billion of that came in the first 3 months of this year alone.

But what is happening to gas prices?

Rather than bringing down prices at the pump, these giveaways merely line the executives' pockets and run up the deficit. All the while, gas prices have gone up.

For example, Exxon, the biggest of the oil companies in the U.S. made more than $9 billion dollars in profit last year—just their U.S. operations. And how much did they pay in taxes? Just $39 million.

That is 0.4 percent.

But this is more fair than in 2009, when Exxon received a $156 million tax refund from the IRS.

That means we as taxpayers are paying them. The Tax Code is broken and this bill will help fix it.

Right now, we are making tough choices about how to get a handle on our Nation's debt. We have tough debates ahead about heating homes in rural America, and investing in crumbling highways, and strengthening the future of Medicare.

All the while, we are still literally writing checks to our biggest oil companies who don't need them.

After causing the largest offshore oil spill in American history, BP still managed to rake in more than $7 billion in profits, up 17 percent from the year before.

But most of these big companies are not developing their onshore resources here at home.

How do I look the oil worker in Montana's Bakken Field in the face and say: We are giving the largest oil companies a billion dollars a year to go drill overseas, taking your opportunities offshore.

Dual Capacity, the most egregious of these tax provisions, subsidizes $1 billion each year in royalty payments to foreign governments that don't like us very much. We don't let companies producing in America credit royalty payments to their taxes, so why would we do that for companies that produce outside of the U.S.?

And does this make us safer? Does it bring stability to the market? Absolutely not.

As we have all watched in the last few months, turmoil in the Middle East has driven up speculation and driven up prices.

Oil prices fell about 10 percent last week—though not enough to relieve hardworking Montanans with any changes in prices at the pump.

Prices didn't fall because of the discovery of a new oil field or a new technology. It happened because some folks on Wall Street moved some numbers around on paper.

There is no accountability in that. And that is why we're trying to change it.

But unlike on Wall Street, there are places where folks are doing the hard work of oil discovery and developing the technology to lower the cost of oil.

A lot of that has to do with the ''small guys'' in the oil business. And they are successful. In fact, domestic production is going strong—at its highest level in almost a decade.

They are making risks and getting new technology into the field, like in eastern Montana.

My State is home to likely the most productive domestic onshore oilfield in the United States. And small oil companies are doing good, responsible in securing America's energy future.

The Bakken Field is estimated to hold nearly 4 billion barrels of oil. They are leading the way in developing new technology for oil field development.

Where is Exxon? They aren't reinvesting the last quarter's $11 billion back in U.S. exploration.

In fact, in 2009, they paid their shareholders 90 percent of the profits to shareholders, leaving just 10 percent to invest in their workforce, research and development, exploration, safety and the expanding energy frontier.

Contrary to what some of my colleagues are saying, eliminating these wasteful subsidies won't raise gas prices. I want to repeat that:

Eliminating wasteful subsidies will not raise gas prices.

Many of these handouts have been on the books for decades as prices have continued to rise.

It is time to close these loopholes for big oil in order to strengthen our national security—and our energy future. It is time to end the taxpayer handouts to Big Oil.

This bill returns us to a responsible path toward energy development that benefits taxpayers and consumers. And it starts addressing the debt and deficit. It is the right thing to do.

AMERICAN ASSOCIATION OF INTELLECTUAL & DEVELOPMENTAL DISABILITIES

Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association of Intellectual & Developmental Disabilities, AAIDD, in recognizing the recipients of the Illinois Direct Support Professional Award 2011. These individuals are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They do their work every day with little public recognition, providing valued care and assistance that is unknown except to those with whom they work.

It is my honor and privilege to recognize the Illinois recipients of AAIDD's Illinois Direct Support Professional Award 2011: Brenda Walker, Sandy DeArmond, Rosie Pippens, Crystal Alvey, Patience Blair, Diana Christofalos, Nick White, and Erica Carter.

I know my fellow Senators will join me in congratulating the winners of the Illinois Direct Support Professional Award 2011. I applaud their dedication and thank them for their service.

REMEMBERING VERNARD WEBB

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who for much of his life was

content to remain an unsung hero. But let there be no doubt now that Mr. Vernard Hughes Webb, who passed away last year, leaves behind a legacy of great accomplishment and service to his Nation. You see, for many years, Mr. Webb was a pioneer in secret reconnaissance and satellite technology that was crucial to America's efforts in the Cold War. He was one of the developers on the top secret CORONA project, a spy satellite effort, and was awarded a medal of achievement for his life's work by the Vice President of the United States.

Mr. Webb was born and raised in Letcher County, KY, and became the first in his family to go to college, graduating from Berea College in 1940. The day after the Pearl Harbor attack, he joined the Army Air Corps. Becoming a bombardier on a B–17, he flew 30 combat missions over Europe during World War II.

Later in the war, Mr. Webb developed the crucial idea that would change the course of not only his career, but perhaps his country as well. Assigned to a combat mapping squadron that was tasked with taking reconnaissance pictures over the Philippines, he came up with an idea to greatly increase the accuracy and efficiency of the cameras.

Mr. Webb ran his idea past his Air Force superiors, and in their infinite wisdom, they said no. So Mr. Webb did it anyway. He spent his own money to create a new camera. And when Vernard's superiors finally realized the worth of his invention, they asked him to implement it across the Air Force.

Vernard Webb eventually rose to the rank of major and became one of this country's leading developers of cameras and aircraft for surveillance purposes. He and his colleagues were in a race with the Soviets. By the 1950s, Vernard realized that his technology could be used not just in airplanes, but in satellites.

In 1958, Mr. Webb was assigned to the CORONA project, America's first efforts to develop a spy satellite. In 1960 the project accomplished its first success, gaining valuable intelligence on the Soviet Union and China. But for all those years Mr. Webb could only tell his friends and even his wife that he was an unimportant bureaucrat or engineer.

In 1995 the CIA declassified many documents pertaining to the CORONA project, and only then were Mr. Webb's accomplishments made clear. Around that same time, Vice President Al Gore declared that ''the CORONA project represents a crucial development in aiding the national security efforts of the United States.''

Vernard Webb passed away last Veterans Day. I extend my greatest condolences to his wife Katie Louis Webb, their children and grandchildren, other members of the Webb family and friends for their loss.

It is only fitting that after a lifetime of service to his country, most of it under a cloak of secrecy that preventing him from receiving the gratitude that he so richly deserved, that Mr. Vernard Webb will be interred at Arlington National Cemetery later this month with full military honors.

And I know my colleagues will join me in extending to the Webb family this Senate's thanks and appreciation for Vernard Webb's sacrifice and service.

Mr. President, I ask unanimous consent that an article illustrating Mr. Webb's heroic life and career be printed in today's RECORD.

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

[From the Berea College Magazine, Summer 1996]

THE SECRET'S OUT: WEBB WAS A SPACE PIONEER

A year ago, Vernard Webb could have gone to prison for telling you about his coffee table.

The piece of furniture, which resembles a kettle drum with a glass top, is made of gold-plated titanium.

Thirty years ago, during the height of the Cold War, the table was the shell for a spy satellite used by the Air Force and the Central Intelligence Agency (CIA) to peek behind the Iron Curtain. It is one of four such satellite ''buckets'' still in existence. The other three are in the Smithsonian institution.

For decades, Webb, a member of Berea's Class of 1940, could only pass himself off as a pencil-pusher for the Air Force, or an engineer with the Environmental Protection Agency. But by no means was Webb telling the whole truth and nothing but the truth.

Webb's wife, Katie Lou Chambers Webb, class of 1942, had her suspicions. After three decades of relocation from one Air Force Base to another and her husband's extended official trips to places he wouldn't identify, she was certain that whatever the government had him working on was very important.

Then, in late 1995, the CIA declassified tens of thousands of documents and it was evident. Webb was a major player in the top secret CORONA project, America's first spy satellite program, from 1957 until 1972. Webb, in fact, is a pioneer in reconnaissance and satellite technology.

Before the CIA's declassification of CORONA documents in August 1995, Webb and other members of the CORONA team were called to the Pentagon for a medal presentation ceremony which itself was classified. He was awarded a medal of achievement by Vice President Al Gore and CIA officials. However, no citation accompanies the medal, since the mission for which he was being honored was still top secret at the time.

''We were not allowed to even speak with our spouses about the classified projects,'' Webb said. ''It was for their own protection, if anything else.''

Joining the Army the day after Pearl Harbor (Dec. 8, 1941), Webb went into what was then the Army Air Corps. Because he had been a photographer for the Berea College student newspaper and listed ''photography'' as one of his skills on a military questionnaire, it was assumed that Webb would be capable with any sort of optical instrument, such as bomb sights and some navigational equipment. He was assigned as a bombardier on a B–17 and flew 30 combat missions over Europe, bombing Axis petroleum sites, mostly in Germany, and dropping supplies to the French Resistance.

Late in the war, Webb was assigned to a combat mapping squadron flying reconnaissance missions from the Philippines. While stationed there, he came up with an innovation that would help shape the remainder of his career.

''We used large cameras mounted in planes that were once used as bombers,'' he said. ''On a typical mission, somewhere between 30 and 40 percent of the film that was used on these cameras would be useless, because we had failed to photograph the target correctly.

''It occurred to me that if one of our cameras were mounted to a Norden bomb sight, it would greatly increase the accuracy of the camera and the efficiency of the equipment. There was a great similarity between the bomb sight and the control of aerial cameras. They both operated on the same principles. The variable on the operation of both was the ratio between the velocity of the airplane and its height above the ground. I thought it would be convenient to combine the two.''

Webb's proposal was found unorthodox by Air Force officials and permission to make the camera-bomb sight combination was denied. Still, Webb was convinced it was a good idea.

''I circumvented the red tape by buying a Norden bombsight with my own money,'' he said. ''The U.S. government had given the Philippine government some Norden sights, and I was able to purchase one of them from the Philippine Air Force. I then mounted the camera on the sight, and we started flying missions with this device. The combination proved to be a 'natural.' ''

While the average reconnaissance mission had an accuracy of photographing a specific site ''on target'' only 60 to 70 percent at that time, an inspector general took notice of the consistent 100 percent success rate of the flights using Webb's camera-bomb sight combination.

''The Air Force officials were always looking at air crew effectiveness,'' he recalled. ''When they saw that we had no rejected aerial photography for a period of months, they began to look into the reasons why. I showed them how we had used the camera and they earmarked me to introduce that technology to the rest of the Air Force.

''I was then transferred to Wright-Patterson Air Force Base in Dayton, Ohio, where a team of engineers had been working for almost a year to come up with something like the camera-bomb sight combination I had put together. They ended up scrapping their entire project as a result.''

The official testing of Webb's invention was conducted at Rainey Air Force Base near Wichita, Kan. The Air Force's top test pilot, Chuck Yeager, was assigned to try out the camera system in an RB–50 observation plane and the results were, according to Webb, outstanding. And the die was cast for his career.

''For the next 40 years or so of my career, I would be associated with the reconnaissance efforts of the U.S. Air Force and the Central Intelligence Agency,'' he said.

The following years saw Webb on various projects surrounding the development of cameras and aircraft for surveillance purposes. The RB–36, U–2 and SR–171 spy planes used by the Air Force were fitted with cameras designed by Webb and his team, who were headquartered at Wright-Patterson Air Force Base until the late 1950s.

''The U.S. Air Force continued to develop faster, higher-flying aircraft, which was in response to the development of faster and more accurate anti-aircraft weapons and fighter aircraft developed by the Soviets. It was in the early 1950s that we began to consider certain theories on using orbiting satellites as a platform for reconnaissance work,'' Webb said.

''But we had some big hurdles to jump before we got that far.''

''There were four Air Force officers, Lt. Col. Charles Hoy, Capt. Bernard Quinn, Capt. Louis E. Watson and I [Webb was a major], stationed at Wright-Patterson, who met to analyze what would be the future of our efforts. I had been flying the high-altitude tests on the RB–36, up to 55,000 feet, and we knew that we would have to fly higher and higher altitudes due to the increased capability of Soviet lighter aircraft.

''We knew the answer to our problem would be the altitude of the aircraft or source of observation. We analyzed what problems would result if we could attain an observation point above the atmosphere. These, we narrowed down to three key areas.

''First, we knew that we needed to build better cameras. Our ground resolution couldn't be accurate if we took the cameras we were using then to a much higher altitude. Next, we needed better film with a much higher resolution. Third, we needed a better means to process the film. The administration at Wright-Pat in those days was dominated by civilian engineers, who didn't take kindly to such suggestions from Air Force officers.''

In a historic move, Webb and the three officers maneuvered themselves toward reassignment at the Air Force's Air Research Development Command in Baltimore. The office was administered by Gen. Marvin Dent, who supervised contracted development of reconnaissance systems for the Air Force and was a much more sympathetic listener to Webb and his associates.

''We were able to write the specifications for photographic systems the Air Force required of the industrial contractors then managing the projects at Wright-Pat,'' Webb recalled. ''A meeting was called by the Air Force to speak with industry representatives in Cincinnati regarding the Air Force's needs. Gen. Dent gave the keynote speech. He basically told industry representatives that the current technology being used for reconnaissance was becoming quickly outmoded and he strongly suggested that they work with our group of officers in developing future reconnaissance projects.''

The speech by Dent, made in 1955, led to the development by Air Force-contracted private industry of the first spacecraft-based cameras.

''Within a week of the General's speech, we were visited by representatives of three different contractors,'' Webb said. ''One was a representative of Fairchild Camera and Instrument Corporation, another was from Eastman Kodak and the third was one of the most brilliant optical designers this country has ever produced, Dr. James Baker. Fairchild said they could build the camera, Kodak would handle the processing and Baker would design the lenses required.

''These individuals had done their homework and told us they were confident that they could build a photographic system that could meet our specifications. We had the camera system from them in a year.''

The photographic equipment, which was originally designed for the U–2 spy plane, was meant to operate at an altitude of approximately 84,000 feet. The camera system designed by the Fairchild-Kodak-Baker partnership had a 24-inch lens and a better resolution than any other visual reconnaissance system used at that time. However, the Soviet development of satellite technology would change the nature of Webb's work forever.

''When we originally had the Fairchild camera developed, we were still thinking airplanes,'' Webb recalled. ''But, the development of Sputnik forced us to take the resulting technology into space. When the Soviets successfully orbited Sputnik, the first satellite in 1957, most of America was horrified that we no longer had a technological edge in the Cold War. With my team, we were exhilarated that it had been proven a satellite could be successfully orbited. It gave us an additional step toward our research goals.''

Webb and his co-workers already had an interest in utilizing a space-based camera system for observation. Using some foresight, Webb was able to get transferred to a unit dedicated to guided missile research and incorporated what he learned there into the great body of reconnaissance knowledge he already possessed.

''I was no longer influenced by people who knew only airplanes,'' he said. ''We were now looking at using a camera system that needed to produce high-quality photos from an orbit of 100 miles, instead of 85,000 feet. But the development of the Fairchild camera laid the groundwork for what we would be using later on. The lens we used with the CORONA system was a slight variation of Dr. Baker's 24-inch lens used on the U–2.''

The CORONA program began in 1955 with numerous experiments at a classified site near Palo Alto, California. Webb was assigned to the program, the United States' first efforts at using a spy satellite, in the fall of 1958. ''Our program's cover name, which was operated under scientific pretenses, was Discoverer,'' Webb said. ''We already had a lot of ballistic information that had been done by the guided missile people at Lockheed, the primary contractor of the program.''

The early months of the CORONA program were frustrating for Webb and the Lockheed team. Rocket failures, camera problems and film difficulties all combined to serve as an expensive tutor for the group. The CORONA system consisted of a large orbiting camera, which would be linked to a ''bucket'' containing approximately 4,000 feet of film. After receiving radio commands from Webb and his associates, the satellite was designed to photograph designated areas with the film spooling back into the bucket. The bucket would then detach from the camera and plunge back through Earth's atmosphere where it would be recovered by aircraft upon a parachute reentry.

On August 18, 1960, the first fully successful CORONA mission was accomplished, with the satellite photographing areas in the Soviet Union and China. An American flag, stowed in the satellite's bucket, was presented to President Dwight D. Eisenhower in a secret White House ceremony later that month.

The White House, however, was even more pleased with the photographs obtained by CORONA. ''That single mission obtained more photos from behind the Iron Curtain than all the combined U–2 missions flown up to that time,'' Webb said. ''It was considered an outstanding success, and we were in business.''

The CORONA project was utilized successfully during the Cuban Missile Crisis, most of the Vietnam War and an important period of the Cold War. Portions of the project's development and results are still classified, but many of the spy photos have been made available to the public on the Internet by the CIA and Air Force.

''The CORONA project represents a crucial development in aiding the national security efforts of the United States,'' said Vice President Gore in a ceremony held at the Pentagon last year.

Originally from Letcher County, Ky., Webb credits Berea for getting him on track for what he considers a fascinating career. ''At Berea they taught me to work. They gave me the discipline I needed to do well,'' Webb said.

Oh, and just how did Webb get his ''coffee table,'' anyway? ''When they changed the design of the satellite and no longer needed these, a crate arrived at my office,'' Webb remembered.

''When I saw what was in it, I called my supervisor and asked why it had been sent to me. He said, 'We have been given an order from the highest possible authority that the bucket is yours to keep. Your efforts have been appreciated. Now, don't ask any more questions.' And he hung up.''

REMEMBERING HARRY HOE

Mr. MCCONNELL. Mr. President, it is with sadness that I rise today to note the passing of one of southeastern Kentucky's most notable citizens, Mr. Harry Morgan Hoe. Mr. Hoe was a decorated World War II veteran who fought in the Battle of the Bulge under the command of GEN George Patton. He recalled once what General Patton said to his men then:

''Half of you guys are not going home, you know that, don't you? You're over here to take that hill, and if you don't take it, I want to see the truckload of dog tags that show me that you proved yourself.''

Well, Harry Hoe did return home, after fighting in five major European campaigns, and he certainly did prove himself. He received the Silver Star for gallantry in action, the Bronze Star, the Oak Leaf Cluster for heroic action and the French Liberation Appreciation Medal.

But Mr. Hoe's heroic service in World War II is just the beginning of his incredible life story. He would go on to meet the love of his life, his wife Mary, in college and return to his hometown of Middlesboro to work in the family foundry business. He would be elected to the State legislature, invest countless hours in volunteer work and community service, and become a role model for me and many others for his leadership, his humility and his dedication to the people of the Bluegrass State.

With his wife Mary, who passed away some time ago, Harry had three children and several grandchildren. I wish to offer my greatest condolences to the Hoe family and all of Harry's many friends who are mourning his loss.

Mr. President, a wonderful article that appeared today in the Middlesboro Daily News tells the story of Mr. Harry Hoe's life and career. It is a fitting tribute to a fine man and I ask unanimous consent that it be printed in the RECORD.

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

[From the Middlesboro Daily News, May 10, 2011]

MIDDLESBORO LOSES 'CROWN JEWEL'

(By Lorie Settles/Staff Writer)

MIDDLESBORO.—Many in Middlesboro are mourning the passing of one of the city's most influential people—Harry Morgan Hoe.

''The city has lost one of its crowned jewels,'' lamented longtime friend and businessman, Dewey Morgan. ''He and Mary Bob (his

wife) were always generous and welcoming to everyone. They were people people.''

Hoe spent his life serving his community and his nation. A World War II veteran, Hoe fought in five major European campaigns including the Battle of the Bulge, and served under the infamous General George Patton.

Hoe spoke of his experience under Patton in a Daily News interview in 2010.

''He said: Half of you guys are not going home, you know that don't you? You're over here to take that hill and if you don't take it, I want to see the truckload of dog tags that show me that you proved yourself.' So we fought. We were his soldiers—that was all we knew to do,'' he remembered.

Dewey Morgan also remarked on Hoe's service to the nation.

''The thing a lot of people might not know about Harry is that he was a hero in the Battle of the Bulge. He was a member of the American force that pushed Hitler back into Germany. And for the rest of his life, he suffered with his feet that had been frozen during the battle,'' Morgan reported.

Hoe was decorated with the Silver Star for gallantry in action, the Bronze Star, the Oak Leaf Cluster for heroic action and the French Liberation Appreciation Medal—all before reaching the age of 19.

Hoe's achievements only increased from there. In 1953, Harry Morgan Hoe was honored as one of the three Outstanding Young Men of Kentucky. Hoe worked as the Director of the Kentucky Utilities company for 19 years, and was honored by the company with a $100,000 donation that was awarded to Clear Creek Baptist Bible College. He served as a board member of the college for 20 years and as Chairman for two terms.

In 1953, Hoe became the founder of the first racially integrated Little League Baseball organization south of the Ohio River. He served as the Middlesboro League's president for seven years.

Hoe worked as General Chairman for the dedication of the Cumberland Gap National Park in 1959. He was the Director of Kentucky Mountain Laurel Festival Board for more than 50 years and served twice as President.

Harry also acted as Chairman of the Board of Directors of Kentuckians for Better Transportation and Associated Industries in Kentucky. He spent two three-year terms as Director of the Kentucky Chamber of Commerce.

In 1964, Harry Hoe decided to try his hand at politics. He was elected to the Kentucky House of Representatives, where he served for six years. The passage of the drunk driving bill that he authored in 1968 was the highlight of his political career.

Harry was the Minority Whip and the Assistant Minority Floor Leader. He spent twelve years serving on the Kentucky Republican State Central Committee and was inducted into the Republican 5th Congressional District Hall of Fame by Congressman Hal Rogers.

As an eyewitness to paramount moments in the history of the U.S., the state of Kentucky, and the city of Middlesboro, Hoe served as a reference guide to many who knew him.

''He was a walking history book,'' said friend Lawrence Tuck. ''He was a very special friend to my wife Barbara and myself. He helped so many people and we will miss him so much.''

Tuck said that Hoe had attended last Wednesday's Kiwanis meeting, a club he was a member of since 1949. He also attended Sunday services at First Baptist Church where he had served as a Deacon, Sunday School teacher, and choir member.

Hoe was additionally a lifetime member of the Salvation Army Advisory Board and was awarded the Salvation Army William Booth Award, the highest honor given by the charity, after serving as Chairman.

Many also know Hoe for his work with the family business, the J.R. Hoe and Sons foundry.

Hoe was preceded in death by his beloved wife, Mary, whom he met while the two were students at the University of Tennessee. He referred to her as his ''secret weapon'' in the Daily News interview. The couple had three children together and several grandchildren.

RECOGNIZING LOGIC SUPPLY

Mr. LEAHY. Mr. President, today I wish to share a business success story from my home State of Vermont.

For years Vermont has been branded as the State of milk, apples, and maple syrup. But along the ridgelines of the Green Mountains and in the valleys along the many rivers that find their way to Lake Champlain, a new high-tech and green-tech sector is quickly emerging as an economic driver for both Vermont and the entire country. The Burlington Free Press recently highlighted one such company—Logic Supply in South Burlington, VT.

I have heard many great things about Logic Supply's work and their commitment to Vermont. Company owners Lisa and Roland Groeneveld have kept Logic Supply extremely active in our State's high-tech business networking community both as members of the Vermont Software Developers Alliance and as regular participants in the Vermont 3.0 Creative Tech Jam. In 2010, KeyBank and Vermont Business Magazine recognized Logic Supply as one of Vermont's fastest growing companies.

As Logic Supply has grown, they have helped brand Vermont as a place where businesses can succeed, and where people looking to work in the economy of tomorrow can find a job today. I commend them for their hard work and success.

I ask unanimous consent that the May 9, 2011, Burlington Free Press article entitled ''Logic Dictates, Couple Prove Tech Has Place On Vt. Buz Scene'' be printed in the RECORD.

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

[From the Burlington Free Press, May 9, 2011]

LOGIC DICTATES, COUPLE PROVE TECH HAS PLACE ON VT. BIZ SCENE

(By Dan D'Ambrosio)

In 2002, Lisa and Roland Groeneveld left behind their corporate telecommunications jobs in the Netherlands, where they had met, and moved to Vermont without work. Roland is Dutch. Lisa is a native of Barre and wanted to live close to family after her father died.

The company she worked for, WorldCom, was imploding spectacularly, filing the biggest bankruptcy in U.S. history at the time. The company he worked for, an Anglo-Dutch consultancy called CMG with about 14,000 employees, was about to be swallowed up by an even bigger company, Logica, based in Reading, England, now with almost 40,000 employees.

So, they went their own way. In less than a decade, the Groenevelds have built a high-tech business in South Burlington, Logic Supply, Inc., that has made a profit from day one.

After launching with $40,000 the couple had saved, the company is on track to reach $16 million in sales in 2011—up nearly 40 percent from 2010 sales of $11.5 million. It is debt free, recently moved into a $2.3 million building with room for expansion and, in theory, will reach $350 million in sales by 2020 if it meets the BHAG (Big Hairy Audacious Goal) set by its management and employees. That acronym, by the way, is proudly displayed on a bulletin board in the break room.

HOW'S THAT FOR LANDING ON YOUR FEET?

After moving to Vermont, Lisa and Roland's first order of business was to build a house on property Lisa's parents owned where they had a small vacation cabin. Roland bought a book on how to build your own house, hired a carpenter, and got to work, with Lisa's help.

''It literally was nine months of pounding nails, which was a lot of fun, very different than IT,'' Roland said. ''Once you start doing it, it's pretty straightforward.''

While their house was being built, Lisa landed a job in Boston at a business some of her former colleagues from WorldCom had started, called Fiberlink. After the house was finished in 2003, the couple decided to move to Boston for Lisa's job.

''We found an apartment there,'' Roland said. ''What am I to do next? Together we sat down and wrote some business plans.''

Years earlier, Roland had started a company in the Netherlands, and sold it a year and a half later to an Internet company during the dot.com boom. So he knew the feeling of being an entrepreneur.

''Running your own business is nice, it gives you a lot of freedom and independence,'' Roland said. ''I wanted to get back to that sort of feeling and idea.''

The couple complemented each other when it came to launching a high-tech business. Roland had a degree in electrical engineering and computer science. Lisa had an extensive business background, having worked for what was the highest flyer in telecom before it crashed to earth.

But before they got to the plan that would lead to Logic Supply, the couple took a couple of detours.

''One was importing high-end coffee makers from Europe,'' Roland said. ''You're drinking a cup of coffee and you think, Boy wouldn't it be nice to get a good cup of coffee!'''

Of course, there were already companies out there importing nice coffee pots from Europe. But there weren't so many doing what Logic Supply would end up doing, an idea that came from the development of smaller and smaller, and more and more rugged computers.

''We make very high-end computer systems for industrial embedded applications,'' Roland said, summarizing the company he and Lisa launched in their Boston apartment eight and a half years ago. ''We never really sell to end users. Typically we sell to a company that has their own product, their own sales force and their own marketing. We're basically the engineering department for the company.''

Logic Supply makes the computers, for example, for Project 54, a system for police cruisers and ambulances developed at the University of New Hampshire that integrates the functions of the vehicle into a single interface that can be operated by voice or a touch screen, simplifying life for a police officer or EMT in an emergency situation.

''It's a computer that runs the police car,'' Roland said. ''When they're driving, cops can

interact with the computer by voice: 'Sirens on, lights on.' They can request initial information on a license plate, operate video cameras. The computer is not taking over the functions, but controlling the functions.''

Logic Supply also makes custom computers for industrial automation—in slaughterhouses, where they can be sprayed with blood; or tire manufacturing, where they're subject to a lot of moisture and particles flying around, along with shock and vibration.

''Our computers are designed to withstand all that,'' Roland said. ''A typical PC will fail. They can't handle that sort of environment.''

Logic Supply is in the medical market as well.

''One of our customers converts analog X-ray machines to make them digital,'' Roland said. ''Our computers will capture the images from those older machines and convert them and make those images available online for doctors.''

INTERNET SAVVY

Remarkably, the company has experienced its explosive growth almost exclusively through its website, making search engine optimization a top priority.

''Our primary customers are engineers, and engineers don't like to talk to sales people, they like to do their own research,'' Roland said. ''I can say this stuff because I'm an engineer myself.''

The website gives engineers all the information they need to place their orders. The Logic Supply sales team does follow up with human contact, just to make sure their customers are satisfied and have everything they need, Roland says, but if they want to be left alone to place their orders in peace and not talk to anybody, Logic Supply obliges.

The Groenevelds' plan for the next 10 years is to grow at a sustained rate of 30 percent to 40 percent a year, which presumably would get them to the BHAG posted on the lunch room bulletin board. If anything slows them down, Roland says, it's likely to be the difficulty of finding qualified employees in Vermont.

''Vermont is not well known as a tech state, or even a great state for employment,'' Roland said. ''People think there's not a future for them here and they leave. We need to stop that as a community. We need to make sure people are aware there are opportunities here and that there are great businesses here.''

Mark Heyman is Logic Supply's director of human resources, and recently joined the board of directors of Vermont Software Developers' Alliance. He said the alliance is planning to broaden into a representative group for the entire tech industry in the state, highlighting companies in the state like his own, and many others.

''There's a reason not only to stay in Vermont, but for other people to come here,'' Heyman said. ''We see ourselves along with other companies as leading a resurgence. Get the word out, let's attract people. Like geeking out on a computer? I've got a sandbox for you. As people come walking through here applying for a job, they often say they never even realized something like this existed in Vermont.''

TRIBUTE TO DR. MATTHEW FRIEDMAN

Mr. LEAHY. Mr. President, I would like to take a moment to congratulate Dr. Matthew Friedman, a finalist for the 2011 Samuel J. Heyman Service to America Medals. Dr. Friedman is the executive director of the National Center for Post Traumatic Stress Disorder, PTSD, headquartered in White River Junction, VT. He was a finalist for the Career Achievement Medal given annually to a federal employee for significant accomplishments over a lifetime of achievement in public service.

Dr. Friedman is a pioneer in the field of traumatic stress disorders. For nearly 40 years now he has been working to identify the causes of and treatments for PTSD and advocating for those afflicted with the disorder. It is the cause of his career.

While PTSD is now recognized as a serious affliction associated with the stresses and violence of war, this was not always the case. In the early days of his work, Dr. Friedman had to convince skeptics both inside and outside of the Veterans Administration that many returning troops were suffering from PTSD. His efforts eventually persuaded veterans to accept the disease within their own communities. He was among the first Veterans Administration clinicians to recognize the depth and breadth of the disorder among returning Vietnam veterans. In 1973, he established one of the earliest groups to provide mental health assistance to former soldiers.

In 1989, after years of distinguished work in the field, Dr. Friedman was named as the first executive director of the then-new National Center for PTSD based in Vermont, in White River Junction. Since then, the center has grown into a group of seven centers located at VA medical centers and in connection with university medical research programs around the country. These seven centers have conducted unprecedented research, leading to critical advancements in the understanding, treatment, and prevention of traumatic disorders.

The Service to America Medals are some of the most prestigious awards given to celebrate America's civil servants. The medals will be presented on September 15 in Washington, DC.

Dr. Friedman has spent years studying, treating and advocated for our brave veterans who have been psychologically affected by war or other tragedies. Whether or not he is ultimately selected for it, Dr. Friedman is certainly deserving of the Samuel J. Heyman Career Achievement Medal, I commend him on his selection as a finalist, and I thank him for a lifetime of public service to America's veterans.

Dr. Friedman was mentioned in an article entitled Finalists for government's ''Oscars,'' recently published in the Washington Post. 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, as follows:

[From the Washington Post, May 2, 2011]

FINALISTS FOR GOVERNMENT'S ''OSCARS''

SERVICE MEDALS WILL BE AWARDED TO NINE OUTSTANDING EMPLOYEES

(By Lisa Rein)

One is leading the effort to reduce tobacco-related disease by regulating what goes into cigarettes. Another helped disrupt drug traffickers from laundering billions of dollars through Mexican banks. Another developed a strategy to make sure every American has access to high-speed Internet service.

These are among 34 federal workers nominated for the 2011 Samuel J. Heyman Service to America Medal awards. The service medals—or ''Sammies,'' as they are known—are the Academy Awards of the federal world and honor distinguished public servants in a variety of fields, including transportation safety and data systems. With civil servants a key focal point in the debate over the size of government, the nonprofit Partnership for Public Service hopes its annual Service to America medals will act as a reminder of federal workers' commitment to their jobs.

Nine employees will receive awards this fall for their work on a variety of issues, both in the headlines and under the radar. One among them will be honored as federal employee of the year.

The 34 finalists, selected from more than 400 nominations by their bosses and colleagues, will be honored Thursday at a breakfast on Capitol Hill as part of Public Service Recognition Week, May 1–7, intended to recognize the efforts of federal, state and local government workers.

The nominees hail from Menlo Park, Calif., to White River Junction, Vt., with 23 working in the Washington area. Some are approaching the end of a long career in government, while others are in their 20s.

The Washington Post chose a random sample of finalists to ask about their work:

When the Food and Drug Administration gained new authority over tobacco products in 2009, it turned to doctor and public health expert Lawrence Deyton to launch the Center for Tobacco Products. Deyton's 30-year career in government has focused on fighting hepatitis, AIDS among veterans and other public health threats.

With a $450 million budget, Deyton, 58, led a successful effort to prohibit tobacco manufacturers from displaying the labels ''light,'' ''low'' and ''mild.'' In June, the center will issue regulations requiting graphic new health warnings on cigarette packages and billboards. Next up: Establishing which ingredients in cigarettes could be removed or changed to make them safer.

''We have a fundamental authority now that no other country has,'' Deyton said.

The Defense Department's inspector general has long had a system for protecting service members who report wrongdoing. But until Dan Meyer and his team were hired in 2004, civilian whisleblowers who suffered from retaliation had no advocate.

Meyer, 46, created a program that protects employees who report national security and procurement fraud. These whistleblowers often lose their security clearances as punishment. Meyer once blew the whistle himself when he was a Navy line officer who disclosed flaws in the investigation of a 1989 explosion that killed 47 American sailors.

''We needed to approach this as protection of our sources,'' he said.

When the Environmental Protection Agency came out late last year with a new plan to restore the Chesapeake Bay, 31-year-old Katherine Antos cajoled sometime-warring state governments, advocacy groups and industry to cooperate to increase their accountability. ''If we are going to be successful, we needed the right buy-in,'' said Antos,

leader of the bay program's Water Quality Team. The biggest problem was conveying what might seem simple: ''What needs to be done, who is going to do it and how,'' she said.

Three years ago, the National Institutes of Health attempted to pick up where the country's prestigious medical centers had left off, cracking the code of diseases that cannot be diagnosed.

William Gahl, a pediatrician specializing in clinical and biochemical genetics, took on the challenge as the first director of the Undiagnosed Diseases Program. Interest was so strong that Gahl's $280,000 budget quickly grew to $3.5 million. Of 5,000 applicants, 400 have been accepted, though a medical diagnosis has been found for just 60.

''We admit failure in the majority of our cases,'' Gahl said. ''But these are people who have been everywhere else.''

Analysts at the Treasury Department's Financial Crimes Enforcement Network have long suspected that Mexican drug traffickers were smuggling cash from their narcotics sales back into Mexico for deposit in local banks. Senior intelligence research analyst Ann Martin, 29, analyzed tens of thousands of bank transactions and discovered last year that billions of dollars in illegal drug profits were entering the Mexican banking system from the United States. Her work led the Mexican government to issue new regulations capping the amount of American dollars that can flow to Mexican banks.

Post-traumatic stress disorder is a well-known mental health issue facing service members, but when Matthew Friedman began his career working with veterans 40 years ago, the term did not exist.

Today, the psychiatrist and pharmacologist is executive director of the Veterans Affairs Department's National Center for PTSD, based in White River Junction, Vt. Since the center was created in 1989, Friedman has expanded it to seven VA medical centers across the country. He overcame many skeptics along the way, who believed the affliction was not a serious disorder. At 71, Friedman now wants to understand how to prevent the disorder and why some soldiers suffer from it while others don't.

''What is the difference between resilient and vulnerable people?'' he asked.

STAMP OUT HUNGER FOOD DRIVE

Mr. BENNET. Mr. President, today I honor the National Association of Letter Carriers' Stamp Out Hunger Food Drive. Every year, on the second Saturday in May, letter carriers across the country collect nonperishable food as part of the Nation's largest one-day food drive, distributing the donations to local food banks. In these difficult economic times—as families continue to make ends meet and food banks deal with tightening budgets—these efforts are especially important.

The Stamp Out Hunger Food Drive is just one example of how letter carriers work to make a difference in the lives of those they serve. Since the food drive was launched 19 years ago, they have collected a billion pounds of food, including 77.3 million pounds last year alone. They do all of this in service of the communities in which the live and work. And the work they do remains essential. Even in today's electronic society, millions of us depend on letter carriers to deliver everything from birthday cards to life-saving prescription medications.

In recognition of all letter carriers, their hard work and their commitment to their communities, I ask that all of us join with them in support of their one-day food drive and make a donation of nonperishable food items this Saturday, May 14, 2011, the National Association of Letter Carriers' Stamp Out Hunger Food Drive Day.

ADDITIONAL STATEMENTS

NEW HAMPSHIRE TIMBERLAND OWNERS ASSOCIATION

• Ms. AYOTTE. Mr. President, today I recognize and congratulate the New Hampshire Timberland Owners Association on achieving a commendable feat—100 years of successful forest management, conservation, and awareness efforts.

The New Hampshire Timberland Owners Association will hold its centennial annual meeting this year in Whitefield, NH, at the Mountain View Grand Resort from Friday, May 20 through Sunday, May 22, where the association will gather at Weeks State Park—the former summer home of Senator John Wingate Weeks, the author of the 1911 Weeks Act, a landmark piece of conservation legislation which paved the way for the formation of the White Mountain National Forest.

The New Hampshire Timberland Owners Association was established as a nonprofit organization in 1911, with William R. Brown serving as president. By 1912, the association had 32 members. Today, the association celebrates 100 years of hard work and its more than 1,400 members representing land ownership of over 1 million acres.

The association's initial objectives were the protection and improvement of timberland and property rights. The members' efforts focused on planning and acting on matters relating to forest management, legislation, and taxes. Today, the association is a statewide coalition of landowners, forest industry professionals, government officials, and supporters who work together to promote forest management and conservation of New Hampshire's working forests and to ensure a vibrant forest products industry.

Since its inception, the association has continuously grown and expanded its efforts. Working with the State of New Hampshire, the Federal Government, and local governments, the association has ensured that New Hampshire's timberlands are managed for the benefit of timberland owners and, ultimately, the best interests of the timber economy of our great State. Together, landowners and forest industry professionals share the understanding that a well-managed forest is essential to New Hampshire's economy and our identity. The New Hampshire Timberland Owners Association represents some of the most treasured characteristics of the Granite State—teamwork, foresight in innovation, vision, and initiative.

As the New Hampshire Timberland Owners Association celebrates its first 100 years, I commend their efforts and congratulate them on a job well done. I ask my colleagues to join me in recognizing the New Hampshire Timberland Owners Association's centennial celebration.•

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 940. A bill to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1564. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (70); Amdt. No. 30779'' (RIN2120-AA65) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1565. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (116); Amdt. No. 3418'' (RIN2120-AA65) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1566. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (33); Amdt. No. 3419'' (RIN2120-AA65) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1567. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amdt. No. 3420'' (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1568. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amdt. No. 3421'' (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1569. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (12); Amdt. No. 3423'' (RIN2120-AA65) received in the Office of the President of the Senate on May 9, 2011; to the

Committee on Commerce, Science, and Transportation.

EC–1570. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kahului, HI'' ((RIN2120-AA66) (Docket No. FAA–2010–1233)) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1571. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Creighton, NE'' ((RIN2120-AA66) (Docket No. FAA–2010–1170)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1572. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; West Yellowstone, MT'' ((RIN2120-AA66) (Docket No. FAA–2010–1209)) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1573. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Pueblo, CO'' ((RIN2120-AA66) (Docket No. FAA–2010–1246)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1574. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Taylor, AZ'' ((RIN2120-AA66) (Docket No. FAA–2010–1189)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1575. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Terre Haute, IN'' ((RIN2120-AA66) (Docket No. FAA–2010–1034)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1576. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kenton, OH'' ((RIN2120-AA66) (Docket No. FAA–2010–1054)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1577. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Indianapolis Executive Airport, IN'' ((RIN2120-AA66) (Docket No. FAA–2010–1027)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1578. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Kutztown, PA'' ((RIN2120-AA66) (Docket No. FAA–2010–0869)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. VITTER:

S. 927. A bill to require congressional approval before implementation of certain agency actions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURR:

S. 928. A bill to amend title 38, United States Code, to limit the authority of the Secretary of Veterans Affairs to use bid savings on major medical facility projects of the Department of Veterans Affairs to expand or change the scope of a major medical facility project of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself, Mr. SANDERS, Mr. BEGICH, Mr. REED, Mr. BROWN of Ohio, and Mr. FRANKEN):

S. 929. A bill to establish a comprehensive literacy program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 930. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Ms. CANTWELL):

S. 931. A bill to amend the Internal Revenue Code of 1986 to reform the rules relating to fractional charitable donations of tangible personal property; to the Committee on Finance.

By Mr. SCHUMER:

S. 932. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Finance.

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

S. 933. A bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Finance.

By Mr. CASEY:

S. 934. A bill to amend the Harmonized Tariff Schedule of the United States to make a technical correction relating to stainless steel single-piece exhaust gas manifolds; to the Committee on Finance.

By Mr. BROWN of Ohio:

S. 935. A bill to require the Secretary of Veterans Affairs to carry out a program of outreach to veterans, and for other purposes; to the Committee on Veterans' Affairs.

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

S. 936. A bill to establish the American Infrastructure Investment Fund and other activities to facilitate investments in infrastructure projects that significantly enhance the economic competitiveness of the United States by improving economic output, productivity, or competitive commercial advantage, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself, Mr. BLUNT, Mr. MANCHIN, Ms. MURKOWSKI, Mr. ENZI, and Mr. COATS):

S. 937. A bill to repeal certain barriers to domestic fuel production, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 938. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself and Mr. CRAPO):

S. 939. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mrs. MCCASKILL, Mr. TESTER, Mr. BROWN of Ohio, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mr. REED, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. BOXER, Ms. MIKULSKI, Mrs. GILLIBRAND, Mr. COONS, Mr. ROCKEFELLER, Mr. BLUMENTHAL, Mr. FRANKEN, Mr. CARDIN, Ms. STABENOW, Mr. MERKLEY, Mr. JOHNSON of South Dakota, Mr. SANDERS, Mrs. SHAHEEN, and Mrs. FEINSTEIN):

S. 940. A bill to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes; read the first time.

By Mr. REED (for himself, Mr. COONS, and Mr. WHITEHOUSE):

S. 941. A bill to strengthen families' engagement in the education of their children; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. COLLINS, and Mr. DURBIN):

S. 942. A bill to provide for improved investment in national transportation infrastructure; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. SHAHEEN (for herself and Mr. GRAHAM):

S. Res. 175. A resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders; to the Committee on Foreign Relations.

By Ms. MIKULSKI:

S. Res. 176. A resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER (for herself and Mr. INHOFE):

S. Res. 177. A resolution designating the week of May 15 through May 21, 2011, as ''National Public Works Week''; to the Committee on the Judiciary.

By Mrs. MCCASKILL (for herself and Mr. BLUNT):

S. Res. 178. A resolution expressing support for the designation of May 1, 2011, as ''Silver Star Service Banner Day''; considered and agreed to.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. Con. Res. 16. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; considered and agreed to.

ADDITIONAL COSPONSORS

S. 164

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 222

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 222, a bill to limit investor and homeowner losses in foreclosures, and for other purposes.

S. 245

At the request of Mr. CORKER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 245, a bill to reduce Federal spending in a responsible manner.

S. 362

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

S. 385

At the request of Mr. LEAHY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 385, a bill to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

S. 411

At the request of Ms. KLOBUCHAR, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 411, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into agreements with States and nonprofit organizations to collaborate in the provision of case management services associated with certain supported housing programs for veterans, and for other purposes.

S. 414

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 427

At the request of Mr. HELLER, his name was added as a cosponsor of S. 427, a bill to withdraw certain land located in Clark County, Nevada, from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes.

S. 456

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 456, a bill to amend the Agricultural Marketing Act of 1946 to require monthly reporting to the Secretary of Agriculture of items contained in the cold storage survey and the dairy products survey of the National Agriculture Statistics.

S. 457

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 457, a bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal milk marketing order reform.

S. 458

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 458, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish and enforce a maximum somatic cell count requirement for fluid milk.

S. 459

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 459, a bill to amend the Food, Conservation, and Energy Act of 2008 to preserve certain rates for the milk income loss contract program.

S. 463

At the request of Mr. BEGICH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 463, a bill to amend part B of title II of the Elementary and Secondary Education Act of 1965 to promote effective STEM teaching and learning.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of, dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 489

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 567

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 587

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 587, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 668

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

S. 701

At the request of Mr. BENNET, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 701, a bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students.

S. 718

At the request of Mr. ROBERTS, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 718, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 800

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

S. 844

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 844, a bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes.

S. 868

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 868, a bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program.

S. 891

At the request of Mr. CONRAD, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 896

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 896, a bill to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. 906

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

S. 926

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 926, a bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas.

S.J. RES. 10

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 174

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 174, a resolution expressing the sense of the Senate that effective sharing of passenger information from inbound international flight manifests is a crucial component of our national security and that the Department of Homeland Security must maintain the information sharing standards required under the 2007 Passenger Name Record Agreement between the United States and the European Union.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 938. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, today I am reintroducing the Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act, along with my colleagues Senator FEINSTEIN and Senator KOHL. This bill will accelerate research of plug-in hybrid technologies for heavy duty trucks.

The Federal Government, through the 21st Century Truck Partnership, has for some years provided funding to conduct research and development for the modernization of this industry, in association with private industry partners. Despite the significant potential benefits of hybrid trucks, however, research in this area was eliminated recently to focus on passenger vehicles. This decision was shortsighted.

Truck operators in Maine and around the country are again being hard hit by increases in the price of diesel fuel. Given that our nation relies upon the trucking industry to keep our economy running by providing timely delivery of food, industrial products, and raw materials, we must develop alternatives that make the industry less susceptible to dramatic changes in oil prices. Hybrid power technologies offer tremendous promise of reducing this critical industry's dependence on oil.

Trucks consume large amounts of imported fuels. Successfully transitioning trucks to hybrid power technology will reduce our Nation's oil consumption and improve our energy security. The Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act directs the Department of Energy to expand its research in advanced energy storage technologies to include hybrid trucks as well as passenger vehicles. Current hybrid technology works well for cars that can be made with lightweight materials and travel short distances. Trucks need to be constructed with heavy materials commensurate with the heavy loads they carry and, if they are going to be plug-in hybrids, travel relatively long distances between charges. Thus advances in battery and other technologies are needed to make plug-in trucks commercially viable and will require more advanced technology than is required for passenger cars.

Grant recipients will be required to complete two phases. In phase one, recipients must build one plug-in hybrid truck, collect data, and make performance comparisons with traditional trucks. Recipients who show promise in phase one will be invited to enter into phase two where they must produce 50 plug-in hybrid trucks and report on the technological and market obstacles to widespread production. The bill will also sponsor two smaller programs to deal with drive-train issues and the impact of the wide use of plug-in hybrid technology on the electrical grid. In total, the bill authorizes the expenditure of $16 million for each of fiscal years 2012, 2013, and 2014.

We need a comprehensive approach to modernize commercial transportation in the 21st century. The Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act is one vital piece of that approach.

By Mr. REED (for himself, Mr. COONS, and Mr. WHITEHOUSE):

S. 941. A bill to strengthen families engagement in the education of their children; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Family Engagement in Education Act with my colleagues Senator COONS and Senator WHITEHOUSE. I thank Representative PLATTS for introducing the House companion of this bipartisan bill.

Our legislation will strengthen family engagement in education at the local, State, and national levels. It will empower parents by increasing school district resources dedicated to family engagement activities from 1 percent to 2 percent of the district Title I allocation. It will also improve quality of family engagement practices at the school level by requiring school districts to develop and implement standards-based policies and practices for family-school partnerships. It will build State and local capacity for effective family engagement in education by setting aside 1 percent of the State Title I allocation for local family engagement in education centers to provide innovative programming and services, such as leadership training and family literacy, to local families and to remove barriers to family engagement, and for supporting state-level activities. Finally, our bill will restructure the Parent Information Resource Centers so that they can provide statewide technical assistance in line with the quality framework developed by the U.S. Department of Education, Harvard Family Research Project, and Southwest Educational Development Laboratory. At the national level, our legislation will require the Secretary of Education to convene practitioners, researchers, and other experts in the field of family engagement in education to develop recommended metrics for measuring the quality and outcomes of family engagement in a child's education.

Research demonstrates that family engagement in a child's education increases student achievement, improves attendance, and reduces dropout rates. A recent study by Anne Seitsinger and Steven Brand at the University of Rhode Island's Center for School Improvement and Educational Policy found that students whose parents support their education through learning activities at home and discuss the importance of education perform better in school. Yet too often, family engagement is not built into our school improvement efforts in a systematic way. The Family Engagement in Education Act will promote meaningful family engagement policies and programs at the national, State, and local levels to ensure that all students are on track to be career and college-ready.

The bill builds on my successful efforts in the last reauthorization of the Elementary and Secondary Education Act, the 2001 No Child Left Behind Act, to incorporate provisions throughout the law to strengthen and boost parental involvement. It is also in line with the Administration's blueprint for reauthorization, which calls for doubling the amount that school districts are required to set aside for parental involvement and encouraging States to use some of their Title I funding to support local family engagement centers in education.

Developed with the National Family, School, and Community Engagement Working Group, which includes organizations such as National PTA, United Way Worldwide, Harvard Family Research Project, and National Council of La Raza, and endorsed by hundreds of local, State, and national organizations, this legislation represents the broad consensus that we must do a better job of engaging families in all aspects of their children's education.

I urge my colleagues to cosponsor the Family Engagement in Education Act, and to work for its inclusion in the forthcoming debate to reauthorize and renew the Elementary and Secondary Education Act.

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

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

S. 941

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 ''Family Engagement in Education Act of 2011''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings; purpose.
Sec. 4. Amendment references.
Sec. 5. Family engagement in education.
Sec. 6. State plans.
Sec. 7. Local educational agency plans.
Sec. 8. Family engagement in education policy.
Sec. 9. Prevention and intervention programs for children and youth who are neglected, delinquent, or at risk.
Sec. 10. High-quality teachers and principals.
Sec. 11. Family engagement in education programs.
Sec. 12. Definitions.
Sec. 13. Conforming amendments.
Sec. 14. Government Accountability Office study and report.
Sec. 15. Federal coordination of family engagement in education programming.

SEC. 3. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Family engagement in a child's education raises student achievement, improves behavior and attendance, decreases drop-out rates, and improves the emotional and physical well-being of children.

(2) Families are critical determinants of children's school readiness as well as of students' decision to pursue higher education.

(3) Effective family engagement is a great equalizer for students, contributing to their increased academic achievement, regardless of parents' education level, ethnicity, or socioeconomic background.

(4) Family engagement can raise student academic achievement so substantially that schools would need to increase spending by more than $1,000 per pupil to gain the same results.

(5) Positive benefits for children, youth, families, and schools are maximized through effective family engagement that—

(A) is a shared responsibility in which schools and other community agencies and organizations are committed to reaching out to engage families in meaningful ways and families are committed to actively supporting their children's learning and development;

(B) is continuous across a child's life from birth to young adulthood; and

(C) reinforces learning that takes place in all settings.

(b) PURPOSE.—The purpose of this Act is to strengthen families' engagement in the education of their children.

SEC. 4. AMENDMENT REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 5. FAMILY ENGAGEMENT IN EDUCATION.

(a) FAMILY ENGAGEMENT AND RESPONSIBILITY FUND.—Title I (20 U.S.C. 6301 et seq.) is amended by adding after section 1004 the following:

''SEC. 1005. FAMILY ENGAGEMENT AND RESPONSIBILITY FUND.

''(a) IN GENERAL.—Each State educational agency may reserve not more than 1 percent of such agency's allocated funds under section 1122 for each fiscal year for use as provided in subsection (b).

''(b) USE OF RESERVED FUNDS.—From the amounts reserved for each fiscal year under subsection (a), each State educational agency shall—

''(1) reserve not less than 85 percent for Local Family Engagement Centers under section 1006; and

''(2) reserve not more than 15 percent for State educational agency capacity for family engagement activities under section 1007.''.

(b) LOCAL FAMILY ENGAGEMENT CENTERS PROGRAM.—Title I (20 U.S.C. 6301 et seq.) is amended by adding after section 1005, as added by subsection (a), the following:

''SEC. 1006. LOCAL FAMILY ENGAGEMENT CENTERS PROGRAM.

''(a) PURPOSE.—The purpose of this section is to establish and operate Local Family Engagement Centers and to evaluate the usefulness and effectiveness of innovative approaches demonstrated by these centers in engaging families in their children's education by providing training, services, supports, and opportunities that meet families' needs and remove barriers to their engagement in their children's education to improve student achievement.

''(b) GRANTS AUTHORIZED.—From the funds reserved to carry out this section under section 1005(b)(1), a State educational agency shall award grants or enter into contracts and cooperative agreements with eligible entities to establish and operate Local Family Engagement Centers.

''(c) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a private, nonprofit organization that—

''(1) has a demonstrated record of working with low-income parents and families in the community;

''(2) is located in a community with elementary schools and secondary schools that receive funds under part A and is accessible to families of students in those schools; and

''(3) is partnering with 1 or more local educational agencies or 1 or more schools that receive funds under part A.

''(d) APPLICATION FOR GRANTS.—To receive a grant under this section, an eligible entity

shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require, including—

''(1) a description of the entity's approach on family engagement in education, including its use of strength-based strategies;

''(2) information demonstrating that the applicant meets the definition of an eligible entity;

''(3) information that the applicant has the capacity to operate a center capable of conducting the training, services, and support activities to fulfill the purposes of a Local Family Engagement Center;

''(4) information that the applicant will structure and operate a center of sufficient scope and quality adequate to serve the needs of the local area in which it is located;

''(5) a description of the entity's experience in providing training, services, and support to low-income parents and families, English language learners, minorities, parents of students with disabilities, parents of homeless students, foster parents, and parents of migrant students;

''(6) a description of the collaboration with the local educational agency or school personnel in the geographic area to be served by the center;

''(7) a description of the steering committee, a majority of whose members are parents of students in schools that receive funds under part A, that will direct and implement the activities of the Local Family Engagement Center;

''(8) a description of how the entity will coordinate its efforts with the Statewide Family Engagement Centers under subpart 16 of part D of title V in the State;

''(9) information that the applicant is capable of meeting milestones or deadlines as the State educational agency may prescribe; and

''(10) such other information as the State educational agency determines necessary.

''(e) USES OF FUNDS.—An eligible entity that receives a grant under this section shall establish and operate a Local Family Engagement Center and use the grant funds to provide training, services, and supports to engage families in their children's education and to build the school-family partnerships necessary to ensure that all children are on track to graduate from high school ready for college and careers, such as through—

''(1) assisting parents and families in understanding how they can improve student achievement, including how to access ongoing student performance data and related information to support learning in the classroom with activities at home, and in after-school and extracurricular activities;

''(2) training parents and families on effective ongoing communication with their children, teachers, principals, counselors, administrators, and other school personnel;

''(3) providing direct services to families, such as home visitation, family literacy programs, and health and behavioral health services to meet the needs of families and remove barriers for engaging in the education of their children;

''(4) providing advocacy services to ensure that families can fully participate in their children's education;

''(5) providing supports such as transportation, childcare, and meals to facilitate families' engagement in programs implemented or assisted by the Center;

''(6) assisting parents and families in understanding how they can prepare their children academically, socially, and financially for postsecondary education, including early awareness of the availability of student financial assistance; and

''(7) improving the coordination, availability, and effectiveness of integrated services and comprehensive supports for children and families.

''(f) EVALUATION AND ANNUAL REPORT.—A State educational agency shall—

''(1) evaluate the effectiveness of the grants funded under this section; and

''(2) issue an annual report on the implementation of such grants, describing any practices the State determines to be most effective or innovative for fulfilling the purposes of the Local Family Engagement Centers.''.

(c) STATE FAMILY ENGAGEMENT COORDINATING COUNCILS.—Title I (20 U.S.C. 6301 et seq.) is amended by adding after section 1006, as added by subsection (b), the following:

''SEC. 1007. STATE EDUCATIONAL AGENCY CAPACITY FOR FAMILY ENGAGEMENT ACTIVITIES.

''(a) IN GENERAL.—Each State educational agency shall administer and expend funds reserved under section 1005(b)(2) to—

''(1) provide for the establishment of a statewide family engagement coordinating council; and

''(2) support the development and implementation of a statewide family engagement in education plan.

''(b) STATE FAMILY ENGAGEMENT COORDINATING COUNCILS.—

''(1) IN GENERAL.—Each State educational agency that receives funds under part A shall establish a State Family Engagement Coordinating Council (referred to in this section as a 'Council') to ensure coordination and integration of family engagement in education activities across the education spectrum.

''(2) REPORTING RESPONSIBILITY.—Each Council shall report to the Governor and the Chief State School Officer of the State on the Council's findings and recommendations regarding family engagement in education and such other information as the Governor may request.

''(3) APPOINTMENT OF MEMBERS.—

''(A) IN GENERAL.—The Governor of the State, in consultation with the State educational agency, shall determine the number of members to serve on the Council and their term of office, and shall appoint such members, initially, for a full term or for a period of less than a full term, as the Governor determines appropriate. Such members shall include representatives of—

''(i) State educational agency programs, Statewide Family Engagement Centers under subpart 16 of part D of title V, and Local Family Engagement Centers under section 1006 operating in the State;

''(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act, operating in the State;

''(iii) the State parent teacher association and other parent groups;

''(iv) family members, students, teachers, and school administrators;

''(v) the State's advisory council on early childhood education and care;

''(vi) colleges and universities; and

''(vii) nonprofit organizations and State governmental agencies serving children and families.

''(B) RESTRICTION ON GOVERNMENT EMPLOYEES.—Not more than 50 percent of the Council members shall be employees of a State or local unit of government.

''(4) DUTIES OF THE COUNCIL.—Duties of the Council shall include any duties the Governor may specify and the following duties:

''(A) Establish a statewide vision of family engagement in education that is consistent with, and leverages, Federal family engagement in education resources and initiatives.

''(B) Encourage consistency in family engagement in education policies and practices across learning settings along the child and youth life span.

''(C) Coordinate Federal, State, and local family engagement in education programs and activities.

''(D) Coordinate family engagement in education programs and activities across early childhood, school-age, vocational and technical, and higher education programs.

''(E) Identify opportunities for family engagement in education collaboration and resource sharing among State educational agencies, local educational agencies, and organizations that support family-school partnerships.

''(F) Review the family engagement in education component of the State plan prepared under section 1111(d) and submit to the State educational agency and to the Governor any recommendations of the Council for modifications to the plan.

''(G) Visit local educational agencies, schools, and other learning settings to support the implementation and monitoring of family engagement in education policies, practices, and uses of funds.

''(c) USES OF FUNDS.—Each State may use funds reserved under section 1005(b)(2) to support the development and implementation of the statewide family engagement in education plan described in section 1111(d) through activities such as—

''(1) supporting an office or staff positions within the agency dedicated to family engagement;

''(2) carrying out the State's responsibilities under the Local Family Engagement Centers Program under section 1006;

''(3) developing and implementing a statewide data collection and evaluation system on family engagement metrics to identify schools that would benefit from training and support related to family engagement in education;

''(4) reviewing local educational agencies' family engagement policies and practices as provided by sections 1112(b)(1)(P) and 1118(i), and evaluating the use of funds under this subsection;

''(5) coordinating technical assistance and support to local educational agencies with schools that would benefit from training and support related to family engagement in education with the Statewide Family Engagement Centers;

''(6) developing curricula for professional development for teachers, principals, school librarians, and other school leaders on improving family engagement in education;

''(7) developing standards and curricula for family engagement in education for teacher and principal preparation programs; and

''(8) coordinating statewide services related to early education, higher education, child health and welfare, after-school programs, community service-learning programs, and other programs to develop coordinated family engagement in education policies, practices, and services.''.

(d) CONFORMING AMENDMENT.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 1004 the following:

''Sec. 1005. Family engagement and responsibility fund.
''Sec. 1006. Local Family Engagement Centers Program.
''Sec. 1007. State educational agency capacity for family engagement activities.''.

SEC. 6. STATE PLANS.

(a) IN GENERAL.—Section 1111(d) (20 U.S.C. 6311(d)) is amended to read as follows:

''(d) FAMILY ENGAGEMENT.—Each State plan shall include a plan for strengthening family engagement in education. Each such plan shall, at a minimum, include—

''(1) a description of the State's criteria and schedule for review and approval of local educational agency engagement policies and practices pursuant to sections 1112(e)(3) and 1118(i);

''(2) a description of the State's system and process for assessing local educational agency implementation of section 1118 responsibilities;

''(3) a description of the State's criteria for identifying local educational agencies that would benefit from training and support related to family engagement in education;

''(4) a description of the State's statewide system of technical assistance and support for local educational agencies and schools on family engagement in education;

''(5) an assurance that the State will refer to Statewide Family Engagement Centers those local educational agencies that would benefit from training and support related to family engagement in education;

''(6) a plan for using funds received under section 1005;

''(7) a description of the relationship between the State educational agency and Statewide and Local Family Engagement Centers, parent training and information centers, and community parent resource centers in the State established under sections 671 and 672 of the Individuals with Disabilities Education Act; and

''(8) a plan for establishing a State Family Engagement Coordinating Council or, if a similar entity exists, a description of the composition and activities of such similar entity.''.

(b) REPORTS.—

(1) ANNUAL STATE REPORT.—Section 1111(h)(4) (20 U.S.C. 6311(h)(4)) is amended—

(A) in subparagraph (F), by striking ''and'' after the semicolon;

(B) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(H) the number of schools and the name of each school that would benefit from training and support related to family engagement in education, the reason why such school was so identified, and the measures taken to address the need for training and support; and

''(I) information on the State educational agency's family engagement in education programs and activities.''.

(2) TECHNICAL ASSISTANCE.—Section 1111(j) (20 U.S.C. 6311(j)) is amended by inserting ''the development and implementation of policies and procedures for family engagement in education,'' after ''reliable,''.

SEC. 7. LOCAL EDUCATIONAL AGENCY PLANS.

(a) IN GENERAL.—Section 1112(b)(1)(P) (20 U.S.C. 6312(b)(1)(P)) is amended to read as follows:

''(P) a description of the strategy the local educational agency will use to implement and assess family engagement in education under section 1118;''.

(b) ENGAGEMENT IN DEVELOPING PLANS.—Section 1112(b)(1) (20 U.S.C. 6312(b)(1)) is amended—

(1) by redesignating subparagraph (Q) as subparagraph (S);

(2) in subparagraph (P), by striking ''and'' after the semicolon; and

(3) by inserting after subparagraph (P) the following:

''(Q) a description of how the local educational agency will engage families in the development, implementation, and assessment of local educational agency plans;

''(R) a description of how the local education agency will improve teacher and principal knowledge and skills in effectively engaging parents in their children's education; and''.

SEC. 8. FAMILY ENGAGEMENT IN EDUCATION POLICY.

(a) LOCAL EDUCATIONAL AGENCY DEVELOPMENT OF POLICIES AND PRACTICES.—Section 1118 (20 U.S.C. 6318) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively; and

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following:

''(a) IN GENERAL.—Each local educational agency and each school receiving funds under this part shall develop policies and practices for family engagement in education that meet the following principles and standards for family-school partnerships:

''(1) Welcome all families to be active participants in the life of the school, so that they feel valued, connected to each other and to school staff and to what students are learning in class.

''(2) Communicate effectively by ensuring regular two-way, meaningful communication between family members and local educational agency and school staff in a manner, language, and with technology that family members can understand and access.

''(3) Support student success by fostering continuous collaboration between family members and local educational agency and school staff to support student learning and healthy development at school and at home.

''(4) Speak up for every child and empower family members to be advocates for all students within the school.

''(5) Ensure that family members, local educational agencies, and school staff are equal partners in family engagement in education decisionmaking.

''(6) Collaborate with community organizations and groups to turn the school into a hub of community life.

''(7) Create a continuum of family engagement in education in student learning and development from birth to young adulthood.

''(8) Train and support superintendents, principals, and teachers to fully engage families in the education of their children.''.

(b) WRITTEN POLICY.—Section 1118(b)(2), as redesignated by subsection (a), is amended—

(1) in subparagraph (C), by striking ''(e)'' and inserting ''(f)'';

(2) in subparagraph (E), by striking ''and'' after the semicolon;

(3) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(G) participate in evaluations of the effectiveness of family engagement in education strategies and policies; and

''(H) participate in developing recommendations for creating a positive school climate and safe and healthy schools.''.

(c) RESERVATION.—Section 1118(b)(3)(A), as redesignated by subsection (a), is amended to read as follows:

''(A) IN GENERAL.—Each local educational agency shall reserve not less than 2 percent of its allocation under subpart 2 to carry out this section.''.

(d) RESERVED FUNDS.—Section 1118(b)(3), as redesignated by subsection (a), is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) USE OF FUNDS.—Funds reserved under subparagraph (A) may be used for purposes including the following:

''(i) Increasing capacity through establishment of a dedicated office or dedicated personnel within the local educational agency or at the school level for family engagement in education.

''(ii) Supporting schools and nonprofit organizations in providing professional development on family engagement in education for school staff, parent leadership training, family literacy and numeracy programs, home visitation programs, family volunteerism programs, and other innovative programs that meaningfully engage families.

''(iii) Developing and implementing local educational agency family engagement in education data-collection systems and indicators.

''(iv) Assessing and providing recommendations on school family engagement in education policies, practices, and use of funds.

''(v) Providing technical assistance and training to schools on the implementation and assessment of family engagement in education policies and practices.

''(vi) Providing additional support to schools that have been identified for improvement under section 1116(b) to assist in their implementation of family engagement in education, including the hiring and maintenance of family engagement coordinators.

''(vii) Partnering with Local Family Engagement Centers or community-based organizations to identify community resources, services, and supports to remove economic obstacles to family engagement in education by meeting families' needs.

''(viii) Supporting schools and eligible entities in the development of early childhood programs that promote family engagement in education and school readiness.

''(ix) Establishing and supporting an advisory group comprised of families, educators, and nonprofit organizations to develop recommendations to strengthen family engagement in education from birth to young adulthood.

''(x) Assisting schools in the development, implementation, and assessment of family engagement in education plans.

''(xi) Monitoring and evaluating the family engagement in education policies and practices funded under this section.

''(xii) Partnering with Local Family Engagement Centers or Statewide Family Engagement Centers to assist the local educational agency and participating schools in the implementation of this section.

''(xiii) Supporting other activities approved in the local education agency's plan for improving family engagement.''.

(e) SCHOOL PARENTAL INVOLVEMENT POLICY.—Section 1118(c)(1), as redesignated by subsection (a), is amended in the first sentence by striking ''(c) through (f)'' and inserting ''(d) through (g)''.

(f) SHARED RESPONSIBILITY FOR HIGH STUDENT ACADEMIC ACHIEVEMENT.—Section 1118(e), as redesignated by subsection (a), is amended—

(1) in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(2) by striking paragraph (1) and inserting the following:

''(1) describe the school's responsibility to—

''(A) provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student academic achievement standards, and the ways in which each parent will support their children's learning, such as—

''(i) monitoring attendance and homework completion;

''(ii) volunteering in their child's classroom or school; and

''(iii) participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

''(B) engage family members in the development of recommendations for student attendance, expectations, behavior, and school

safety, including the development of reasonable disciplinary policies and behavioral interventions, such as the implementation of school-wide positive behavior interventions and supports and the phase-out of out-of-school suspension and expulsion; and''.

SEC. 9. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK.

(a) STATE PLAN AND STATE AGENCY APPLICATIONS.—Section 1414 (20 U.S.C. 6434) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) that contains an assurance that each child or youth serviced by the program will have a transition plan developed in partnership with families and aftercare providers that will place the child or youth on a path to career and college readiness; and''; and

(2) in subsection (c)—

(A) by redesignating paragraphs (15) through (19) as paragraphs (17) through (21), respectively; and

(B) by inserting after paragraph (14) the following:

''(15) describes how the State agency will implement family engagement in education policies and practices that align with section 1118;

''(16) includes an assurance that the State agency will establish, for each child or youth served under this subpart, an educational services and transition plan that is developed in consultation with the child or youth, family members of the child or youth, and the local educational agency or alternative education program that will receive the child or youth following their period of service under this subpart;''.

(b) LOCAL EDUCATIONAL AGENCY APPLICATIONS.—Section 1423 (20 U.S.C. 6453) is amended—

(1) by redesignating paragraphs (9) through (13) as paragraphs (11) through (15), respectively; and

(2) by inserting after paragraph (8) the following:

''(9) a description of how schools will implement family engagement in education policies and practices that align with the provisions of section 1118;

''(10) an assurance that the local educational agency will establish for each child or youth served under this subpart an educational services plan that is developed in consultation with the child or youth, family members of the child or youth, and the local educational agency or alternative education program receiving the child or youth following their period of service under this subpart;''.

(c) PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.—Section 1425 (20 U.S.C. 6455) is amended—

(1) in paragraph (10), by striking ''and'' after the semicolon;

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following:

''(12) prepare an educational services and transition plan for each child or youth served by the program, in partnership with families and aftercare providers, consistent with section 1414(a)(1)(C); and

''(13) establish for each child or youth residing in the facility and serviced by this subpart an educational services and transition plan that is developed in consultation with the child or youth, family members of the child or youth, and the local educational agency or alternative education program receiving the child or youth following their period of service under this subpart.''.

SEC. 10. HIGH-QUALITY TEACHERS AND PRINCIPALS.

(a) STATE APPLICATION CONTENTS.—Section 2112(b) (20 U.S.C. 6612(b)) is amended by adding at the end the following:

''(13) A description of how the State educational agency will improve teacher and principal knowledge and skill in effectively engaging families in their children's education.''.

(b) STATE ACTIVITIES.—Section 2113(c) (20 U.S.C. 6613(c)) is amended—

(1) by redesignating paragraphs (12) through (18) as paragraphs (13) through (19), respectively; and

(2) by inserting after paragraph (11) the following:

''(12) Training of teachers and principals on how to effectively engage families in their children's education.''.

SEC. 11. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

(a) HEADING.—The heading for subpart 16 of part D of title V is amended to read as follows:

"Subpart 16—Family Engagement in Education Programs".

(b) FAMILY ENGAGEMENT.—Section 5561 (20 U.S.C. 7273) is amended to read as follows:

"SEC. 5561. PURPOSES.

''The purposes of this subpart are the following:

''(1) To provide financial support to nonprofit organizations to build the capacity of and provide technical assistance and training to States and local educational agencies in the implementation and enhancement of successful systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

''(2) To assist State educational agencies, local educational agencies, and community-based organizations in strengthening partnerships among parents (including parents of children under the age of 6), teachers, principals, administrators, and other school personnel in meeting the educational needs of children.

''(3) To support State educational agencies and local educational agencies in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

''(4) To coordinate activities funded under this subpart with engagement in education initiatives funded under section 1118 and other provisions of this Act.

''(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.''.

(c) GRANTS AUTHORIZED.—Section 5562 (20 U.S.C. 7273a) is amended to read as follows:

"SEC. 5562. GRANTS AUTHORIZED.

''(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—The Secretary is authorized to award grants for each fiscal year to statewide nonprofit organizations (and consortia of such organizations and State educational agencies), to establish Statewide Family Engagement Centers that provide comprehensive training, technical assistance, and capacity building to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships (such as parent-teacher associations and Parents as Teachers organizations), and other organizations that carry out parent education and family engagement in education programs.

''(b) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is—

''(1) awarded for a Statewide Family Engagement Center in each State and outlying area; and

''(2) in an amount of not less than $500,000.''.

(d) APPLICATIONS.—Section 5563 (20 U.S.C. 7273b) is amended to read as follows:

"SEC. 5563. APPLICATIONS.

''(a) SUBMISSIONS.—Each statewide nonprofit organization, or a consortium of such an organization and a State educational agency, that desires a grant under section 5562 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.—Each application submitted under paragraph (1) shall include, at a minimum, the following:

''(1) A description of the applicant's approach to family engagement in education, including the use of strength-based strategies.

''(2) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

''(A) management capacity and governance;

''(B) statewide leadership;

''(C) systemic services for family engagement in education;

''(D) capacity building for State educational agencies, local educational agencies, and schools;

''(E) alignment with title I; and

''(F) learning and improvement.

''(3) A description of the applicant's experience in providing training, information, and support to State educational agencies, local educational agencies, schools, and nonprofit organizations on family engagement in education polices and practices that are effective for low-income parents and families, English language learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migrant students.

''(4) An assurance that the applicant will—

''(A) be—

''(i) governed by a board of directors, the membership of which includes parents of school-aged children; or

''(ii) an organization or consortium that represents the interests of parents;

''(B) establish a special advisory committee, the membership of which includes—

''(i) parents of children from birth through young adulthood, who shall constitute a majority of the members of the special advisory committee;

''(ii) representatives of the State parent teacher association;

''(iii) representatives of education professionals with expertise in improving services for disadvantaged children;

''(iv) representatives of local elementary schools and secondary schools, including students, disadvantaged youth, and representatives from local youth organizations; and

''(v) representatives of State educational agencies and local educational agencies;

''(C) use not less than 65 percent of the funds received under this subpart in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of low-income families and disadvantaged children and youth, including English language learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migrant students;

''(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the State educational agencies, local educational agencies, and community-based organizations;

''(E) serve urban, suburban, and rural local educational agencies and schools;

''(F) work with—

''(i) State educational agencies and local educational agencies and schools;

''(ii) other Statewide Family Engagement Centers assisted under this subpart;

''(iii) Local Family Engagement Centers assisted under section 1006;

''(iv) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

''(v) clearinghouses; and

''(vi) other organizations and agencies;

''(G) use not less than 30 percent of the funds received under this section in each fiscal year to establish or expand technical assistance for evidence-based early childhood parent education programs;

''(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in areas such as assistance in understanding State and local standards and measures of student and school academic achievement and strategies for supporting school academic achievement; and

''(I) work with State educational agencies, local educational agencies, and schools to determine parental needs and the best means for delivery of services to address such needs.''.

(e) USES OF FUNDS.—Section 5564 (20 U.S.C. 7273c) is amended to read as follows:

''SEC. 5564. USES OF FUNDS.

''Grantees shall use grant funds received under section 5562 to provide training, technical assistance, and capacity building to State educational agencies, local educational agencies, and organizations that support family-school partnerships, to enable those agencies and organizations—

''(1) to assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

''(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in afterschool and extracurricular programs;

''(B) to communicate effectively with their children, teachers, principals, counselors, administrators, and other school personnel;

''(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

''(D) to participate in the design and provision of assistance to students who are not making adequate academic progress;

''(E) to participate in State and local decisionmaking;

''(F) to train other parents; and

''(G) to help the parents learn and use technology applied in their children's education;

''(2) to develop and implement, in partnership with the State educational agency, a statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

''(3) to develop, implement, and assess family engagement in education policies and plans under sections 1112 and 1118.''.

(f) ADMINISTRATIVE PROVISIONS.—Section 5565 (20 U.S.C. 7273d) is amended to read as follows:

''SEC. 5565. ADMINISTRATIVE PROVISIONS.

''(a) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this subpart, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

''(b) SUBMISSION OF INFORMATION.—Each organization or consortium receiving assistance under this subpart shall submit to the Secretary, on an annual basis, information on the activities it has carried out using grant funds received under section 5562, including reporting on metrics developed under section 5567.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 5 percent of the funds appropriated to carry out this subpart to provide technical assistance, by grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers, including their establishment of statewide infrastructures for family engagement in education.

''(d) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a Statewide Family Engagement Center from—

''(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

''(2) working with another agency that serves children.

''(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this subpart—

''(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this subpart; and

''(2) no program or center assisted under this subpart shall take any action that infringes in any manner on the right of a parent to direct the education of their children.''.

(g) FAMILY ENGAGEMENT IN INDIAN SCHOOLS.—Section 5566 (20 U.S.C. 7273e) is amended to read as follows:

''SEC. 5566. FAMILY ENGAGEMENT IN INDIAN SCHOOL.

''The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian nonprofit parent organizations to establish and operate, Local Family Engagement Centers and shall establish a national Indian Family Engagement Coordinating Council modeled on the State Family Engagement Coordinating Council as described in section 1007.''.

(h) RESEARCH AND EVALUATION FOR EFFECTIVE FAMILY ENGAGEMENT IN EDUCATION.—Subpart 16 of part D of title V (20 U.S.C. 7273 et seq.) is amended by adding at the end the following:

''SEC. 5567. RESEARCH AND EVALUATION FOR FAMILY ENGAGEMENT IN EDUCATION.

''(a) DEVELOPMENT OF METRICS FOR FAMILY ENGAGEMENT.—Not later than 1 year after the date of enactment of the Family Engagement in Education Act of 2011, the Director of the Institute of Education Sciences, after consultation with the advisory committee established under subsection (b), shall develop recommended metrics on family engagement in education for State educational agencies and local educational agencies that receive funds under section 1118 and provide recommendations on the integration of metrics into State accountability and longitudinal data systems.

''(b) ADVISORY COMMITTEE.—The Secretary shall appoint an advisory committee, including researchers and representatives from national nonprofit organizations with expertise in family engagement in education, to make data-driven recommendations regarding metrics required under subsection (a).

''(c) RESEARCH FOR EFFECTIVE FAMILY ENGAGEMENT IN EDUCATION.—The Secretary shall reserve not more than 5 percent of funds appropriated to carry out this subpart to conduct research on effective family engagement in education, including through awarding grants and entering into contracts with eligible entities. Such research may include—

''(1) exploratory research to discover the underlying processes or components of family engagement programs that are associated with improved education outcomes for students;

''(2) research to—

''(A) develop culturally sensitive strategies or programs for improving family engagement in education; and

''(B) rigorously evaluate the impact of such strategies or programs on students' education outcomes; and

''(3) research to—

''(A) develop professional development programs intended to enable school personnel to support parental involvement in education; and

''(B) rigorously evaluate the impact of such programs on students' education outcomes.''.

SEC. 12. DEFINITIONS.

Section 9101 (20 U.S.C. 7801) is amended—

(1) by striking paragraph (32);

(2) by redesignating paragraphs (20) through (31) as paragraphs (21) through (32), respectively;

(3) by inserting after paragraph (19) the following:

''(20) FAMILY ENGAGEMENT IN EDUCATION.—The term 'family engagement in education' means a shared responsibility—

''(A) of families and schools for student success, in which schools and community-based organizations are committed to reaching out to engage families in meaningful ways and families are committed to actively supporting their children's learning and development; and

''(B) that is continuous from birth through young adulthood and reinforces learning that takes place in the home, school, and community.''; and

(4) by adding at the end the following:

''(44) TRIBALLY CONTROLLED SCHOOLS.—The term 'tribally controlled schools' means schools administered by Indian tribes or their delegates pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).''.

SEC. 13. CONFORMING AMENDMENTS.

The Act (20 U.S.C. 6301 et seq.) is amended by striking—

(1) ''parental involvement'' and ''parent involvement'' each place the terms appear and inserting ''family engagement'';

(2) ''involvement of parents'' each place the term appears and inserting ''engagement of families'';

(3) ''parental information and resource center'' each place the term appears and inserting ''Statewide Family Engagement Center'';

(4) ''parental information and resource centers'' each place the term appears and inserting ''Statewide Family Engagement Centers''; and

(5) ''involve parents'' each place the term appears and inserting ''engage families''.

SEC. 14. GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study, and make findings and recommendations relating to compliance with, and use of funds made available for, section 1118 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6318), including matters specified in paragraph (2).

(2) INCLUSIONS.—The study shall include a review and analysis of—

(A) the use of funds reserved by local educational agencies for family engagement under such section 1118;

(B) the innovative, effective, replicable, or model family engagement in education policies, practices, and uses of funds of State educational agencies and local educational agencies determined by the Secretary of Education to be in alignment with section 1118;

(C) any barriers to State educational agencies and local educational agencies in implementing section 1118;

(D) any barriers to Indian tribes and organizations, Native Hawaiian organizations, and Alaska Native organizations in developing, implementing, and assessing family engagement in education policies and practices; and

(E) the use of data collection and reporting and outcome and assessment systems of State educational agencies and local educational agencies to determine the extent to which family engagement in education is implemented as described in section 1118.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report containing the findings and recommendations resulting from the study conducted under this section.

SEC. 15. FEDERAL COORDINATION OF FAMILY ENGAGEMENT IN EDUCATION PROGRAMMING.

(a) STAFFING.—Not later than 6 months after the date of enactment of this Act, there shall be established in the Department of Education dedicated staff, including a Director, for family and community engagement.

(b) DUTIES.—The duties of the Director shall include the following:

(1) Articulating a national vision of family engagement in education.

(2) Coordinating and integrating activities related to family engagement strategies, services, and programs within the Department and across Federal agencies.

(3) Providing guidance to Department offices and units on the administration of family engagement in education programs, community school programs, and other related initiatives, such as Promise Neighborhoods.

(4) Ensuring consistency in family engagement in education policies and programs within the Department.

(5) Ensuring consistency in family engagement in education policies and programs with family engagement policies and practices of the programs and activities of other Federal agencies.

(6) Administering the Statewide Family Engagement Centers under subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 and the Full Service Community Schools program.

(7) Developing, in consultation with the public through an invitation for public comment in the Federal Register, a plan for innovation, research, and evaluation of family engagement in education, including impact, implementation, and replication studies.

(8) Conducting, by arrangement with the Department's Institute of Education Sciences, by contract, or by competition, innovation, research and evaluation on family engagement in education consistent with the requirement of section 5567(c) of the Elementary and Secondary Education Act of 1965.

(9) Disseminating effective and innovative practices on family engagement to State educational agencies, Statewide Family Engagement Centers and Local Family Engagement Centers, parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act, administrators of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and others.

(10) Coordinating innovation, research, training, and technical assistance activities among Statewide Family Engagement Centers, Local Family Engagement Centers, and regional educational laboratories.

(11) Identifying opportunities for family engagement in education collaboration and resource sharing among State educational agencies, local educational agencies, and organizations that support family-school partnerships.

(12) Preparing a biennial report to Congress on family engagement in education, including a summary of activities, performance, and outcomes under sections 1006, 1008, 1112, and 1118, and subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965.

(13) Publishing State educational agency family engagement in education plans and reports prepared as required by section 1111 of the Elementary and Secondary Education Act of 1965 on the website of the Department.

(14) Carrying out such other duties as may be designated by the Secretary.

(c) FEDERAL DEPARTMENT AND AGENCY COOPERATION.—Each department or agency of the Federal Government providing programs related to family and community engagement in education shall—

(1) cooperate with the efforts of the Director described in subsection (a);

(2) provide such assistance, statistics, studies, reports, information, and advice as the Director may request, to the extent permitted by law;

(3) adjust department or agency staff job descriptions to support collaboration and implementation of the vision and strategy; and

(4) assign department or agency liaisons to the office to oversee and implement interagency coordination.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 175—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO ONGOING VIOLATIONS OF THE TERRITORIAL INTEGRITY AND SOVEREIGNTY OF GEORGIA AND THE IMPORTANCE OF A PEACEFUL AND JUST RESOLUTION TO THE CONFLICT WITHIN GEORGIA'S INTERNATIONALLY RECOGNIZED BORDERS

Mrs. SHAHEEN (for herself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES 175

Whereas, since 1993, the territorial integrity of Georgia has been reaffirmed by the international community and 36 United Nations Security Council resolutions;

Whereas the United States-Georgia Strategic Charter, signed on January 9, 2009, underscores that ''support for each other's sovereignty, independence, territorial integrity and inviolability of borders constitutes the foundation of our bilateral relations'';

Whereas, in October 2010, at the meeting of the United States-Georgia Charter on Strategic Partnership, Secretary of State Hillary Clinton stated, ''The United States will not waiver in its support for Georgia's sovereignty and territorial integrity.'';

Whereas the White House released a fact sheet on July 24, 2010, calling for ''Russia to end its occupation of the Georgian territories of Abkhazia and South Ossetia'' and for ''a return of international observers to the two occupied regions of Georgia'';

Whereas Vice President Joseph Biden stated in Tbilisi in July 2009 that the United States ''will not recognize Abkhazia and South Ossetia as independent states'';

Whereas, according to the Government of Georgia's ''State Strategy on Occupied Territories,'' the Government of Georgia has committed itself to a policy of peaceful engagement, the protection of economic and human rights, freedom of movement, and the preservation of cultural heritage, language, and identity for the people of Abkhazia and South Ossetia;

Whereas the August 2008 conflict between the Governments of Russia and Georgia resulted in civilian and military causalities, the violation of the sovereignty and territorial integrity of Georgia, and large numbers of internally-displaced persons;

Whereas large numbers of persons remain displaced as a result of the August 2008 conflict as well as the earlier conflicts of the 1990s;

Whereas the August 12, 2008, ceasefire agreement, agreed to by the Governments of Russia and Georgia provides that all troops of the Russian Federation shall be withdrawn to pre-conflict positions;

Whereas the August 12, 2008, ceasefire agreement provides that free access shall be granted to organizations providing humanitarian assistance in regions affected by violence in August 2008;

Whereas the recognition by the Government of Russia of Abkhazia and South Ossetia on August 26, 2008, was in violation of the sovereignty and territorial integrity of Georgia;

Whereas Human Rights Watch concluded in its World Report 2011 that ''Russia continued to occupy Georgia's breakaway regions of South Ossetia and Abkhazia and strengthened its military presence in the region by establishing a military base and placing an advanced surface-to-air missile system in Abkhazia'';

Whereas the parties have taken some constructive steps in recent months, including the resumption of direct flights between Russia and Georgia, Russian troop withdrawal from the Georgian village of Perevi, and regular participation in the Incident Prevention and Response Mechanism;

Whereas these positive steps neither adequately address the humanitarian situation on the ground nor constitute full compliance with the terms of the August 2008 ceasefire agreement;

Whereas, on November 23, 2010, before the European Parliament, Georgian President Saakashvili declared that ''Georgia will never use force to restore its territorial integrity and sovereignty'';

Whereas Secretary of State Clinton stated in Tbilisi on July 5, 2010, ''We continue to call for Russia to abide by the August 2008 cease-fire commitment . . . including ending the occupation and withdrawing Russian troops from South Ossetia and Abkhazia to their pre-conflict positions.'';

Whereas the Russian Federation blocked the extension of the Organization for Security and Co-operation in Europe (OSCE) Mission to Georgia and the United Nations Observer Mission in Georgia, forcing the missions to withdraw from South Ossetia and Abkhazia;

Whereas troops of the Russian Federation stationed in Abkhazia and South Ossetia continue to be present without the consent of the Government of Georgia or a mandate from the United Nations or other multilateral organizations;

Whereas, at the April 15, 2011, meeting in Berlin between the foreign ministers of Georgia and NATO, Secretary of State Clinton stated, ''U.S. support for Georgia's sovereignty and territorial integrity remains steadfast. . . . We share Georgian concerns regarding recent Russian activities that can negatively affect regional stability.'';

Whereas, on April 25–26, 2011, Foreign Minister of Russia Sergei Lavrov made a high-profile visit to Abkhazia and South Ossetia, which was immediately criticized by the Department of State as ''inconsistent with the principle of territorial integrity and Georgia's internationally recognized borders'';

Whereas the Senate supports United States efforts to develop a productive relationship with the Russian Federation in areas of mutual interest, including non-proliferation and arms control, cooperation concerning the failure of the Government of Iran to meet its international obligations with regard to its nuclear programs, counter-terrorism, Afghanistan, anti-piracy, and economics and trade; and

Whereas the Senate agrees that these efforts must not compromise longstanding United States policy or United States support for its allies and partners worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that it is the policy of the United States to support the sovereignty, independence, and territorial integrity of Georgia and the inviolability of its borders, and to recognize Abkhazia and South Ossetia as regions of Georgia occupied by the Russian Federation;

(2) calls upon the Government of Russia to take steps to fulfill all the terms and conditions of the 2008 ceasefire agreements between Georgia and Russia, including returning military forces to pre-war positions and ensuring access to international humanitarian aid to all those affected by the conflict;

(3) urges the Government of Russia and the authorities in control in the regions of South Ossetia and Abkhazia to allow for the full and dignified return of internally-displaced persons and international missions to the territories of Abkhazia and South Ossetia;

(4) supports peaceful, constructive engagement and confidence-building measures between the Government of Georgia and the authorities in control in South Ossetia and Abkhazia and encourages additional people-to-people contacts; and

(5) affirms that finding a peaceful resolution to the conflict is a key priority for the United States in the Caucasus region and that lasting regional stability can only be achieved through peaceful means and long-term diplomatic and political dialogue between all parties.

SENATE RESOLUTION 176—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE A SEMIPOSTAL STAMP TO SUPPORT MEDICAL RESEARCH RELATING TO ALZHEIMER'S DISEASE

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 176

Resolved, That it is the sense of the Senate that the United States Postal Service should, in accordance with section 416 of title 39, United States Code—

(1) issue a semipostal stamp to support medical research relating to Alzheimer's disease; and

(2) transfer to the National Institutes of Health for that purpose any amounts becoming available from the sale of such stamp.

Ms. MIKULSKI. I rise today to submit a resolution urging the United States Postal Service to issue a semipostal stamp to help raise money for Alzheimer's research. A semipostal stamp will fund new research while also raising public awareness about this devastating disease.

Finding new ways to treat Alzheimer's should be a national priority. The disease not only harms patients and their families, it strains our health care system as well. Every 70 seconds, someone in America develops Alzheimer's. An estimated 5.4 million Americans have Alzheimer's disease, including one in eight people over 65. The direct and indirect costs of Alzheimer's and other dementias to Medicare, Medicaid and businesses amount to more than $183 billion each year. By 2050, this disease is likely to affect more than 11 to 16 million people 65 and older—unless we can find a medical breakthrough.

As Alzheimer's Disease is so prevalent, almost every American knows someone with this condition. My father was diagnosed with Alzheimer's. This was after many physicians said it was just ''old age'' stress or depression. Like all family members with a loved one with Alzheimer's, I felt powerless over my father's situation as he got worse.

There are 14.9 million unpaid caregivers taking care of loved ones with Alzheimer's. They are depending on us to help find the cure for this terrible disease. No treatment is available to slow or stop the deterioration of brain cells in Alzheimer's disease. The U.S. Food and Drug Administration has approved five drugs that temporarily slow the worsening of symptoms for about six to 12 months. They are effective for only about half of the individuals who take them.

However, researchers around the world are studying numerous treatment strategies that may have the potential to change the course of the disease. Approximately 75 to 100 experimental therapies aimed at slowing or stopping the progression of Alzheimer's are in clinical testing in human volunteers. We need to keep the fight for a cure strong and funded.

A semipostal stamp is one way each of us can help in the fight against Alzheimer's. Proceeds from the stamp's sales would help fund Alzheimer's research at the National Institutes of Health. By paying more than the normal postage rate for this stamp, the public can contribute directly to the search for a new treatment or even a cure. I also want to thank Senator CARDIN for his cosponsorship of the Alzheimer's research semipostal stamp and Representative MARKEY for working on this important legislation in the House. I ask my colleagues today to join me in the fight against Alzheimer's and support this resolution.

SENATE RESOLUTION 177—DESIGNATING THE WEEK OF MAY 15 THROUGH MAY 21, 2011, AS ''NATIONAL PUBLIC WORKS WEEK''

Mrs. BOXER (for herself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 177

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States; and

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 15 through May 21, 2011, as ''National Public Works Week'';

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

SENATE RESOLUTION 178—EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 1, 2011, AS ''SILVER STAR SERVICE BANNER DAY''

Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 178

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces;

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Silver Star Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying;

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten; and

Whereas May 1, 2011, is an appropriate date to designate as ''Silver Star Service Banner Day'': Now, therefore, be it

Resolved, That the Senate supports the designation of May 1, 2011, as ''Silver Star Service Banner Day'' and calls upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

SENATE CONCURRENT RESOLUTION 16—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR AN EVENT TO CELEBRATE THE BIRTHDAY OF KING KAMEHAMEHA

Mr. AKAKA (for himself and Mr. INOUYE) submitted the following concurrent resolution; which was considered and agreed to:

S CON. RES. 16

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 5, 2011, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

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 the hearing scheduled before the Senate Committee on Energy and Natural Resources for Thursday, May 12, 2011, will now begin at 9 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on carbon capture and sequestration legislation, including S. 699 and S. 757.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail Campbell@energy .senate.gov.

For further information, please contact Allyson Anderson or Abigail Campbell.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power. The hearing will be held on Thursday, May 19, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing will be to hear testimony on seven items:

S. 201, a bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

S. 333, a bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch.

S. 334, a bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir.

S. 419, the Dry-Redwater Regional Water Authority System Act of 2011.

S. 499, the Bonneville Unit Clean Hydropower Facilitation Act.

S. 519, the Hoover Power Allocation Act of 2011.

S. 808, a bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Meagan_Gins@energy .senate.gov

For further information, please contact Tanya Trujillo or Meagan Gins.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 10, 2011, at 10 a.m., to conduct a hearing entitled ''Reviewing the Financial Crisis Inquiry Commission's Final Report.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 10, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 10, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Perspectives on Deficit Reduction: Social Security.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 10, 2011, at 10 a.m., to hold a hearing entitled, ''Steps Needed for a Successful 2014 Transition in Afghanistan.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 10, 2011 at 2:30 p.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 10, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA AND SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate

on Tuesday, May 10, 2011, at 2:30 p.m. to conduct a joint hearing entitled ''Roadmap for a More Efficient and Accountable Federal Government: Implementing the GPRA Modernization Act.''

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

SUBCOMMITTEE ON PRIVACY, TECHNOLOGY AND THE LAW

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Privacy, Technology and the Law, be authorized to meet during the session of the Senate, on May 10, 2011, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Protecting Mobile Privacy: Your Smartphones, Tablets, Cell Phones and Your Privacy.''

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

AUTHORIZING USE OF EMANCIPATION HALL

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 16, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event celebrating the birthday of King Kamehameha.

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

Mr. BENNET. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, 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 concurrent resolution (S. Con. Res. 16) was agreed to, as follows:

S. CON. RES. 16

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 5, 2011, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

SILVER STAR SERVICE BANNER DAY

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 178, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 178) expressing support for the designation of May 1, 2011, as ''Silver Star Service Banner Day.''

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

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

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

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 178

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces;

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Silver Star Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying;

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten; and

Whereas May 1, 2011, is an appropriate date to designate as ''Silver Star Service Banner Day'': Now, therefore, be it

Resolved, That the Senate supports the designation of May 1, 2011, as ''Silver Star Service Banner Day'' and calls upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

MEASURE READ THE FIRST TIME—S. 940

Mr. BENNET. Mr. President, I understand that S. 940, introduced earlier today by Senator MENENDEZ, is at the desk, and I ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (S. 940) to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes.

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

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the 112th Congress: the Honorable KELLY AYOTTE of New Hampshire, the Honorable SAXBY CHAMBLISS of Georgia, the Honorable MARCO RUBIO of Florida, and the Honorable ROGER WICKER of Mississippi.

ORDERS FOR WEDNESDAY, MAY 11, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period for the transaction of morning business for debate only until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled by the leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. BENNET. Mr. President, there will be a rollcall vote around 3 p.m. tomorrow on the confirmation of Executive Calendar No. 44, the nomination of Arenda Wright Allen to be a U.S. District Judge for the Eastern District of Virginia.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Wednesday, May 11, 2011, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 10, 2011:

THE JUDICIARY

EDWARD MILTON CHEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.