United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, MAY 23, 2011 No. 71

Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Almighty God, source of enabling strength, sustain our Senators not only in the great moments but also in the repetitive and common tasks of life. Establish their work, strengthening them to honor You by serving others. Lord, make them agents of healing and hope as they help people live in greater justice and peace. Empower them to daily develop greater respect and submission to Your commands. Fill them with Your life-giving spirit so that they will feel greater compassion for those on life's margins. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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 23, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will be in a period of morning business until 3 p.m. today. During that period of time, Senators will be allowed to speak for up to 10 minutes each.

At 3 p.m. the Senate will resume consideration of the motion to proceed to S. 1039, the PATRIOT Act extension, and the time until 5 p.m. will be equally divided and controlled. At 5 p.m. there be a rollcall vote on the motion to invoke cloture on the motion to proceed to the PATRIOT Act.

Mr. President, this will be a busy week in the Senate. We have to renew the PATRIOT Act. It is not a perfect law, but it plays an important role in keeping our country safe. We also have to reauthorize the FAA bill, the Federal Aviation Administration bill.

We all know what will be the focus of this week's biggest debate and biggest headlines. The primary conversation this week will be about the Republican plan to kill Medicare. People are talking a lot about that plan because there is a lot people have to fear.

The Republican plan would shatter a cornerstone of our society and break our promise to the elderly and to the sick. It would turn our seniors' health care over to profit-hungry insurance companies. It would let bureaucrats decide what tests and treatment seniors get. It would also ask seniors to pay more for their health care in exchange for fewer benefits.

That is a bad deal all around. So it is easy to understand why the American people do not support it. Democrats, Republicans, and Independents do not support the plan to kill Medicare or to change it as we know it. I will not support it, and though the Republican House passed the Medicare-killing plan almost unanimously, sometimes it is difficult to tell where the Republican Party stands generally.

We all saw how quickly one prominent Republican Presidential candidate spun himself in circles last week. First, he called the plan for what it was—radical. He said it was ''right-wing social engineering.''

Hours later, after Republicans jumped all over him, he reversed course and said he would support the plan to kill Medicare. Remember, he said it is ''radical''; it is ''right-wing social engineering.'' And now suddenly he said it is OK. That is some real interesting gymnastics.

Another prominent Republican, one who serves in this body, has been all over the map as well. First, he said—in his words:

Thank God for the Republican plan to kill Medicare.

Then he said he was ''undecided.'' Now he says he opposes it. Well, tune in tomorrow or maybe this evening to see if he changes his mind again. Our Republican colleagues cannot seem to believe the same thing today they said yesterday.

But when Democrats talk about Medicare, we still believe today the same thing we believed years ago, decades ago, generations ago. We believe in our responsibility to each other and especially those in their golden years. Forty-six years ago this summer, President Lyndon Johnson, a former majority leader of this body, signed Medicare into law. As he did so, he said the following:

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

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Few can see past the speeches and the political battles to the doctor over there that is tending the infirm, and to the hospital that is receiving those in anguish, or feel in their heart painful wrath at the injustice which denies the miracle of healing to the old and to the poor.

Those injustices do not exist like they used to because of Medicare, but they still exist. Potentially, they are still out there. The old and the poor among us still seek help and healing, and it is still our responsibility to act not on political impulses but with human concern and compassion. It is still our responsibility not to be motivated by short-term politics but to be moved by the people who need Medicare, the people who count on the safety net to keep them from poverty, illness, and worse—death.

If we pay attention to those people, we will notice something else also. While Republicans are tripping over themselves trying to decide whether they want to kill Medicare, do you know who has not changed their minds at all? The American people. We are on their side. They have not wavered one inch. They have been as constant as the Republicans have been erratic. They have been consistent, and they have been clear: They do not want us to destroy their Medicare—their Medicare. We owe it to them to listen.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

The legislative clerk proceeded to call the roll.

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

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

MINISTERIAL ARCTIC COUNCIL MEETING

Ms. MURKOWSKI. Mr. President, last week, I was honored to participate in a very historic trip to attend the seventh ministerial meeting of the Arctic Council in Nuuk, Greenland. I attended with Secretary of State Clinton, as well as Secretary of the Interior, Secretary Salazar.

The Arctic Council was founded in 1995. It is an intergovernmental association. There are eight member states within the territory that is contained within the Arctic Circle. The group includes Canada, Denmark, Finland, Iceland, Norway, Sweden, the Russian Federation, and the United States. There are also six permanent participants representing the indigenous people of the region.

The trip was historic for a couple reasons. It was the first time a Secretary of State had led the U.S. delegation to the Arctic Council meeting. The fact that not only Secretary Clinton led it as Secretary of State but she was joined by a second Secretary, the Secretary of the Interior, certainly made that historic. It was also the first time a Member of Congress had attended the Arctic Council meeting.

We met with Foreign Ministers of the eight Arctic Council nations and the representatives of indigenous groups to discuss issues that are related to Arctic governance, climate change, and environmental protection. We watched the Ministers sign a historic search-and-rescue agreement.

The Arctic Council also increased its organizational structure. They formed a standing Secretariat that will be established in Tromso, Norway. They also established criteria for the admission of new observers to the Council. The People's Republic of China, Japan, the Republic of Korea, Italy, and the European Union are all seeking observer status to the Arctic Council, which might cause some to wonder why are all these non-Arctic nations interested in what is going on within the Arctic. I think that speaks to the evolving role of the Arctic in geopolitics in the world as we know it today.

The search-and-rescue agreement, the first ever legally binding agreement among Arctic states negotiated under the auspices of the Arctic Council, will strengthen the cooperation on search and rescue between Arctic states.

As the Arctic sea ice decreases, maritime activities are clearly on the rise in the Arctic. Aviation traffic is also on the rise as we see new polar aviation routes across the Arctic airspace in several directions. But limited rescue resources, challenging weather conditions, and the remoteness of the area render the operations difficult in the Arctic, making it very important that we have this coordination among the Arctic nations.

Under the agreement on the U.S. side, the Coast Guard will be the lead Federal agency for the search and rescue in the Arctic. While we applaud the role the Coast Guard plays historically—a very long, distinguished history of operating and conducting rescues in the Arctic—the current status of the Coast Guard's service and aviation fleets makes conducting search-and-rescue operations in the Arctic very challenging. With the scheduled decommissioning of the POLAR SEA, the Coast Guard will maintain only one—only one—heavy icebreaker in its fleet, and it is not expected to return to service until the year 2013. They are doing some work on that vessel. While the Coast Guard does have a medium-endurance icebreaker, the HEALY, the cutter is clearly not equipped to handle the thick, multiyear ice that is present within the Arctic.

On the aviation side of the Coast Guard operations, the Coast Guard C–130 aircraft stationed in Kodiak, AK, are the only aircraft in their inventory that are capable to make the direct flights to the Arctic.

To give some sense of the scope, here is a map of the Arctic. The United States is up here. Everything is upside down. I apologize for that, but that is the way the world is. Kodiak is an island off the southern part of the State. Barrow is down here. This is where the air assets are stationed in Kodiak. To get to any search-and-rescue operations in the Chukchi Sea, in the Beaufort off Barrow or Prudhoe, it is over 900 miles. It is the same distance as the distance between Washington, DC, and Miami. If there were an incident in Miami, the helicopters would have to fly from Washington to get there to provide for the rescue.

Given the often harsh weather conditions in the Arctic, combined with a lack of infrastructure to provide for any forward deploying basing of helicopters, the Coast Guard's C–130s possibly can provide the search part of the rescue, but it is very difficult to get to the rescue site. This lack of maritime resources and shore-based infrastructure to protect our aviation resources places the Coast Guard and the United States in a difficult situation in the Arctic. Without concerted efforts and a focused policy for the Arctic, the United States and our Coast Guard are going to continue to be ill-equipped to conduct the search-and-rescue operations that are going to become increasingly necessary as amounts of sea ice continue to diminish and the levels of maritime vessel traffic increase. As former Admiral Allen, former Commandant of the Coast Guard, would say: I cannot discuss too much about climate change, but I can tell you there is more open sea that I am responsible for in the Arctic. We are clearly seeing that.

It has been projected that a seasonal ice-free Arctic Ocean was decades away and that maritime shipping through the Northwest Passage, through the Northern Sea route above Russia and direct transit across the Arctic Ocean was going to be few and far between. But last year, Russia sent a large icebreaking bulk tanker through the Northern Sea route and across the Arctic, carrying hydrocarbons bound for Asia. The Russian Federation has received 15 icebreaker escort requests to provide navigational support through the Northern Sea route for this year. Compare that to last year when they only had three requests. We can see the level of commerce stepping up.

Transit through the Northern Sea route or the Northeast passage, as it is

also called, cuts 5,000 miles and 8 days off the Suez route between Europe and Asia. We can see why other nations would have an interest in what is going on up there. If they can cut their transit time, it is money and an opportunity for them.

Interest in the Arctic by both the general public, the media, and the Arctic and the non-Arctic nations continues to grow for many reasons. The Arctic is a vast area. We can see from the map it is essentially one-sixth of the Earth's landmass. It has a population within the Arctic area—this red line, if we can see it, is essentially all of the Arctic nations. In the governments that are contained within, there are some 4 million people who live in this region, with over 30 different indigenous people and dozens of languages. While the land is clearly massive in size and relatively barren, it is not like Antarctica, where there are no indigenous people and no governance. The eight Arctic nations are sovereign governments with laws that govern their land and their people.

The Arctic holds, clearly, vast amounts of energy. We have known this for some time. But until recently, the resources of the Arctic were deemed to be too difficult to access. They are covered with ice. They are difficult to access, and they are expensive to develop. With increasing access and high energy and mineral prices, the Arctic's wealth, which is estimated to contain approximately 22 percent of the world's remaining oil and gas reserves—22 percent of the world's remaining oil and gas reserves within the Arctic area—is obviously of great interest. It is now being actively explored and developed. Six of the eight member nations of the Arctic Council are exploring or developing energy resources in their own waters.

This makes energy exploration perhaps among the more important and perhaps the most serious issues for Arctic policy as we move forward. This includes conventional oil and natural gas but also the methane hydrates and some of the less conventional forms. Offshore Alaska, we are estimating about 15 billion barrels of oil in a concentrated area of the Chukchi Sea, and over in the Beaufort Sea about 8 billion barrels.

We have suffered serious delays in exploration, but I am hopeful we will see exploratory wells prove up this next summer. While the U.S. Geological Survey tells us the region has the world's largest undiscovered oil and gas deposits, we also think it holds huge amounts of other minerals, such as coal, nickel, copper, tungsten, lead, zinc, gold, silver, diamonds, manganese, chromium, and titanium. The potential for the mineral resource is equally significant.

There is a natural and sometimes reflective tendency to question how in the world it can ever be safe or even economic to drill and produce in such harsh, misunderstood, and clearly distant environments. But it is happening. It is happening today, and the technology and the engineering behind some of the existing and proposed activities are advancing rather rapidly.

While we struggle in the United States with moving ahead with offshore development in Alaskan waters, our neighbors are rapidly moving forward on Arctic energy development. Russia, which is just 53 miles from Alaska's shoreline, is turning its eye to the Arctic's vast energy reserves as they are building the first offshore oil rig that can withstand temperatures as low as minus 50 degrees Celsius and then heavy packed ice around it as well. As their oil production is in decline, they are also reducing taxes and bureaucratic hurdles to encourage new oil development within the Arctic.

Norway has been exploring and producing energy in the Arctic the longest of the Arctic nations. They have found the way—led the way—for energy development and other activities, such as fisheries, to coexist. They also lead the world in developing technology to clean up oil in Arctic waters.

Energy development, as well as protection of the environment, must go hand in hand. It is as simple as that. I was pleased the Arctic Council announced the formation of a new task force that will negotiate measures for oilspill preparedness and response throughout the region. The decision to launch these negotiations is evidence of the strong commitment to proactively address emerging issues within the region and to create international protocols to prevent and clean up offshore oilspills in areas of the region that are becoming increasingly accessible to exploration because of a changing climate.

One question I was asked seemingly everywhere I went when I was in Greenland was: What is the U.S. position on the Law of the Sea Treaty? When is the Senate going to move on this treaty? The U.S. delegation reiterated its support for the ratification of the Convention for the Law of the Sea. I happen to believe it is crucial that the United States be a party to this treaty rather than an outsider who hopes our interests are not going to be damaged. Accession to the Convention would give current and future administrations both enhanced credibility and leverage in calling upon other nations to meet Convention responsibilities. Given the support for the treaty by Arctic nations and the drive to develop national resources, the treaty will also provide the stability and the certainty that is vital for investment in our maritime commerce.

It should be pointed out that the United States is the only Arctic nation that is not a party to the Law of the Sea Convention. The treaty was first submitted to the United States for approval back in 1994. It has not been approved yet. Canada and Denmark joined the treaty in 2003 and 2004, respectively. But until the United States accedes to the treaty, it cannot submit its data regarding the extent of its extended continental shelf to the Commission on the Limits of the Continental Shelf established under the treaty. Without a Commission recommendation regarding such data, the legal foundation for ECS limits is much less certain than if the United States were a party to the treaty.

Russia submitted an extended continental shelf claim in 2002 that would grant them 460,000 square miles of the Arctic Ocean's bottom resources. We can see the green is Russia's extended Continental shelf, but this lighter green is the area Russia has submitted to the Commission. This is an area the size of the State of Texas, California, and Indiana combined. Denmark and Canada are also anxious to establish their own claims in the Arctic. Norway's claim is currently under review by the Commission on Limits of the Continental Shelf.

According to the U.S. Arctic Research Commission, if the United States were to become a party to the treaty, we could lay claim to an area the size of the State of California. So if you look again, Alaska—again, up on the top—this area here is the area that is within the United States EEZ, this 200-mile area. But this area here—an area again about the size of the State of California—is what our mapping indicates we would be able to submit a claim to the commission for if we were party to the treaty.

So this whole area, again, would be area the United States would be able to claim. If we fail to accede to the treaty, and we are sitting on the outside, we have no right to move forward with our claim. If we do not become a party to the treaty, our opportunity to make the claim and have the international community respect it diminishes considerably, as does our ability to challenge the claims of any other nation.

Some have described the scenario in the Arctic as a ''race for resources'' or even an ''arms race.'' But after seeing the international cooperation at the Arctic Council, I believe what we have is an opportunity. This should be a race for cooperation, a race for sustainable management within the Arctic. The Arctic offers a great opportunity to work collaboratively. It is one area where the Obama administration can highlight the international cooperation in the implementation of its U.S. foreign policy. Think about what the administration is poised to do with the ''reset'' with Russia. I think the Arctic is a perfect area to do just that.

What does the future hold for the Arctic? I believe the pace of change in the Arctic absolutely demands greater attention be focused to the Arctic. It was music to my ears to hear the Secretary of State acknowledge the United States is an Arctic nation. We are an Arctic nation because of Alaska and its people. That was incredibly significant to hear that not only as a U.S. citizen but for the other Arctic nations to hear

that statement from our Secretary of State.

The implications of the dynamic changing Arctic for U.S. security, economic, environmental, and political interests depend on greater attention, greater energy, and greater focus on the Arctic itself. But it will take robust diplomacy and very likely recognition, as Secretary Clinton has reminded us, that the interest in the Arctic is not just limited to the five Arctic coastal States or even the eight countries that make up the permanent members of the Arctic Council. It will take a level of cooperation, a level of collaboration to include the non-Arctic states as well. But I am pleased that ever so slowly the United States seems to be waking up to the fact that we are an Arctic nation and willing to take up the responsibilities as such.

I am confident with the leadership of the Members of Congress, the administration, and from the Arctic community at large, we can continue to highlight the strategic importance of the Arctic for the United States. I believe the Arctic Council meeting may be just the turning point for American leadership in the Arctic.

With that, Mr. President, I thank you for your attention, I yield the floor, and 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I ask to speak in morning business.

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

SENATE BUDGET

Mr. SESSIONS. Mr. President, I am deeply concerned by our growing financial crisis and really deeply angered by the failure of this Senate to take any meaningful steps to address it. I am going to announce steps I will take to try to force this Senate to do its job since our Democratic leaders seem determined to prevent the people's work from being done.

As ranking member of the Budget Committee, I see quite plainly that the process the statutory act requires is not being followed at a time in which we have never faced a greater systemic long-term debt crisis as we face today. The act calls for a budget to be produced by April 15, the Budget Committee to have meetings by April 1, and here we are toward the end of May, about to recess, and we have not even had a hearing in the Budget Committee on the markup of a budget.

Budgets, of course, are able to be passed by a simple majority in the Senate, and they have given the majority party in the Senate the opportunity—really the responsibility—to set forth their vision about the financial future of America, to set forth their priorities, how they would conduct the people's business.

We know the House of Representatives met that deadline. They passed a historic budget. But the Senate has not done so. All we have seen from Majority Leader REID are political games, cynical games, distractions and gimmicks to avoid confronting the fiscal nightmare we are now facing. How else can you explain why, in the middle of the crisis, Democratic leaders have not even produced a budget, have not even allowed the committee to meet to work on one? We have not even met to mark up one. We are required by law to produce a budget in committee and pass that budget on to the Senate floor, but this process has been shut down. We have not produced a budget in 754 days. Let me repeat. This great Senate, in a time of financial stress and danger, has not passed a budget in 754 days and has, it appears, no intention of doing one this year.

Today I join with the newest member of our Budget Committee, Senator KELLY AYOTTE of New Hampshire, to send a letter to Senator REID, signed by every Republican Senator in the Senate, pressing him to finally allow the Senate to begin work on a budget. But we are told in the media that the Democrats' refusal to put forth a budget is just good strategy, that it is best that they avoid putting a plan on paper.

Here is an excerpt from a recent article in the Wall Street Journal. Fittingly, the article is entitled ''Democrats Unhurried in Work on Budget.'' I would say that is true. This is what the article said:

> As a political matter, the Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items. Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They loath to give up that advantage by proposing higher taxes. Senate Democrats plan to hold a vote on the Ryan plan hoping to force GOP Senators to cast a vote on the Medicare overhaul that could prove politically difficult.

This is astonishing. It is the position of the great Democratic Party that their vision for deficit reduction is so unpopular or unfeasible that they won't even articulate it in public, let alone offer it up as a budget?

The heads of President Obama's fiscal commission warn that an economic crisis may be just 1 year or 2 years away.

That was the testimony they gave us in committee. It could be a year, a little sooner or a little later, said Erskine Bowles, Chairman of the commission, along with Alan Simpson, who said it could be 1 year, in his opinion, that we could have a debt crisis—not a little warning from people who spent months hearing witnesses and studying the debt situation facing our country. But it appears the leaders of the Senate would prefer to hide in the hills and take shots at Republicans from a distance. Is that what they prefer?

Chairman PAUL RYAN and the House GOP had put forward a plan to get this country out of a looming, Greek-like debt crisis, make our economy more competitive, and save Medicare for future generations. It is an honest, courageous plan that will improve the quality of life for millions of Americans and do the job short term and long term. It may not be perfect. I am not saying it is perfect. I am saying it is a serious plan, seriously considered, that confronts both long-term and short-term problems and reforms Medicare and puts it on a path to salvation. But all we hear are attacks.

By contrast, the budget the President sent forward doubles our national debt and puts our entire country at risk, even though the President promised it would ''not add more to the debt'' and have us ''live within our means.'' Those were the President's words. In the 10 years of his budget, analyzed by the objective Congressional Budget Office, they tell us the lowest single annual deficit out of those 10 would be $740 billion—a stunning amount. They would average almost $1 trillion. The last years—8, 9, and 10—of his 10-year budget do not show the debt going down but going back up to $1 trillion. It was the most irresponsible budget that has ever been presented to this Nation. It is a stunning failure to lead at a time of financial crisis. It doubled the debt. It increased the debt over the projections of our baseline as it is. Instead of helping, it made it worse because it raised taxes and raised spending, and it raised spending more than it raised taxes.

So where do our colleagues in the Senate stand? They refuse to put forward their own plan. Last week, Senate Majority Leader REID said the Democrats don't need a budget. ''There is no need to have a Democratic budget, in my opinion.'' He said it would be ''foolish'' to present one. The only thing that is foolish is violating the Congressional Budget Act in such a cynical attempt for political gain. The decision not to produce a budget is not a decision based on what is best for our country but based, as you can see from the quotes of the staffers and actually Senator REID's own quote—it was designed for political advantage.

The Ryan budget is honest. If anybody confronts the budget situation in an honest way, they know the budget is going to have to have some bad news. It is going to have to tell people things cannot continue as they are today but we are going to have to do better. We are going to have to reduce spending. So maybe for some people that is not popular. Isn't that what we are paid to do here, serve the national interest, tell the truth about what is happening in our country?

We find ourselves in the remarkable position this week of having Senate

Democratic leaders bring forward not a Senate budget but bring forward the House Republican budget, only to vote it down while offering no alternative of their own. What a cynical ploy. Think about it.

Senator REID said we are going to bring up the House budget, we are going to vote on it, and every member of his caucus—I am sure he has already counted the heads—will vote no. It has no chance of passage. What good is that? The Senate has a statutory duty under the Budget Act to produce a budget. We have not even attempted to produce a budget. They will attempt to bring forward a budget they have no intention of working on, no intention of taking seriously, no intention of opening for amendment or discussion, with only one goal: to use their majority to vote it down.

I look forward to the chance to support the House budget. I look forward to casting a vote which says we will be getting our spending under control, we will deal honestly with our budget challenges short term and long term. I look forward to voting for a budget that creates jobs, makes us more competitive, and deals honestly with the debt threats we have. But let's look at the bigger picture.

This week, the planned series of votes are designed by the majority leader to fail, of course. They are designed as a gimmick to distract attention from the Senate's failure to produce an honest plan. They are designed to keep this Senate from doing its job and defending this Republic from grave financial danger.

I, therefore, will not provide unanimous consent for any prearranged package of votes doomed to fail, intended to fail. Anyone can call up these budget votes, consistent with the rules, anytime they wish. But a package deal that wastes the Senate's time I cannot and will not support. The majority leader is wasting the American people's time. I am here to speak honestly and just tell the truth about that. That is the plain fact. It is a political gimmick that is going on.

Further, I will not agree to unanimous consent on any motion to adjourn for the Memorial Day recess. If we are going to close down this Chamber for another week without having produced a budget, without having even scheduled a committee hearing, then I am going to require we have a vote on it. Let's vote to go home, not having done the people's business.

PAUL RYAN is leading. Speaker BOEHNER is leading. The House Republicans are leading. They produced a document that can be defended, that has integrity, that deals with our short-term spending problem and our long-term spending problem. It is not perfect, of course. We have the opportunity to amend it. We have an opportunity to pass a budget of our own that might be different, but it will get us off the unsustainable path we are on. But our Democratic leader and the Democrats who control the Chamber are refusing to allow a budget to go forward. They are refusing to share with the American people the contents of the plan they say they have behind closed doors. They say they have one. We read in the paper they have one. Why don't we see it?

So on Memorial Day—a week from today—we honor those who have fallen serving their country. We honor the brave men and women who have risked and given everything for our freedom and our future. We truly do. We honor those who gave their last breath to preserve our way of life. But now that way of life is threatened by a tidal wave of debt that we refuse to confront. It is a debt we have created, that we are growing, and that is up to us to stop, to defeat. That the Senate would go into recess this week refusing to work on a budget or even hold a public meeting on it, a further hearing on it, is unthinkable. Our soldiers serving overseas will not get the next week off. Why should the Senate get a week off after failing miserably to do its job?

My message to the majority leader is simple. If you object to the House GOP plan or to other Republican plans, then you must come forward with your own honest plan to prevent financial catastrophe and create a more prosperous future. Indeed, I close with this quote from the preamble to the fiscal commission report. This is what the Commission said because they anticipated just this kind of political difficulty. They anticipated that politicians in our country would do exactly what they are doing in the Senate—not what they did in the House where they faced up to their responsibility, but in the Senate.

This is the quote:

> In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from shared sacrifice and common purpose. The national interest, not special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra rule: Don't shoot down an idea without offering a better idea in its place.

That is exactly what the majority leader plans to do. He said: We don't need a Democratic budget. It would be foolish for us to produce one. We will just call up this House budget, and we will attack it, and with our Senate majority we will vote it down. But we won't produce our own. We won't produce any other alternative. We won't tell the American people our vision, our prospects and plans for getting this country off the unsustainable debt path we are on, and on to the path of prosperity and job creation and a sound financial future.

Why don't we hear it? Because, as one of their staff members said in that comment to the press, it might cause somebody to object. We might have, as the debt commission warned, advocacy groups and special interests that are going to rise up and complain about anything that reduces a dime they receive.

I don't deny in an honest budget, at this point in history where 40 cents of every dollar we spend is borrowed, we are going to have to reduce some spending. Some good people are going to feel it. It is not going to be easy, just as the debt commission told us. Don't we know that? I thought that was what the past election was about last fall, when the big spenders and the high tax guys got shellacked. I thought Congress would get the message. Apparently, we haven't.

The debt situation we are in is not a little biddy thing. Under the Congressional Budget Office analysis of President Obama's 10-year budget, last year we had interest on the debt that we now owe of a little over $200 billion. According to the analysis of the President's budget, in the tenth year, under his plan, the Congressional Budget Office estimates we will pay, in interest in 1 year, $940 billion.

I know that is so much money it is difficult for people to comprehend it. Alabama is a State of just about average size. We are about one-fiftieth of the United States. We have a lean government that is making some serious reductions in spending because our money hasn't come in, and we have a constitutional amendment that requires the budget to be balanced. But the amount of money that Alabama spends on its general fund obligations is $1.8 billion.

The President's proposed budget would cause the interest on our debt in 1 year to reach $940 billion. That is way above what we spend on defense. It is way above what we spend on Medicare. It is the fastest growing item in the entire spending plan of America—interest on the debt—and that is why Mr. Bernanke, Chairman of the Federal Reserve; Mr. Alan Greenspan, our former Chairman; the International Monetary Fund; Moody's; the debt commission have all told us this is unsustainable. We can't continue. We won't go 10 years without a debt crisis. When asked, Mr. Bowles said we could have one in 2 years, maybe a little sooner, maybe a little later. I am not predicting that, but if we don't change that could happen, as expert after expert has said.

I hope in the days to come we will see the regular order be reestablished. Our colleagues say they have a budget. Let's bring it forward. Let's see it. They certainly have talked to the Democratic Members on more than one occasion about it. Maybe it has some good things on which we can agree. It will probably have some things that I wouldn't agree on, but it can be passed. We can't filibuster a budget. Under the Budget Act, it can be passed by a simple majority. A budget can clear the Senate, but you know what. If we produce a budget, we have to tell the American people what we really believe about America, where we really want this country to go.

Do we want a limited government, or do we want to continue to expand a larger and larger government? Do we want to raise taxes more and more to sustain spending levels higher than we have ever had them before? Is that what we want? Or are we prepared to make reductions in spending? One or the other has to occur. We cannot continue to borrow at the rate we are borrowing, which every expert has told us.

I am challenging the leaders of this Senate who asked for the job, who asked to be leaders of the Senate, asked to be given the responsibility of helping guide our Nation, to step forward and provide leadership.

In the joint statement issued by Mr. Bowles and Alan Simpson that they submitted to the Budget Committee, they said our Nation has never faced a more predictable financial crisis. In other words, to the experts they heard from and who testified to them, and then based on their own study, they believe we are heading to a financial crisis. Alan Greenspan recently said: I think the Congress will, at some point, pass reform in spending and budget matters. The only question is, Will they pass it before or after the debt crisis hits.

So we have that challenge. We have no higher duty than to protect our people from a foreseeable danger.

That danger is out there. We are heading right toward it. It is time for us to stand up and be honest and face that challenge. I do not believe business as usual should continue, and I will object to it so far as I am able.

I thank the Acting President pro tempore and yield the floor.

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.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PATRIOT SUNSETS EXTENSION ACT OF 2011—Motion to Proceed

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

The assistant legislative clerk read as follows:

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

Mrs. FEINSTEIN. Mr. President, as Chairman of the Senate Intelligence Committee, I wish to point out that as of Friday, there are three provisions of the Foreign Intelligence Surveillance Act which are going to expire. Those three provisions are something called roving wiretaps, the ''lone wolf'' provision, and the business records authority.

Because of prior discussions, let me point out up-front that this does not include national security letters, just these three provisions: ''roving wiretaps,'' the ''lone wolf,'' and the ''business records'' authorities.

I very much appreciate that the majority leader and the Republican leader have come together in agreement to bring this legislation to the Senate floor. Because of its importance, particularly at this point in time, I hope we will be able to conclude this business and see that those provisions are extended for 4 years before Friday.

Many of us strongly believe when it comes to national security there should be no partisan divide, only strong bipartisan support. So this measure should receive a substantial vote this afternoon, and the Senate will pass it quickly this week before these key authorities expire.

But before talking about the substance of the legislation, let me describe the context in which this debate occurs.

Three weeks ago, on May 1, the United States carried out a risky, complicated but ultimately successful strike against Osama bin Laden, in Abbottabad, Pakistan. The strike was the culmination of nearly a decade-long intelligence operation to locate bin Laden.

Similar to most complex intelligence challenges, finding bin Laden was the product of multiple intelligence sources and collection methods. It was a seamless effort led by the CIA, with important contributions from the National Security Agency—known as the NSA—and the National Geospatial Intelligence Agency as well.

The intelligence mechanisms that are employed in counterterrorism operations are carefully and regularly reviewed by the Senate's Intelligence Committee, which I have the honor to chair. Some are also overseen by the Judiciary Committee, on which I also have the pleasure to serve.

These intelligence tools include the provisions of the Foreign Intelligence Surveillance Act, or FISA, and in particular the three provisions that will, if not reauthorized, expire on May 27. Again, they are the ''roving wiretap,'' the ''lone wolf,'' and the ''business records'' authorities.

The point is, we as a nation rely on certain secret sources and methods to protect our national security. Most other nations do as well.

It is also important to note that the strike against bin Laden, while a critical strategic blow to al-Qaida, is also very likely to lead to reprisal attempts.

There have been calls for attacks against the United States after the bin Laden strike from al-Qaida in Pakistan, from al-Qaida affiliates in Yemen and North Africa. There is a very real concern that radicalized Americans here at home may contemplate violence in response to extremists' calls for retribution.

So this is a time of heightened threat—maybe no specific threat, but certainly heightened threats. We are seeing attacks in Pakistan carried but by the Taliban in reprisals for this attack as well. Therefore, this is a time when our vigilance must also be heightened.

Key officials from the National Counterterrorism Center, the FBI, and the Department of Homeland Security recently described to the Intelligence Committee in closed session how their respective agencies have heightened their defensive posture over these very concerns.

Clearly, this is a time where every legal counterterrorism and intelligence-gathering mechanism should be made available.

It is also a time to seize the opportunity to further disrupt al-Qaida. The assault on the bin Laden compound netted a cache of valuable information: papers, videos, computer drives, and other materials about al Qaeda's vision and al-Qaida's plans.

The intelligence community established an interagency task force to go through that material as quickly as possible. I am hopeful that previously unknown terror plots will be identified and information leading to the location of terrorists will be found.

Authorities such as the three provisions set to expire this Friday may well prove critical to thwarting new plots and finding terrorists. They must be renewed.

Let me describe the three provisions in more detail.

First, the roving wiretap provision. Roving wiretap authority was first authorized for intelligence purposes in the PATRIOT Act in 2001. But, as you know, it has been used for years in the criminal context. This provision, codified in the Foreign Intelligence Surveillance Act, provides the government with the flexibility necessary to conduct electronic surveillance against elusive targets.

Let me explain.

In most cases under FISA, the government can go to the Foreign Intelligence Surveillance Act Court—which I will describe in detail later—and present an application to tap the telephone of a suspected terrorist or spy. The FISA Court reviews the application and can issue an order—basically a warrant—to allow the government to tap a phone belonging to that target.

We all know in this day and age there are disposable or ''throw away'' cell phones that allow foreign intelligence agents and terrorists not only to switch numbers but also to throw away their cell phone and replace it with another.

This roving wiretap authority allows the government to make a specific

showing to the FISA Court that the actions of a terrorist or spy may have the effect of thwarting intelligence. In other words, they make one appearance, and the government can thus seek, and the FISA Court can authorize, a roving wiretap so that the FBI, for example, can follow the target without having to go back to the Court for each cell phone change.

Instead, the FBI in this case would report to the FISA Court, normally within 10 days of following the target to a new cell phone, with information on the fact justifying the belief that the new phone was or is being used by the target.

The Justice Department has advised Congress that the authority to conduct roving electronic surveillance under FISA has proven to be operationally useful in some 20 national security investigations annually. So this provision is both used and very necessary in this day of throw away cell phones.

''Lone wolf'' authority allows the government to request, and the FISA Court to approve, intelligence collection against non-U.S. persons who engage in international terrorism but for whom an association with a specific international terrorist organization may not yet be known.

Let me explain that more clearly. All other FISA surveillance and searches must be focused on a target who the government can prove is tied to a foreign power. Before the government can tap a phone or search a residence, it needs to demonstrate that the person it is after is an employee or spy or otherwise working for, or on behalf of, another country or terrorist group.

The ''lone wolf'' provision, which was added to FISA in 2004, recognizes that there may be cases where the government suspects an individual inside the United States of plotting a terrorist attack, but it has not been able to link that individual to al-Qaida or al Shabaab or another group.

The ''lone wolf'' authority allows the government to go to the FISA Court, show why it believes a non-U.S. person is engaging in terrorist activity, and get a warrant to begin surveillance. This is not done without a warrant from the court.

It also allows for court-ordered collection against a non-U.S. target who may have broken with a terrorist organization while continuing to prepare for an act of international terrorism.

The Justice Department has advised Congress that although to date it has not used this authority, the ''lone wolf'' authority nevertheless fills an important gap in U.S. collection capabilities, and we have it if we need it.

The recent case of Khalid Aldawsari, a Saudi national arrested in Texas this past February, shows why the ''lone wolf'' authority is necessary. Aldawsari was arrested after the FBI learned he had purchased chemicals and conducted research needed to make improvised explosive devices. He had also researched bomb targets, including dams in California and the Dallas residence of former President George W. Bush.

Unlike other recent terrorists such as Najibullah Zazi, David Headley, and Umar Farouk Abdulmutallab, Aldawsari was not identified on the basis of his connections to foreign terrorist organizations or known at the time of his capture to be working with one.

He is better described as one of the most recent cases of individuals already inside the United States who became radicalized and committed to carrying out terrorist attacks.

So it is for this kind of threat that the ''lone wolf'' authority is important and why we should extend this mechanism. It is also this kind of threat that the Intelligence Community is now especially worried about, as people inside the United States may be spurred to action in retaliation for the strike against bin Laden.

If the FBI, the Department of Homeland Security, or a State or local police officer identifies someone building bombs, it is necessary to move quickly and not take time to research a possible connection to al-Qaida before we use FISA authorities to learn what they are up to and when and how they might strike.

Business records. The third authority covered by this legislation is known as the business records provision and provides the government the same authority in national security investigations to obtain physical records that exist in an ordinary criminal case through a grand jury subpoena.

Business records authority has been used since 2001 in FISA to obtain driver's license records, hotel records, car rental records, apartment leasing records, credit card records, among other business records. This is the way in which you track a target.

Let me note that while the debate over this provision has often focused on library circulation records, the Justice Department has advised the Congress that this authority has never—let me stress, never—been used to obtain library circulation records.

We had a big debate on this issue when this came up before. In fact, this authority has never been used for library circulation records.

The Department has informed Congress that it submitted 96 applications to the FISA Court for business record orders last year. The Justice Department has further stated that some business records orders have been used to support critically important and highly sensitive intelligence collection activities. The House and Senate Intelligence Committees have been fully briefed on that collection.

Information about this sensitive collection has also been provided to the House and Senate Judiciary Committees, and information has been available for months to all Senators for their review.

The details on how the government uses all three of these authorities are classified and discussion of them here would harm our ability to identify and stop terrorist attacks and espionage. But, if any Senators would like further details, I encourage them to contact the Intelligence Committee, or to request a briefing from the Intelligence Community or the Department of Justice.

I have mentioned several times the role of the Foreign Intelligence Surveillance Court. Let me describe what it is and how it operates.

The FISA Court is a special court. It is a set of 11 Federal district judges, each of whom is appointed by the Chief Justice to specifically serve in this role.

At least one of these judges is available at all times—24 hours a day, 7 days a week, 365 days a year—for the purpose of reviewing government applications to use FISA authorities and, if those applications are sufficient, approving them by issuing an order, or what we call in the criminal law, a warrant.

The FISA Court judges meet in closed session to review classified declarations, and they provide very careful judicial review of the government's applications. They are expert in this specialized area of the law, as is their expert staff. The Department of Justice officials who come before them take all care in making their case and presenting their facts, as they do in public court.

The American people should understand that these FISA authorities we are discussing now—the ability to conduct electronic surveillance and obtain records—are subject to strict oversight. A Senate-confirmed official in the Department of Justice, the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for National Security—one of these three must, and I stress ''must''—sign off on every application before it goes to the Foreign Intelligence Surveillance Court.

Federal judges, also confirmed by the Senate, must approve the applications. Inspectors General conduct regular audits and oversight as well. The Senate and House Intelligence and Judiciary Committees receive regular reports from the Department of Justice on the use of all FISA authorities, as well as receiving briefings from the FBI and NSA on the implementation of the FISA statute.

The three authorities reauthorized by this legislation have been debated extensively on this floor and in this Congress since it came up for reauthorization in 2009. Every single national security official to come before the Congress in the past 2 years has testified that these provisions are vital to protect America and has urged their reauthorization.

It is very hard, I think, to vote no in the face of what we have been told in classified intelligence briefings and in hearings by officials from the Attorney General's office and the FBI. In fact,

the Attorney General and the Director of National Intelligence wrote a letter to Leaders REID and MCCONNELL today, May 23, expressing their strong support for immediate enactment of the legislation we are now considering.

I ask unanimous consent to have printed in the RECORD the letter to Leaders REID and MCCONNELL.

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

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE,
Washington, DC, May 23, 2011.

Hon. JOHN BOEHNER,
Speaker, U.S. House of Representatives, Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Democratic Leader, U.S. House of Representatives, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER BOEHNER AND LEADERS REID, PELOSI, AND MCCONNELL: We write to express our strong support for the immediate enactment of S. 1038, the Patriot Sunsets Extension Act of 2011. The Foreign Intelligence Surveillance Act (''FISA'') is a critical tool that has been used in numerous highly sensitive intelligence collection operations. Three vital provisions of FISA are scheduled to expire after May 26, 2011: section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps that may thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides expanded authority to compel production of business records and other tangible things with the approval of the FISA court; and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides the authority under FISA to target non-United States persons who engage in international terrorism or activities in preparation therefor, but are not necessarily associated with an identified terrorist group (the so-called ''lone wolf'' definition).

In the current threat environment, it is essential that our intelligence and law enforcement agencies have the tools they need to protect our national security. At this critical moment there must be no interruption in our ability to make full use of these authorities to protect the American people, and we urge the Congress to pass the bill and send it to the President without delay.

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

Sincerely,

JAMES R. CLAPPER,
Director of National Intelligence.
ERIC H. HOLDER, Jr.,
Attorney General.

Mrs. FEINSTEIN. Mr. President, let me point out there are no recent cases of abuse of these authorities. The oversight system in place is working well, I believe, to ensure they will not be misused in the future.

Other Senators may come to this floor and talk about abuses of these authorities, but I ask: Listen carefully. Chances are they are talking about a section not involved here, and that is the section on national security letters. Again, national security letters are not touched by these three sections we are renewing today. And I would say, yes, they were abused or misused in years past, according to the Inspector General of the Department of Justice. But corrections have been made since then. More important, for today's debate, there is nothing we are taking up today that affects or mentions national security letters at all. I have referred to this now four times. I hope I get it across because that is what happened last time. People came to the floor and what they were talking about was not in the legislation we were considering.

Earlier this year, I was pleased to support legislation authored by Senator LEAHY that would have made several improvements in the Foreign Intelligence Surveillance Act in order to better protect privacy rights and civil liberties. But the point I made during the debate in the Judiciary Committee, which I will repeat again today, is that many of these changes were in fact codifying practices the Department of Justice and the FBI have already implemented.

For example, minimization. That was one of the issues that was discussed. It has been implemented. The departments are listening and they have taken action where there have been problems.

I wish to say to my colleagues that the Executive Branch has heard and has acted to address concerns about intrusions into Americans' civil liberties. The Office of the Inspector General in the Department of Justice has indicated that it intends to conduct audits and inspections to ensure that the implementation of FISA is in full compliance with the law, and its reports will be carefully reviewed by this Congress and by the concerned Committees. A major priority of the Intelligence Committee in this house is to conduct regular oversight on the use of FISA authorities, and we will continue to do so after passage of this legislation.

Just about every administration official to testify on the use of FISA authorities has also noted the importance of having the stability that comes with a long-term extension. Since December of 2009, when we reauthorized it, the Congress has passed three short-term extensions—one for 2 months, one for 1 year, and one for 3 months. By lurching from one sunset to another, we run the risk that these intelligence authorities are going to expire. And here we are, once again, because they expire this Friday. I hope Members will think about that. I hope Members who want to produce an amendment will think about the following: if they expire, what if NSA and other agencies have to stop, what if they miss something, what if something happens? That is a responsibility that rests on the heads of everyone in these two bodies—both the House of Representatives and the Senate of the United States.

Even short of that, by providing one short-term extension after another—2 months here, 1 year there—we create significant uncertainty in the Intelligence Community as investigators are not sure whether these tools will continue to be available to them. I can tell you as one who tries to read the intelligence rather assiduously, we are not out of harm's way, and no one should believe that. People are plotting every day as to how they can send someone into the United States or convince someone in the United States to attack this country. The only thing we have to prevent this from happening is intelligence and an FBI that is now able to institute surveillance and tracking on possible targets in this country.

We have come, in my judgment, a long way since 9/11, but we cannot leave this country vulnerable. We must keep our guard up, and we must see that the intelligence mechanisms that are available to this country are able to be utilized.

This legislation now extends the use of these sunsetting authorities for 4 years, to June 1, 2015. In view of the times we are living in, I believe this is appropriate, it is keeping with past practice, and it is vital to the protection of the United States of America.

The PATRIOT Act was enacted in October 2001, and several provisions were up for review and reauthorization 4 years later in December of 2005. After some significant debate, some of the original PATRIOT Act provisions were made permanent and some were reauthorized for another 4 years until the end of 2009.

The lone-wolf authority that expires later this week was first enacted in the Intelligence Reform Act of 2004 and placed in the same sunset cycle as the roving wiretap and business records authorities. Under the model established in the PATRIOT Act and a subsequent reauthorization, a 4-year extension from the end of May 2011 to June 2015 is based on sound congressional practice.

These issues have been debated and re-debated and should be very familiar to Members, especially those on the Intelligence and Judiciary Committees.

I hope we are now going to act in the best interests of protecting the people of this country from another terrorist attack by passing this legislation so our intelligence professionals can continue to keep this Nation secure.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

ISRAEL

Mr. COATS. Mr. President, tomorrow morning, a joint meeting of Congress will welcome the Prime Minister of Israel, Benjamin Netanyahu. It will be the first time Mr. Netanyahu has addressed us in a joint meeting and only the second time any Israeli Prime Minister has addressed a joint meeting of Congress as its sole participant. It is a distinct and historic honor and an opportunity for us to hear again how crucial is the friendship between our two countries.

In anticipation of this event, I rise today to provide for the record a restatement of how I and I believe many—if not most—of my colleagues regard the State of Israel and America's relationship with that fellow democracy. This restatement is necessary, I believe, in light of the President's speech last week regarding the Arab spring. The President's remarks, which were delivered just before President Netanyahu's arrival in the United States, seriously muddied the waters of American policy toward Israel and its troubled region.

The Arab spring has sprung from new popular forces throughout the region, overthrowing regimes that have lost their relevance to the aspirations of their people and threatening to overthrow others.

The administration's response has been slow in coming, awkward and confused in efforts to explain its policies, inconsistent in its application from one part of the region to another, less than transparent in keeping Congress informed, and, worst of all, ineffective in its guidance and understanding of events.

The protests in the Middle East and northern Africa have justifiably stirred the emotions and aspirations of the Palestinian people as well. They also seek a homeland of their own—secure, stable, and living at peace with their neighbors. I agree this must be among our goals.

Some believe the groundswell of newly vibrant popular aspirations throughout the region and also among the Palestinian people is both an opportunity and a requirement for new, creative steps in the search for permanent peace. There may be an opportunity here that leads to progress if we and the parties to this long-lasting dispute make the right choices, if we seek the right ends, and if we pursue them with the right strategies. Unfortunately, the administration seems to misunderstand the nature of this opportunity. In a speech last week regarding the wave of startling events in the Middle East and north Africa, President Obama attempted to bring coherence and purpose to his administration's policy. Instead, the speech brought more confusion, potentially jeopardizing prospects for successful negotiations with Israel and the Palestinian Authority.

In my opinion, it was a serious mistake for the President to preemptively declare U.S. support for a Palestinian state based on the 1967 borders. President Obama's declaration that Israel must withdraw to the 1967 border lines is unprecedented and unwelcome. It is true that previous administrations have referred to the 1967 lines in the past as a reference point in the negotiations. It is also true that the Palestinians regard the 1967 lines as their beginning negotiating position. But even with the President's vague acknowledgment of the need for land swaps, no U.S. administration has previously adopted the Palestinian position as its official policy until now. How can this help restart negotiations or drive those negotiations toward a successful conclusion?

As Mr. Netanyahu made clear to the President in the Oval Office, a return to the 1967 lines is ''indefensible'' and ignores new realities on the ground. This position was formally recognized by President Bush in 2004 and must now be reconfirmed by any realistic assessment of what steps are possible and necessary. The object of negotiations is to reach a successful and durable conclusion. But ignoring core realities cannot possibly contribute to progress and almost certainly would make it more difficult to achieve the ends we all seek.

Another major concern I have following the President's speech is the reaction to the recent announcement by the Palestinians of a reconciliation agreement between the Fatah party of President Abbas and Hamas, the organization in charge in Gaza. This alleged reconciliation is likely a product of the Arab spring and the conviction the Palestinian people need to unite to pursue their common goals. This is understandable, and it would be acceptable if not for the character of one of the main factions to this reconciliation. Make no mistake about it, Hamas is a terrorist organization. This group denies Israel its right to exist, it fires thousands of rockets into Israeli territory and bemoans the death of bin Laden, one of its heroes.

If this announced reconciliation of these Palestinian groups actually occurs, the Palestinian Authority of President Abbas—to which the United States, by the way, provides considerable financial and humanitarian support—that administration, that group—that reconciliation will have President Abbas and that group dancing with the devil. It cannot, therefore, expect further support from us, nor can it expect support or understanding in any negotiations with Israel intending to create a Palestinian state. Indeed, we must not require or even encourage Israel to resume negotiations with an entity that includes terrorists. But how did the President address this in his speech? He did not mention the word ''terrorist'' or provide any solid indication that negotiations with Hamas would be impossible. He did not affirm that American assistance to Palestinians, including Hamas, would be off the table. He merely said that ''Palestinian leaders will have to provide a credible answer'' to these remaining questions.

The President also suggested in his speech that the Israelis and Palestinians should focus negotiations in a restarted peace process on the issues of borders and security, leaving the highly contentious issues of Jerusalem and refugees for later. This type of step-by-step negotiating has been rejected many times in the past, and for good reason. Land is Israel's main asset in negotiations. Even if it were possible to reach agreement on land and borders first, Israel would be left in a far weaker position to negotiate the subsequent matters. The refugee issue is perhaps the most difficult of all because acceptance of the Palestinian position would completely change the nature of Israel as a Jewish state. Indeed, it is a fundamental survival issue that cannot be addressed in isolation.

Finally, I am deeply concerned that the President's speech may be used by the Palestinians to support their campaign to bring a unilateral declaration of statehood from the United Nations General Assembly. A declaration of statehood to the U.N. is a dangerous step that would preempt any new negotiations and make sure sufficient efforts are stillborn. If this strategy succeeds at the U.N. General Assembly this September, it will bring serious legal, political, diplomatic, and practical negative consequences for both a real peace process and Israel itself. Let me restate that. If this strategy succeeds at the U.N. General Assembly in September, it will bring serious legal, political, diplomatic, and practical negative consequences for both a real peace process and for Israel itself.

The Palestinian Authority has already announced its intentions to challenge Israeli interests in U.N.-related bodies, including the International Court. This tactic contradicts Palestinian claims that it seeks to bring new energy to the peace process. Peace will come through realistic negotiations, not through unilateral preemptive action.

The President did say he opposes this Palestinian effort to isolate and delegitimize Israel at the U.N., and this was a welcome statement. But supporting a Palestinian state based on 1967 borders, speaking out against alleged reconciliation with the terrorist faction Hamas in only the most ambiguous terms, and promoting a policy that deprives Israel of its strongest negotiating advantage will only encourage the Palestinian Authority to pursue its U.N. strategy.

These confusing, inconsistent messages from the administration will not be enough to dissuade other U.N. member states from supporting the Palestinian maneuver. I fear the United States will then be forced to veto a resolution in the Security Council that our very own errors have helped bring about. Then we will find ourselves in a minority in the General Assembly and watch as the prospect of substantive negotiations become far more distant than before. Both we and our Israeli friends deserve better than this.

Mr. President, this is not a statement of support for Israel only. It is true that we are united with Israel by permanent bonds of history, values, shared strategic interests, culture, and religious heritage, but those bonds are also the principal reason we have for pursuing a peace that is durable and just for everyone in the region. That

peace will serve the Palestinian people just as much as Jewish Israel. A secure homeland of their own, at peace, will be the result of real negotiations based on shared understanding of what is possible. Americans, the people of Israel, and the Palestinian people all have a shared common heritage in prophetic religions. Hopefully, prayerfully, together we can aspire to a common purpose to bring enduring peace to the birthplace of that heritage.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Montana.

Mr. TESTER. Mr. President, today we have an opportunity to do away with a law that tramples on our constitutional rights, a law that invades the privacy of law-abiding Montanans and Americans, a law that deprives Americans of some of our most basic constitutional protections. This week, we are voting on whether to extend the USA PATRIOT Act 4 more years as is. There is a chance we may not have an opportunity to change it even though we know our freedoms have been compromised. That is a shame because without that possibility, we are not having the debate the American people deserve. If our only choice is to vote yes or no, I am going to vote no.

Long before I ever got to the Senate, the PATRIOT Act was sold to us as a toolbox of sorts to give U.S. agents the tools they need to find and fight and kill terrorists. But what we got from the PATRIOT Act was a law that is killing the rights guaranteed by our Constitution. It gives our government full authority to dig through our private records or tap our phones or make a case against us without even having a judge's warrant even if we are doing nothing wrong.

When we give up our rights, we give way to exactly what the terrorists wanted for us—fewer freedoms and invasion of privacy. It is not acceptable in Montana, and I am sure it is not acceptable anywhere else. More than 200 years ago, one of our Founders in this country warned us with this statement:

> Those who give up essential liberty to purchase a little temporary safety . . . deserve neither liberty nor safety.

Words of wisdom from Benjamin Franklin.

Our Nation was founded on the principles of freedom and privacy and a government we control, and we got exactly the opposite with the PATRIOT Act.

Mr. President, here is a copy of the Constitution. It is a reminder of our rights as Americans, guaranteed by the fourth amendment:

> The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

The folks who wrote the PATRIOT Act were here in Washington long before I ever thought about running for the Senate, but you don't have to be a lawyer to know the PATRIOT Act flies in the face of the fourth amendment. It allows the government to conduct secret proceedings even when those proceedings don't need to be held in secret. If we allow that to happen, we toss government transparency and accountability out the window.

As we have seen over the past few weeks, our military forces and intelligence agents are the most effective in the world. They are the best because they have the most powerful tools in the world to do their jobs. They are better trained than anyone else, they are stronger and smarter, and they do what they do without needing to snoop around into the private lives of law-abiding Americans and Montanans, without having to dig up our medical records or our gun records or our library records or our Internet records.

The PATRIOT Act is bad policy that has put us on a very slippery slope. Our constitutional freedoms are too valuable to give even an inch of them away, especially when we don't need to.

Without the opportunity to make real changes to this bill, our only option is to say yes or no to extend this law 4 more years. If we do, an entire decade will have passed without the opportunity to make any adjustments. Not having the opportunity to amend the PATRIOT Act, I am going to vote against it in the name of freedom and privacy, and I urge all my colleagues to do the same because it is the responsible way to vote.

Mr. President, I yield the floor, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, we find ourselves again in the situation of extending key provisions of the PATRIOT Act. These three provisions are roving wiretaps, section 215 business record orders, and the lone wolf provisions. These are all very important tools used to investigate and prevent terrorist attacks. They have been reauthorized a number of times, but it seems that in recent years we have been discussing only very short term extensions of these critical tools.

That is why I will support the cloture motion on moving to S. 1038 today. This legislation provides a 4-year extension of the three expiring provisions without any substantive changes to the existing authorities, and I believe there do not need to be changes to existing authorities.

Regardless of my support for today's cloture vote, and support for the 4-year extension, I wish my colleagues to know that I support a permanent extension of the three expiring provisions. Having this debate year after year offers little certainty to agents utilizing these provisions to combat terrorism. It also leads to operational uncertainty, jeopardizes collection of critical intelligence, and could lead to compliance and reporting problems if the reauthorization occurs too close to the expiration of the law, and we are getting very close to that.

If we believe these tools are necessary—and I clearly stated I believe they are necessary—we need to provide some certainty as opposed to simply revisiting the law year after year. Given the indefinite threat we face from acts of terrorism, it is my view that we should permanently reauthorize these three expiring provisions.

This position is supported by agents on the ground using these tools every day. I have letters of support from the Federal Bureau of Investigation Agents Association supporting a permanent reauthorization of the three expiring provisions. The Federal Law Enforcement Officers Association also supports a permanent extension of the provisions. In fact, a very important passage of that letter states:

> Crimes and terrorism will not sunset and are still targeting our nation and American citizens. Just like handcuffs, the PATRIOT Act should be a permanent part of the law enforcement arsenal.

Then we have another letter from the Society of Former Special Agents of the FBI, and that letter says:

> We urge Congress to reauthorize the expiring provisions of the PATRIOT Act permanently and without restrictions as the three expiring provisions are essential to the security of our country.

I ask unanimous consent that these letters be printed in the RECORD.

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

FEDERAL BUREAU OF INVESTIGATION AGENTS ASSOCIATION,
Arlington, VA, April 4, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS: On behalf of the FBI Agents Association (''FBIAA''), I write to submit our views on the importance of permanently reauthorizing three provisions of the USA PATRIOT Act (''PATRIOT Act'') that are set to expire on May 28, 2011. The FBIAA is comprised of over 12,000 active duty and retired Agents nationwide and is the only professional association dedicated to advancing goals of FBI Agents. On their behalf, we urge the Senate to act now to permanently reauthorize these critical criminal investigation and counterterrorism tools without new restrictions.

We also respectfully request that the Senate limit its debate and consideration to the

expiring PATRIOT Act provisions. Introducing new issues at this time could unnecessarily impede progress toward reauthorizing these important national security provisions, potentially leading to their expiration. Given that there appears to be bipartisan and bicameral consensus for reauthorization of the provisions in their current form for some time, expiration is easily avoidable.

THE THREE EXPIRING PATRIOT ACT PROVISIONS SHOULD BE PERMANENTLY REAUTHORIZED WITHOUT NEW RESTRICTIONS

Since 9–11, federal law enforcement officers have effectively and properly used three tools provided for in the PATRIOT Act and related laws: the ''business records'' provision: the ''roving wiretap'' provision: and the ''lone wolf'' surveillance provision. These provisions were developed and adopted in response to the 9–11 terrorist attacks. Placing new restrictions and requirements on them now, after ten years of using and relying on these tools, is antithetical to our primary post–9–11 national security goal—giving federal law enforcement officers greater tools and more authority to detect and thwart terrorist attacks.

BUSINESS RECORDS

The ''business records'' provision, §215 of the PATRIOT Act, allows criminal investigators to apply to the U.S. Foreign Intelligence Surveillance Act Court (''FISA Court'') for an order requiring the production of business records related to foreign intelligence operations or an investigation of international terrorism. However, no such order can be issued if it concerns an investigation of a U.S. person based solely on that person's exercise of his or her First Amendment rights.

This provision is used in specific and rare circumstances. As described by the Congressional Research Service, the business records tool has bee used ''sparingly and never to acquire library, bookstores, medical or gun sale records.'' Despite infrequent use, the ability to access important bank and telephone records early in investigations is critical for criminal investigators, and leaders in the Department of Justice and FBI have called the business records provision a ''vital tool in the war on terror.''

Given that the provision has been used carefully and effectively in investigations of terrorist threats, the FBIAA recommends that Congress reauthorize the provision on a permanent basis without new limitations on its use.

ROVING WIRETAPS

The ''roving wiretap'' provision, §206 of the PATRIOT Act, allows the FISA Court to issue wiretap orders that are not linked to specific phones or computers if the target of the surveillance has demonstrated an intent to evade surveillance.

The ability to obtain orders for roving wiretaps is absolutely essential to contemporary criminal and counterterrorism investigations because criminal networks have become technologically advanced and will often purchase and use many different mobile phones and computers in order to evade wiretap efforts. Law enforcement experts have described the roving wiretap provision as a ''very critical measure'' that has likely helped detect and prevent numerous terrorist plots, including the plots to bomb multiple synagogues in New York City.

The FBIAA urges Congress to permanently reauthorize the roving wiretap authority and not subjected it to further restrictions. The roving wiretap provision is already constrained by the requirements that the FISA Court find probable cause that the target intends to evade surveillance to issue a wiretap and that minimization procedures are followed regarding the collection, retention, and dissemination of information about U.S. persons. A failure to reauthorize the roving wiretap provision, or encumbering the provision with unnecessary restrictions, would jeopardize the utility of an important investigative tool and could, as Director Mueller has warned, open up a ''gap in the law that . . . sophisticated terrorists or spies could easily exploit.''

LONE WOLF SURVEILLANCE

The ''lone wolf'' provision, found in Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, allows the FISA Court to issue surveillance orders targeted at non-U.S. persons who engage in international terrorism or activities in preparation of terrorism. Prior to enactment of the lone wolf provision, the FISA Court could only issue surveillance orders if specific evidence linked the targeted person to a foreign power or entity. This meant that non-U.S. individuals acting alone could not be effectively investigated, even if evidence indicated that they were preparing to engage in international terrorism.

The FBIAA recommends that Congress permanently reauthorize the lone wolf provision because it is a necessary part of combating contemporary terrorist threats. Communication between individual terrorists and foreign governments and/or entities is often very scarce, precisely because these groups are seeking to evade detection by law enforcement. The lone wolf provision gives law enforcement an important tool to obtain the information necessary to ensure that threats are thwarted before terrorists can act on their plans. Congress should not allow this provision to expire, or place additional restrictions on the provision, as such actions could make it more difficult to investigate and prevent dangerous terrorist threats. Recent developments in the evolution of the threat of ''homegrown terrorism'' have only served to underscore the necessity of maintaining this provision under current law.

EFFORTS TO ADD NEW REQUIREMENTS TO THE EXPIRING PROVISIONS AND NATIONAL SECURITY LETTERS (NSLS) SHOULD BE REJECTED

The FBIAA is concerned that the much-needed reauthorization of the expiring PATRIOT Act provisions may fall prey to a larger debate over NSLs and new limitations on the ways that these investigative tools can be used. We are aware that concerns about NSLs and PATRIOT Act provisions have been used by some to fuel skepticism about privacy protection. To be clear, Agents undergo extensive training regarding the use of these tools, and we are confident that Special Agents use them to help protect the public from terrorist and criminal threats.

Regardless of one's position on new restrictions, it is clear that including them in the reauthorization debate could make it almost impossible for Congress to act before May 28, 2011. Allowing these provisions to expire should not be an option. Terrorists will not wait patiently for Congress to re-adopt provisions like these before advancing their efforts to harm our country. Investigators should not have their hands tied when Congress could easily meet the reauthorization deadline in a bipartisan and bicameral fashion.

Moreover, Congress should not rush to codify limitations and new procedural requirements without carefully considering the implications of specific legislative language on national security matters and ongoing investigations. Simply including these changes in the reauthorization effort is inconsistent with a robust consideration process.

The FBIAA appreciates your leadership on these issues and consideration of these comments. We urge Congress to reauthorize the expiring provisions of the PATRIOT Act permanently and without new restrictions. FBI Agents work diligently to detect, investigate, and apprehend individuals and groups that are engaged in a constant and evolving effort to craft and execute plots against the United States and its citizens. The three expiring provisions are essential in our fight against terrorism.

Sincerely,

KONRAD MOTYKA,
President.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
March 2, 2011.

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

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

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: As you know, the Federal Law Enforcement Officers Association (FLEOA) is the largest non-partisan, non-profit law enforcement association and represents 26,000 federal law enforcement officers from 65 federal agencies. In light of tomorrow's scheduled Executive Business Meeting, we are writing to provide you with our views regarding reauthorization of the USA PATRIOT Act.

To date, many recently thwarted terrorist and criminal plots can be directly attributed to provisions within the USA PATRIOT ACT. The ACT offers federal law enforcement officers the tools to stay ahead of violent criminals and better protect the American citizenry from threats.

FLEOA sees this ACT as a crucial tool for law enforcement, and not something that should periodically expire. The work of federal law enforcement officers has only been enhanced by the USA PATRIOT ACT.

Provisions dealing with:

1) Online Surveillance
2) Roving Wiretaps and Pen Resisters
3) Issuance of John Doe Warrants
4) Accessing financial records and documents
5) Records related to books and magazine purchases
6) Issuance of National Security Letters

In light of today's threats, the provisions listed above are tools that help thwart terrorists and criminals that use identity theft, the internet, cellular and satellite phones, phishing schemes, social networking and wire transfers to effect their crimes.

FLEOA has the distinct honor of representing the interests of law enforcement officers from the Department of Justice, Department of Homeland Security, Department of State, Department of Defense, Department of Treasury, and a host of other agencies. These officers are the front-line guardians that protect our nation from terrorist and criminal threats.

They are the ones that have used the provisions in the USA PATRIOT ACT to keep Americans safe under the microscope of strict agency and judicial oversight that has yet to be cited as ''excessive'' by any investigation or Inspector General's office.

We would caution the Congress to be careful when trying to re-work any provisions that have already been in effect and have been effective.

Additionally, the short-term authorization is at odds with a Congress that in the aftermath of the September 11th, 2001 attacks asked ''Why didn't we know and connect the dots?''

The USA PATRIOT ACT removed some of the barriers in place that prevented us from ''connecting the dots'' and any retraction of

those provisions is in effect, ''re-building the wall.''

Crime and terrorism will not ''sunset'' and are still targeting our nation and American citizens. Just like handcuffs, this tool should be a permanent part of the law enforcement arsenal and arguments to the contrary are flawed and do not recognize the reality that the ACT has worked.

In this nation, law enforcement is guided by an ethos to act ''beyond reproach'' and Office of Inspector General's offices ensure that is the case.

FLEOA greatly appreciates Congress' willingness to continue this important national security tool and would caution you not to put it ''back behind the wall'' and is willing to work with Congress as any proposed legislation moves through it.

Respectfully yours,

J. ADLER,
National President.

SOCIETY OF FORMER SPECIAL AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION, INC.,
Dumfries, VA, April 14, 2011.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the 8000 members of the Society of Former Special Agents of the Federal Bureau of Investigation, Inc. (Society), I am writing to inform you of our views on the importance of permanently reauthorizing the three provisions of the USA Patriot Act that are going to expire on May 28, 2011.

The Society was established in 1937 as a fraternal, educational, and community-minded organization to preserve the FBI heritage in a spirit of friendship, loyalty, and goodwill. As former and current Special Agents of the FBI, our members are experienced in conducting sensitive criminal and terrorism investigations and are concerned that any changes to the Patriot Act that would make it more difficult for the FBI to fulfill its vital mission of protecting our great country.

In addition, the Society is concerned with the introduction of new issues that could impede progress in reauthorizing these important national security provisions. In view of the bipartisan consensus for the reauthorization of these provisions, we hope that their expiration can be avoided.

Since the September 11, 2001 terrorist attacks, Federal law enforcement agencies have effectively utilized three sections of the Patriot Act, namely: the business records provision, the roving wiretap provision and the lone wolf surveillance provision. These sections of the Patriot Act were adopted in direct response to the September 11th attacks and to place new restrictions and requirements on these sections of the Act would be detrimental to Federal law enforcement efforts to detect and prevent future terrorist attacks.

The business records provision, Section 215 of the Patriot Act, allows investigators to apply to the U.S. Foreign Intelligence Surveillance Court (FISA Court) for an order requiring the production of business records related to foreign intelligence operations or investigations of international terrorism. This provision is utilized in specific and rare circumstances. However, despite the infrequent use of the provision, the ability to access important records early in an investigation is critical. The Society strongly encourages Congress to reauthorize this provision on a permanent basis without limitations.

The roving wiretap provision, Section 206 of the Patriot Act, allows the FISA Court to issue wiretap authorizations that are not linked to specific telephones or computers if the subject of the surveillance demonstrates an intent to evade the surveillance. It is absolutely essential to provide this ability to investigators due to the advanced technology employed by criminal and terrorism networks and conspirators. The failure to reauthorize this provision of the Patriot Act or encumber the provision with restrictions would jeopardize the importance of this valuable investigative tool.

The lone wolf provision, Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, provides the FISA Court with the authority to approve surveillance of non-U.S. persons acting alone or not linked to a foreign entity who are engaged in international terrorism or activities in preparation of terrorist acts. The lone wolf provision provides law enforcement with an important tool to obtain necessary information to prevent dangerous terrorist acts from occurring. The Society strongly encourages Congress not to allow this provision to expire or place restrictions on the provision that would weaken this vital investigative tool.

The Society respects and appreciates your leadership on these important issues. As former and current Special Agents of the FBI, our members are very concerned with any changes to the Patriot Act that would make it more difficult for the FBI and other Federal law enforcement agencies to investigate terrorists and their threats to our nation. We urge Congress to reauthorize the expiring provisions of the Patriot Act permanently and without restrictions as the three expiring provisions are essential to the security of our country.

Sincerely,

LESTER A. DAVIS,
President.

Mr. GRASSLEY. Mr. President, in addition to agents on the ground, we have heard strong support for extending the expiring provisions of the PATRIOT Act from members of the Bush and Obama administrations. We have heard testimony from the Director of the FBI, the Attorney General, and the Director of National Intelligence about the strong need to reauthorize these provisions. These same offices have recommended extending the provisions regardless of political ideology as both Republican and Democratic administrations have backed the extensions.

The 4-year extension we are voting on today is a step in the right direction. Extending the three expiring provisions without any substantive amendment that would restrict or curtail the use of these tools is very important, given the recent actions that led to the death of Osama bin Laden. Now is not the time to place new restrictions and heighten evidentiary standards on critical national security tools.

A lot has been said about these provisions and, unfortunately, most of what has been said is incorrect. Congress enacted these provisions and reauthorized them in 2005 following the 9/11 Commission Report, which criticized the way our agents failed to piece together clues; in other words, to connect the dots. Since that time, the three expiring provisions have provided a great deal of information to agents who have helped thwart terrorist attacks.

Let's be very basic. What is terrorism about? It is about killing people living in Western Europe and North America. They don't like us, they want to kill us, and we have to prevent that. They can make continuous mistakes and not get their job done, but once the FBI makes a mistake and lets one of them get away it is a victory for the opposition. We can't afford a failure.

Examples along the lines that we can't have these failures: In testimony before the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, Robert Litt, the general counsel of the Office of the Director of National Intelligence, testified that a section 215 order was used as part of the investigation by the FBI into Khalid Aldawasare, who was arrested in Texas recently. It was later revealed in a criminal case that he was purchasing explosive chemicals and bombmaking components online and had scouted targets in Texas.

Mr. Litt also testified that section 215 orders were utilized to obtain hotel records in the case where a suspected spy had arranged lodging for intelligence officers. He also discussed the roving wiretap provision and how it is used to help agents track foreign agents operating inside the United States who switch cellular phones frequently to avoid being caught. These examples are limited not because the authorities aren't valuable, but because of how sensitive the investigations are that utilize these authorities.

While the need for keeping personal and national security matters classified may prevent the open discussion of further examples in this setting—on the floor of the Senate—it is important to note that these provisions are constantly under strict scrutiny by the inspector general at the Department of Justice and by congressional oversight. In fact, in a March 2008 report, the Justice Department inspector general examined the FBI's use of section 215 orders and found: ''We did not identify any illegal use of section 215 authority.'' Further, there are no reported abuses of the roving surveillance authority, and the lone wolf provision has not yet been utilized, so it is without abuse as well.

While I agree these three provisions should be subject to strict scrutiny from inspectors general and Congress, that oversight authority already exists in the law and does not require amendments to these tools to achieve the goal of oversight. As such, it is important that Congress reauthorize these provisions quickly and without amendment.

I urge my colleagues to vote in support of the cloture motion on the motion to proceed to S. 1038 because it provides a clean reauthorization of these very vital tools for 4 years without substantive changes. In other words, if it ain't broke, don't fix it. While 4 years is a far cry from the permanence that I believe is necessary on these provisions, it does provide more certainty and predictability than continuing to pass short-term extension after extension.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, there has been a lot of discussion of the PATRIOT Act, and we are told basically that we wouldn't be able to capture these terrorists if we didn't give up some of our liberties, if we didn't give up some of the fourth amendment and allow it to be easier for the police to come into our homes. We were so frightened after 9/11 that we readily gave up these freedoms.

We said: Well, the fourth amendment is not that important. We will just let the government look at all of our records, and we will make it easier for the government to look at our records.

The question we have to ask, though, is whether we would still be able to catch terrorists by using the fourth amendment as it was intended and having the protections of the fourth amendment. What we have to ask ourselves is, think about the worst person in our communities. Think about someone accused of murder or rape or a pedophile. We think of these people, and do we know what happens if someone is accused of that? Even if it is 3 o'clock in the morning and they want to get their records or they want to go into their houses, they call a judge. This is something very important. They get the warrants almost all the time. But it is one step of protection. What we have is the protection where we don't have police officers writing warrants to come into our houses. They have to have it reviewed by a judge.

What we have done through the PATRIOT Act is taken away some of the protections of the fourth amendment. The fourth amendment says we need to name the person and the place to be searched. We have taken away those protections. The fourth amendment says we need to have probable cause. We have taken that away and made it to, if it is relevant, or we think they might be related to it.

Originally, the FISA Court lowered the standards somewhat on the fourth amendment, but it recognized that it was lowering the standard and was careful. We had secret courts set up, and the FISA Court was the court that dealt with things that had to do with national security or terrorism or intelligence. The information was kept secret so we didn't let everybody in the world know the name, but the name had to be divulged to the judges. Well, those who argue that we have to have the PATRIOT Act, or we have to do this or we will not be able to stop terrorism, they need to explain why the FISA Court did tens of thousands of search warrants and never turned any down. In fact, the history before the PATRIOT Act was no search warrant had ever been turned down.

So do we want to give up our liberties in exchange for more security? Franklin said those who give up their liberty in exchange for security may end up with neither.

Right now, if someone has a Visa bill that is over $5,000 and chooses to pay for it over the phone, which is a wire transfer, the government is probably looking at their Visa bill. They don't have to show probable cause, and they don't have to have a judge's warrant. This does apply to U.S. citizens. Often they will tell us: Oh, it is only foreign terrorists we are looking at. They want us to feel good about allowing them to spy. But this spying is going on by the tens of thousands and even by the millions.

With regard to these suspicious activity reports, we have done over 4 million of them in the last 10 years. We are now doing over 1 million a year. These suspicious activity reports, all the trigger is—it doesn't have to have anything to do with terrorism. The trigger is just that someone has over $5,000 that they have transferred by bank account.

We say, well, the courts have decided our bank records aren't private. Well, the hell they aren't. They should be private. If someone looks at my Visa records, they can tell whether I go to the doctor and what kind of doctor I go to. They can conceivably tell what kind of medication I am on. They can tell what kind of magazines I read. They can tell what kind of books I order from Amazon. Do we want a government that looks at our Visa bill? Do we want a government that looks at all of our records and is finding out what our reading habits are?

One of the provisions applies to library records. Do we really want the government to go and find out what we are reading at the library?

We now have a President who is wanting to know where a person has contributed before they do work for the government. Do we really want that kind of all-encompassing government that is looking at every record from top to bottom and invading our privacy?

There is another aspect of these so-called national security letters. These are basically warrants that are written by FBI agents. No judge reviews them. This is specifically what James Otis was worried about when he talked about general warrants that weren't specifying the person or the place and that were written by police officers. This is a problem because this is—we depend on the checks and balances in our society. We never want to give all of the authority to either one group of Congress or to the President or to police or judges. We have checks and balances to try to prevent abuse.

Some have said, well, if one has nothing to hide, why do you care? The thing is, it will not always be angels who are in charge of government. We have rules because we want to prevent the day that may occur when we get somebody who takes over our government through elected office or otherwise who is intent on using the tools of government to pry into our affairs, to snoop on what we are doing, to punish us for our political or religious beliefs. That is what we don't ever want: to let the law become so expansive.

We have to realize we can still get terrorists. We get rapists and murderers every day by calling a judge.

That is what I am asking for. I am asking that we go through and obey the fourth amendment. Many conservatives have argued that, well, they love the second amendment. Some liberals say, well, they love and will protect the first amendment. Do you know what. If we do not protect the entire bill of rights, we are not going to have any of it. If we want to protect our right to own a gun, we need to protect our gun records from the government looking at our gun records and finding out whether we have been buying a gun at a gun show.

We need to protect our privacy. If we want to protect the first amendment, we have to have the fourth amendment. In fact, we specifically had to go back there. The original PATRIOT Act said we could not even consult with our attorneys. We could not even tell our attorneys. We were gagged from telling our attorneys.

Even now, though, one may say: I do not know if they have investigated me. Do you know why? Because they tell our phone company, if they are looking at our phone records right now or our Visa records, it is against the law for Visa or the phone company to tell us that. It is hundreds of thousands of dollars of fines and jail time. It is 5 years in jail if our phone company tells us they have been spying on us.

Some of this does not even require a letter from government. Some of it is done by the banks. The suspicious activity reports, we have simply told the bank: Here, anybody who deals in cash, anybody who has over a $5,000 wire transfer or who deals in large amounts of money—it is incumbent upon the bank to spy on their customers now.

This is a real problem, and I think we need to have some argument and debate in our country over these things. Some want to have these things permanently. They want to permanently give up their fourth amendment protections, and I disagree strongly. Not only would I let these expire, but I think we should sunset the entire PATRIOT Act and protect our liberties as intended by our Founding Fathers.

James Otis was an attorney in Boston, and he wrote about these things they called, in those days, writs of assistance. These were general warrants. The king would write them—or actually they were written by soldiers here. They did not name the person to be searched or the place, and they were used as a way to have the king have his way with the people and to bully the people.

The idea of general warrants is what sorely offended our Founding Fathers. That is why we got the fourth amendment. The fourth amendment was a product of a decade or more of James Otis arguing cases against the British Government.

But the question we have to ask ourselves when thinking about these issues is, is it so simple that we can just say: Well, I am either against terrorism or I am going to let terrorists run wild and take over the country. One can be opposed to terrorists. We can go after terrorists. We can go after murderers and rapists and people who commit crimes. But we can do it with a process that protects the innocent.

I think so far they say we have looked at 28 million electronic records. We have looked at 1,600,000 text messages. We have 800,000 hours of audio. We have so much audio they do not even listen to it all. Twenty-five percent of what they have recorded of our phone conversations is not listened to because they do not even have time to listen to it.

My point would be that we are eavesdropping on so many people it could be we are missing out and not targeting. Just like at airports—every one of us is being searched in the airport. We are not terrorists, and we are no threat to our country. Why are we not looking for people who would attack us and spending time on those people? Why do we not go to a judge and say: This person we suspect of dealing with this terrorist group. Will you give us a warrant?

Why don't we have those steps? Instead, we are mining and going through millions of records. I think we are overwhelmed with the records that we may well be doing less of a good job with terrorism because we are looking at everyone's records.

The bottom line is, I do not want to live in a country where we give up our freedoms, our privacy. I do not want to live in a country that loses its constitutional protections of us as individuals. We do have a right to privacy. We have a right not to have the government reading our Visa bills every month. We do have rights, and we should protect them. We should not be so fearful that we say: Well, I am a good person. I don't care, just look at my records. If we do, we are setting ourselves up for a day when there will be a tyranny, when there will be a despot who comes into power in the United States and who uses those rules for which we said: Oh, well, I don't have anything to hide.

What happens when someone takes over who believes one's religion is to be combatted, who believes one's political beliefs and literature should be combated? What happens when that day comes?

We cannot give up our liberty. If we do, if we give up our liberty and we trade it for security, we will have neither.

So I rise in opposition to the cloture motion. I will be offering amendments to the PATRIOT Act this week, and we will be having a real debate about how we can stop terrorism but also preserve freedom at the same time.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of invoking cloture on the motion to proceed to S. 1038, the PATRIOT Sunsets Extension Act of 2011.

In 4 days, on May 27, three FISA provisions—the lone wolf, roving wiretap, and section 215 business records authorities—will expire unless Congress acts to reauthorize them.

The House has been working on a bill, H.R. 1800, that would make the lone wolf provision permanent and extend the other two provisions until December 2017. Senators FEINSTEIN and LEAHY have sponsored bills that would, among other things, extend all three provisions until December 2013.

It seems to me that S. 1038, with its extension of the three sunsets until June 1, 2015, is a reasonable compromise. Although I believe each one of these tools should be made permanent, this bill will ensure that our intelligence professionals have the tools they need to keep our Nation safe.

There is little disagreement that these provisions should and must be reauthorized. FBI Director Robert Mueller has testified repeatedly that each one of these provisions is important to both national security as well as criminal investigations. But their importance does not end there. Because of enhanced information-sharing rules and procedures other parts of the intelligence community, such as the National Counterterrorism Center and the National Counterproliferation Center, often depend on the information collected under these provisions. Losing or changing these authorities could adversely impact the intelligence community's ability to analyze and share important national intelligence information.

According to Director Mueller, with all the new technology, it is easy for a terrorist target to buy four or five cell phones, use them in quick succession, and then dump them to avoid being intercepted. He has testified that the ability to track terrorists when they do this is ''tremendously important.'' I could not agree more because it is pretty obvious those guys are up to something, and it is not good. Our enemies often know our own laws better than we do. They understand the hoops and hurdles the government must clear to catch up to or stay ahead of them.

Keep in mind the FBI cannot use a roving wiretap until a court finds probable cause to believe the target is an agent of a foreign power. Some critics claim the provision allows the FBI to avoid meeting probable cause as surveillance moves from phone to phone. This claim is simply not accurate, as every roving wiretap must be approved by a FISA Court judge.

If a target changes their cell phone and the FBI moves to surveil the new phone, the court is notified of that change. All of the protections for U.S. person information that apply to any other FISA wiretap also apply to roving wiretaps.

In short, while this authority is a tremendous asset for the FBI and has been used 140 times over the past 5 years, it poses no additional civil liberties concerns, and it should be renewed without delay.

With regard to section 215, the Business Records Act, over the past several years the rallying cry against the PATRIOT Act has centered on section 215 FISA business records authority. Section 215 allows the FBI to seek FISA Court authority to obtain business records, such as hotel information or travel records. As with each one of the expiring provisions, the FBI must meet the statutory standard of proof.

The inspector general from the Department of Justice conducted several audits of the FBI's use of section 215 orders and found no abuses of the authority. Director Mueller testified that the business records sought by the FBI in terrorism investigations are ''absolutely essential to identifying other persons who may be involved in terrorist activities.''

The lone wolf provision: The sole expiring provision under the PATRIOT Act that has not been used by the FBI, prompting some critics to demand its repeal, is the lone wolf definition of an agent of a foreign power. Recent events have demonstrated that self-radicalizing individuals with no clear affiliation to existing terrorist groups are a growing threat to national security. The lone wolf provision provides a counter to that threat, at least in the cases of a non-U.S. person who is not readily identifiable with a particular foreign power.

The lone wolf provision is a necessary tool that will only need to be used in limited circumstances. It is kind of like those ''in case of emergency break glass'' boxes that cover certain fire alarms and equipment. While we may not use it too much, we will certainly wish we had it when the right situation comes up.

In conclusion, I am grateful for the leadership of Senators REID and MCCONNELL on this crucial piece of legislation. This bill will ensure that our intelligence and law enforcement professionals can continue doing what they do best, without any additional restrictions.

Our Nation has been fortunate to have not suffered a sequel to the 9/11 attacks, and much of the credit goes to the dedicated work of our intelligence and law enforcement professionals. We owe them not only our thanks but the recognition that their jobs are as difficult as it is, and we should not be taking any steps that will make their responsibility to protect this country any more difficult.

Mr. President, I urge a vote in support of invoking cloture on the motion to proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1038, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

Harry Reid, Dianne Feinstein, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Richard Blumenthal, Mark R. Warner, Sheldon Whitehouse, Benjamin L. Cardin, Kay R. Hagan, Kent Conrad, Charles E. Schumer, Joe Manchin III, Sherrod Brown, Mark L. Pryor, Jeanne Shaheen, Joseph I. Lieberman, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorist Prevention Act of 2004 until June 1, 2015, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mr. PRYOR), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. BENNET) and the Senator from Illinois (Mr. DURBIN) would each vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BLUNT), the Senator from Massachusetts (Mr. BROWN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. LEE), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Alabama (Mr. SHELBY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted ''yea,'' and the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

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

The yeas and nays resulted—yeas 74, nays 8, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—74

Akaka	Grassley	Menendez
Ayotte	Hagan	Mikulski
Barrasso	Harkin	Moran
Bingaman	Hatch	Murray
Blumenthal	Hoeven	Nelson (NE)
Boozman	Hutchison	Nelson (FL)
Boxer	Inouye	Portman
Burr	Isakson	Reed
Cantwell	Johanns	Reid
Cardin	Johnson (SD)	Roberts
Carper	Johnson (WI)	Rockefeller
Casey	Kerry	Schumer
Chambliss	Kirk	Sessions
Coats	Klobuchar	Shaheen
Coburn	Kohl	Snowe
Collins	Kyl	Stabenow
Conrad	Landrieu	Thune
Coons	Lautenberg	Toomey
Cornyn	Leahy	Udall (CO)
Crapo	Levin	Udall (NM)
DeMint	Lieberman	Warner
Enzi	Lugar	Webb
Feinstein	Manchin	Wicker
Franken	McCain	Wyden
Gillibrand	McConnell	

NAYS—8

Baucus	Merkley	Sanders
Begich	Murkowski	Tester
Heller	Paul	

NOT VOTING—18

Alexander	Corker	Pryor
Bennet	Durbin	Risch
Blunt	Graham	Rubio
Brown (MA)	Inhofe	Shelby
Brown (OH)	Lee	Vitter
Cochran	McCaskill	Whitehouse

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I ask the RECORD show that had I been present for vote No. 75, I would have voted ''yea'' on the motion to invoke cloture on the motion to proceed to S. 1038. I unfortunately missed the vote after being unavoidably detained due to mechanical issues with U.S. Airways flight No. 2039.

Mr. BENNET. Mr. President, I unfortunately experienced a travel delay on my way back to Washington this evening and was unable to make tonight's procedural vote on whether to reauthorize a portion of the PATRIOT Act. My plane was late, and the Senate had to close the vote at 6 to ensure that 30 hours of postcloture time expires by midnight tomorrow night. Keeping to this schedule is important since three provisions of the USA PATRIOT Act are scheduled to expire later this week.

Had I been present, I would have voted ''yea.'' I would thus ask to let the RECORD reflect that I would have voted ''yea'' on Recorded Vote No. 75.

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

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. 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. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent to speak as if in morning business.

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

DEBT CEILING

Mr. JOHNSON of Wisconsin. Mr. President, I come to the Senate floor for the second time because I am highly concerned.

For the last 31 years, I have been running a manufacturing business in Oshkosh, WI. During all of that time, I have been a very careful observer about what has been happening here in Washington. I have been watching how broken and unworkable our government has become. I have been here now for 4½ months. Nothing I have seen has changed my mind. Our political process here in Washington is broken.

So here is my specific concern: There seems to be a growing assumption in this town that eventually—probably at the very last minute—some kind of grand bargain is going to be struck and we will actually increase the debt ceiling limit. That would be great. It will be absolutely great if that would happen—if the administration would get serious and work with Republicans to actually address the serious fiscal issues that face this Nation. But I am not so sure we can count on that.

The fact is the Democrat-controlled Senate has not passed a budget for 754 days. I don't believe we need any further evidence that our budget process in this Chamber is broken. So, in my mind, not raising the debt ceiling is a very real possibility. I am afraid this administration is totally ignoring that possibility. It appears it has absolutely no plan B. It has no contingency plan.

As I mentioned, I have been running a business for the last 31 years. When you run a business, things often do not go according to plan. Every day, millions of American businessmen and businesswomen try to anticipate the problems on the horizon. They develop contingency plans in case those problems arise. That is what responsible leaders do. Government should be no different.

But instead of being responsible, this administration seems to be making a concerted effort to scare the American public and scare the markets in a very transparent attempt to force Republicans in Congress to increase the debt ceiling without enacting the structural budget and spending reforms we need to make to prevent this Nation from going bankrupt. Instead of scaring the markets, the administration should be seeking to calm the markets by developing a contingency plan just in case

the debt ceiling is not increased in time. That would be the prudent thing to do. That would be the responsible thing to do.

So, today, I am calling on President Obama to begin planning ahead so that failure to raise the debt ceiling does not immediately turn into a totally unnecessary crisis.

Mr. President, I yield the floor.

MORNING BUSINESS

WOMEN VETERANS

Ms. MIKULSKI. Mr. President, I want to take this opportunity to salute the women who have served in the U.S. Armed Forces and honor the sacrifices they have made for our country.

Long before they were welcomed as members of the military, women played an important role in supporting our troops. Since the American Revolution, women have tended to the wounded and provided care to our soldiers. In the early 20th century, women answered the ultimate call to duty and began to serve proudly in our Armed Forces.

These early women veterans were trailblazers, creating new opportunities for the women that follow in their footsteps. They gave all that they could to protect and defend our country, often without the same recognition given to their male counterparts. Today, women serve at all levels of the armed services as combat pilots, medical care professionals, engineers, and police officers.

There are over 1.8 million women veterans in the United States and the role of women in the armed services continues to grow. Over 212,000 women have served actively in Iraq and Afghanistan. More than 120 women soldiers have sacrificed their lives and many more have been wounded. These women have played an integral role in our military's success, working closely with ground combat troops.

Women have been and continue to be a vital part of the military. Their bravery and patriotism is without question. Their contributions demand recognition. We must pay tribute to those women veterans who answered the call to defend America.

On behalf of myself, and speaking for the thousands of women who have benefited from their example, I would like to recognize and thank the women who have served our country, proudly and with honor.

FOR-PROFIT EDUCATION COMPANIES

Mr. HARKIN. Mr. President, during my floor speech last Thursday on for-profit education, I neglected to insert a letter into the RECORD. I ask unanimous consent that the following letter from Apollo Education Group be printed in the RECORD.

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

APOLLO GROUP, INC. STATEMENT FOR THE RECORD

Apollo Group, Inc. respectfully submits this response to the statement delivered today by Senator Tom Harkin on the issue of military educational benefits.

During this statement, Senator Harkin cited a complaint submitted by a student at the University of Phoenix in April 2009. As part of the U.S. Senate Committee on Health, Education, Labor and Pension's investigation into for-profit higher education, Apollo Group voluntarily produced this complaint and the documents relating to its resolution, along with tens of thousands of pages of additional documents on a wide range of subjects. Apollo Group remains committed to cooperating with the Committee's investigation.

University of Phoenix is the largest private university in North America, serving a current population of over 400,000 students. As with any institution of higher learning, the University receives complaints from its students. It takes those complaints very seriously and works hard to investigate and address students' concerns in a timely, efficient, and appropriate manner. The University's Office of Dispute Resolution administers an industry-leading dispute resolution process to investigate and resolve complaints like the one referenced by Senator Harkin.

Notwithstanding the charges cited by Senator Harkin, it is important to consider the facts of this particular complaint and how it was investigated and resolved by the Office of Dispute Resolution. Specifically, the documents reveal that this student was dissatisfied because he or she did not receive a degree one year after enrollment. After diligent inquiry, the Office determined that the student's grievance stemmed from the University's denial of the student's request to waive certain curriculum requirements based on credits received from another institution fourteen (14) years earlier. That denial was based on a determination that those prior credits were outdated and not equivalent to the credits required as part of the applicable curriculum at the University. The Office did not find any evidence that the student had been promised that he or she would complete the degree program within one year, as the student alleged. Further investigation has determined that the student did complete the degree program at the University, based on educational coursework that met current academic standards, and received a degree within a year after filing the complaint and within two years of entering University of Phoenix.

Senator Harkin pointed out that the student who filed this complaint is a veteran who attended University of Phoenix on the GI Bill. The University is committed to serving the needs of its military and veteran students and believes that it provides an accessible and flexible option for this segment of its student population. The University has long served military students, resulting in its recognition as a military friendly school by GI Jobs, civilianjobs.com, and, most recently, Military Advanced Education in their Third Annual Guide to America's Top Military-Friendly Colleges and Universities.

University of Phoenix's service of military students is driven by its mission to provide access to higher education for historically underserved populations. The University takes this mission extremely seriously and strives continually to improve the experience and opportunities for the many thousands of students who have put their trust in it. The University's industry-leading dispute resolution process is a critical component of its efforts in this regard and demonstrates the University's commitment to the needs and concerns of its student body.

TRIBUTE TO HAL DAVID

Mr. LEAHY. Mr. President, I would like to take a moment to congratulate Hal David on his upcoming 90th birthday. Hal is a pioneer in the music industry and a world class lyricist, having composed some of the most enduring songs in American popular music. Marcelle and I spend many wonderful evenings with him and so enjoy hearing his stories of not only his song writing, but others.

Hal was born on May 25, 1921, in Brooklyn, NY, and was the son of two immigrants. He served in the U.S. Army Entertainment Section in the Central Pacific during World War II with Carl Reiner and Werner Klemperer. The dedication to his country and the entertainment he provided for the men serving will never be forgotten.

Hal's musical writing career took off with his first hit record ''The Four Winds and the Seven Seas.'' His legendary collaboration with composer Burt Bacharach began in 1957 with the Marty Robbins hit ''The Story of My Life'' and included other hits such as ''Magic Moments'' and ''What the World Needs Now is Love.'' Through this successful partnership, Hal and Burt Bacharach were nominated for four Academy Awards and won the Oscar for best song in the 1969 film ''Butch Cassidy and the Sundance Kid'' with ''Raindrops.''

Hal David also works on legislative efforts as a board member on the American Society of Composers, Authors, and Publishers, ASCAP, and led the battle against source licensing. During Hal's time as chairman and CEO of the Songwriters Hall of Fame, he helped launch the Songwriters Hall of Fame Gallery at the Grammy Museum in Los Angeles.

Hal's achievements have earned recognition on a local and international stage. He has been inducted into the Nashville Songwriters Hall of Fame and the Songwriter Hall of Fame, which honors the most popular songs from around the world. He was also the first non-British award recipient to receive the Recording Academy and Ivor Novello Award bestowed by the British Performing Rights Society. I commend him on his impressive lyricist career that has entertained countless Americans and citizens around the world. Hal David is a dedicated and talented lyricist and friend, and I am pleased to join in wishing him a happy 90th birthday and all the best in his future endeavors.

ADDITIONAL STATEMENTS

TRIBUTE TO REUBEN SALTERS

• Mr. CARPER. Mr. President, on behalf of Senator CHRIS COONS, Congressman JOHN CARNEY and myself, I pay

tribute to the Honorable Reuben Salters, retired member of the Dover City Council, educator, officer and humanitarian statesman.

Reuben Salters has been a true friend to the city of Dover and the State of Delaware. Born in Spartanburg, SC, to Reuben and Lillian Salters, Reuben was educated in public schools and graduated from the George Washington Carver High School before matriculating at Livingstone College in Salisbury, MD. A man of extraordinary service, Reuben joined the U.S. Air Force and served tours in France, Germany, Southeast Asia, England and Dover, DE. Reuben was commissioned as a 2d lieutenant at the Dover Air Force Base in 1957 and rose to the rank of major before honorably retiring in 1971.

Reuben's first civilian job was at the former Kent County Vocational and Technical School, now known as the Polytech School District, and in 1974 he earned his master of science degree in counselor education. After serving 3 years as the director of Neighborhood Youth Corps and Administrator of the Adult ABE/GED Program for Kent and Sussex counties, Reuben accepted a position as an academic counselor for the engineering technology and business curriculum at the Delaware Technical and Community College, Terry Campus. There, he also worked as a veteran's counselor, activities coordinator and as the Terry Campus representative at the Dover Air Force Base.

A man of extraordinary service, Reuben has served as president of the central Delaware branch of the National Association for the Advancement of Colored People, president of the local chapter of the Alpha Phi Alpha Fraternity, Inc., a faithful member of the Mt. Zion African Methodist Episcopal Church and a member of the Dover City Council serving from 1989 until his retirement earlier this year. While a member of Dover City Council, Reuben held a number of leadership positions including the chair of the Legislative and Finance Committee, the chair of the Civilian Pension Committee and a member of the Downtown Dover Partnership Committee.

Seeing the need for a greater understanding and appreciation of the arts and culture among Dover's inner city citizens, Reuben founded the Inner City Cultural League, Inc. in 1971. The league provides scores of inner city youth with the opportunity to participate in cultural and community activities. It also provides a crime and drug-free environment where they can prepare to live productive and happy lives. The program has flourished and has been enhanced by the addition of the annual African American Festival—now in its 21st year and attended by thousands of people last year—and by adding the Sankofa African Dance and Drum Company to the activities of the League.

A frequent traveler to Africa and South America to name only a few, Reuben always returns to his favorite city of Dover, DE, where his love and passion for equal opportunity and quality of life for all prevail. I am truly honored to have worked with Reuben Salters for many years and am privileged to pay tribute to Dover's favorite son.●

LEEDS, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 14–17, the residents of Leeds will gather to celebrate their community's history and founding.

In the Spring of 1886, the Great Northern Railroad founded the townsite of Leeds at the junction of the Great Northern Railroad and the Northern Pacific Railroad. It was named for Leeds, Yorkshire, England, an important manufacturing center dating back to 616 A.D. On August 31, 1887, the post office was established with Thomas Howrey as the postmaster.

Today, Leeds has much to be proud of. The residents enjoy the outdoors through use of their golf course, parks, baseball diamonds, basketball courts, and a swimming pool. The community also boasts an award-winning school system and the Leeds City Library. The people of Leeds are known for their strong work ethic and caring attitude towards others, making it a great place to live and raise a family.

In honor of the city's 125th anniversary, officials have organized a wonderful celebration that includes a family steak fry at the golf course, family games, a basketball and golf tournament, a 5K run, trap shoot, dances, fireworks, and a parade.

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

Leeds has a proud past and a bright future.●

LIDGERWOOD, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 29–31, the residents of Lidgerwood will gather to celebrate their community's history and founding.

The city of Lidgerwood was established as the Soo Railroad pushed westward in the summer of 1886. George Lidgerwood, for whom the town is named, along with General W. D. Washburn and R. N. Ink, platted the original townsite.

Today, Lidgerwood is a vibrant community, with several area attractions. Residents enjoy the town's golf course, swimming pool, recreation park, the American Legion Park, and camping. The people of Lidgerwood also care about preserving the history and heritage of their town, which can be seen in the Lidgerwood Museum and the Bagg Bonanza Farm. The town is also home to the Ann Thielman Performing Arts Center and a wonderful public school. Lidgerwood is known for its sense of community and is an excellent place to raise a family.

In honor of the city's 125th anniversary, officials have organized a celebration that includes a softball and golf tournament, a classic car show, an antique tractor show, street dances, games, food vendors and much more.

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

Lidgerwood has a proud past and a bright future.●

NEW ENGLAND, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 14–17, the residents of New England will gather to celebrate their community's history and founding.

New England was the first townsite in Hettinger County, and was originally named Mayflower. It later became known as New England City. On June 8, 1894, the new post master, Horace W. Smith, shortened the name to simply New England, noting that most early settlers were from Vermont and Massachusetts, two of the New England States.

Today, New England is a vibrant, agricultural community in southwestern North Dakota. It is home to, among other things, Dakota West Credit Union, Top Line Auto, Riverside Lodging, Country Style Beauty Salon, Ag Alliance, a grocery store, and a seniors center. The New England Public School sits at the north end of Main Street and provides a high quality education to all of its students. New England is known for its sense of community and is an excellent place to live and raise a family.

The citizens of New England have organized numerous activities to celebrate their 125th anniversary. Some of the activities include dances, basketball and volleyball tournaments, an antique tractor pull and show, a parade, an arts and craft show, a bake sale, a car show, games, and a derby.

I ask the U.S. Senate to join me in congratulating New England, ND, and

its residents on the first 125 years and in wishing them well through the next century. By honoring New England and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as New England that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

New England has a proud past and a bright future.●

REMEMBERING REV. DR. WALTER SOBOLEFF

● Ms. MURKOWSKI. Mr. President, it was only a few short years ago, in October of 2008, that I stood before this body to honor one of Alaska's most cherished elders, the Reverend Doctor Walter A. Soboleff, in commemoration of his 100th birthday.

Today, I come before you with a heavy heart, to share with you news of the passing of that distinguished and revered Tlingit elder and leader. On this day I ask that we honor the life of an extraordinary man and remember his inspirational journey.

At 102, on Sunday May 22, 2011, during the breaking light of that morning's first dawn, the Reverend Doctor Walter A. Soboleff quietly stepped from a restful sleep into the Northern winds, into the budding spring of the Southeast forest, to begin his final flourishing journey from Earth to heaven.

Reverend Soboleff is often described as a man of God. His encouraging and often humorous words and outlook on life served as a beacon of light to so many who had the honor and privilege to know him. His consistently positive words were not only eloquent but also inspirational, and one could say they were truly words inspired by God.

Reverend Soboleff was active and present during most of Alaska's history. In 1957, he was in Juneau to open the Republican Convention Invocation. He was our State's eldest Republican and indeed more than just a witness, the living embodiment of the history of our great State. He recognized and believed that one of the qualities that made our Nation so great is that our Founding Fathers were God fearing and led with their hearts and minds open to the Creator.

The passing of Reverend Soboleff leaves a void that we can never hope to fill. The Native elders of Alaska are unique culture bearers of our history, land, and people. They are a vital link between the past and present; the connection between two worlds, the old and new. They also have a significant responsibility to ensure that future generations know who they are and from where they came, by telling the stories and passing on the oral traditions of Alaska Native cultures that have struggled to maintain survival.

Reverend Soboleff was born November 14, 1908, on Killisnoo, a small island village near Admiralty Island, north of Angoon in southeast Alaska. His mother was Tlingit Indian and his father was the son of a Russian Orthodox priest serving in southeast Alaska. In his home four languages were spoken: Russian, German, English, and Tlingit. Reverend Soboleff's life was one of sacrifice and public service. But he certainly would not have viewed his service as a sacrifice.

Reverend Soboleff was appointed to serve as minister of the Tlingit Presbyterian Memorial Church in Juneau. He ventured from his village on June 14, 1940, on a steamer and landed in Juneau well before the era of civil rights. To his dismay he was greeted with signs in restaurant windows that said ''No dogs or Indians'' and turned away when he tried to rent a room. But he was not the kind of man to let a bad situation get the better of him. Instead of feeling sorry for himself, he felt sorry for the innkeeper.

In response, and in his way, he decided to open the doors of his church to any and all who sought to worship God. In the midst of a time of racial bias, Reverend Soboleff created within his church, a wonderful diversity of people from all races. His greatest message was for people to love one another—he often said that the greatest gift of civilization is for people to know who they are and to love each other regardless, because when there is love, there is peace.

Reverend Soboleff received a bachelor's degree in education in 1937 from Dubuque University in Iowa, and a divinity degree in 1940. He was awarded an honorary doctor of divinity by Dubuque University in 1952 and an honorary doctor of humanities by the University of Alaska Fairbanks in 1968. He was also the first Alaska Native to serve on the Alaska State Board of Education, where he served as chairman.

He was truly a man of distinction and grace and a pillar of traditional and modern society. He served seven terms as president of the Alaska Native Brotherhood as well as grand president emeritus. In 1952, the Reverend accepted a commission in the Alaska Army National Guard, serving as Chaplain for 20 years, retiring with rank of lieutenant colonel. He then went on to found the Alaska Native Studies Department at the University of Alaska, Fairbanks. Over the course of his life he served God and his people well and was a leader of extraordinary courage, inspiring a hope for love and peace in all who knew him.

On Wednesday, May 25, Alaska's Governor Sean Parnell has ordered flags to be flown at half-staff in Reverend Soboleff's honor. Reverend Soboleff wanted to be remembered as one who tried to do his best in a time of changing culture and one who took positives from both the Native and Western worlds. I think I can speak for all of Alaska when I say he achieved that goal. I would like to offer Reverend Doctor Walter Soboleff's family and many friends my heartfelt condolences. Know that he served the Native people and our beloved State of Alaska over the course of his entire life, 102 years; and it is my hope that his life will continue to serve as an inspiration to all of us.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER TO TAKE ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY ORIGINALLY DECLARED ON MARCH 15, 1995 IN EXECUTIVE ORDER 12957 WITH RESPECT TO IRAN—PM 9

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

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995, and implements the existing statutory requirements of the Iran Sanctions Act of 1996 (Public Law 104–172) (50 U.S.C. 1701 note) (ISA), as amended by, inter alia, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) (CISADA).

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps

with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of CISADA, I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses.

In CISADA, which I signed into law on July 1, 2010, the Congress found that the illicit nuclear activities of the Government of Iran, along with its development of unconventional weapons and ballistic missiles and its support for international terrorism, threaten the security of the United States. To address the potential connection between Iran's illicit nuclear program and its energy sector, CISADA amended ISA to expand the types of activities that are sanctionable under that Act. ISA now requires that sanctions be imposed or waived for persons that are determined to have made certain investments in Iran's energy sector or to have engaged in certain activities relating to Iran's refined petroleum sector. In addition to expanding the types of sanctionable energy-related activities, CISADA added new sanctions that can be imposed pursuant to ISA.

This order is intended to implement the statutory requirements of ISA. Certain ISA sanctions require action by the private sector, and the order will further the implementation of those ISA sanctions by providing authority under IEEPA to the Secretary of the Treasury to take certain actions with respect to those sanctions. The order states that the Secretary of the Treasury, in consultation with the Secretary of State, shall take the following actions necessary to implement the sanctions selected, imposed, and maintained on a person by the President or by the Secretary of State, pursuant to authority that I have delegated:

with respect to section 6(a)(3) of ISA, prohibit any United States financial institution from making loans or providing credits to the person consistent with section 6(a)(3) of ISA;

with respect to section 6(a)(6) of ISA, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the person has any interest;

with respect to section 6(a)(7) of ISA, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the person;

with respect to section 6(a)(8) of ISA, block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of the person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

with respect to section 6(a)(9) of ISA, restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the person.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the relevant provisions of ISA, and to employ all powers granted to the United States Government by the relevant provision of ISA as may be necessary to carry out the purposes of the order. All executive agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *May 23, 2011*.

MEASURES DISCHARGED

The following concurrent resolution was discharged from the Committee on the Budget pursuant to Section 300 of the Congressional Budget Act, and placed on the calendar:

S. Con. Res. 21. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 3013 through 2021.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

S. Con. Res. 21. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

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

The following joint resolutions were read the first time:

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

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

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–1837. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States'' (Docket No. APHIS–2011–0005) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1838. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs'' (RIN0584–AE03) received in the Office of the President of the Senate on May 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1839. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the operations of the National Defense Stockpile (NDS); to the Committee on Armed Services.

EC–1840. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''Department of Defense Evaluation of the TRICARE Program Fiscal Year (FY) 2011 Report to Congress''; to the Committee on Armed Services.

EC–1841. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Removal and Modifications for Persons Listed Under Russia on the Entity List'' (RIN0694–AF24) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1842. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Conformance Period for Entities Engaged in Prohibited Proprietary Trading or Private Equity Fund or Hedge Fund Activities'' ((RIN7100–AD58)(12 CFR 225)) received in the Office of the President of the Senate on May 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1843. A communication from the Assistant Administrator for Fisheries, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Military Training Activities Conducted Within the Gulf of Alaska Temporary Maritime Activities Area'' (RIN0648–BA14) received in the Office of the President of the Senate on May 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1844. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Requirements for Major Sources Locating in or Impacting a Nonattainment Area in Allegheny County'' (FRL No. 9308–9) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1845. A communication from the Director of the Regulatory Management Division,

Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Missouri; Saint Louis Nonattainment Area; Determination of Attainment of the 1997 Annual Fine Particle Standard'' (FRL No. 9309–6) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1846. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Industrial, Commercial, and Institutional Boilers and Process Heaters and Commercial and Industrial Solid Waste Incineration Units'' (FRL No. 9308–6) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1847. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District'' (FRL No. 9308–3) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1848. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Land Disposal Restrictions: Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treated by U.S. Ecology Nevada in Beatty, NV and Withdrawal of Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treatment Issued to Chemical Waste Management in Kettleman Hills, CA'' (FRL No. 9310–2) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1849. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for California'' (FRL No. 9304–4) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1850. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Ventura County Air Pollution Control District'' (FRL No. 9303–9) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1851. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Paper, Film, and Foil Surface Coating Processes'' (FRL No. 9309–3) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1852. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: State of Maine Department of Environmental Protection'' (FRL No. 9285–8) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1853. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Confidentiality Determinations for Data Required Under the Mandatory Greenhouse Gas Reporting Rule and Amendments to Special Rules Governing Certain Information Obtained Under the Clean Air Act'' (FRL No. 9311–2) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC–1854. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Anacostia River Watershed Restoration Plan (ARP); to the Committee on Environment and Public Works.

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. GRAHAM:

S. 1041. A bill to ensure the equitable treatment of swimming pool enclosures outside of hurricane season under the National Flood Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI:

S. 1042. A bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. CHAMBLISS):

S. 1043. A bill to amend the Energy Independence and Security Act of 2007 to promote energy security through the production of petroleum from oil sands, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1044. A bill to amend title 10, United States Code, to authorize the Defense Commissary Agency to conduct a pilot program at military institutions to be closed or subject to an adverse realignment under a base closure law under which a commissary store may sell additional types of merchandise; to the Committee on Armed Services.

By Ms. LANDRIEU (for herself and Mr. COCHRAN):

S. 1045. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, burns, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself and Mr. BOOZMAN):

S. 1046. A bill to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term; to the Committee on Armed Services.

By Mr. UDALL of Colorado:

S. 1047. A bill to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. CASEY, Mrs. GILLIBRAND, Ms. COLLINS, and Mr. KIRK):

S. 1048. A bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. KYL (for himself, Mr. BARRASSO, Mr. BURR, Mr. COBURN, and Mr. ROBERTS):

S. 1049. A bill to lower health premiums and increase choice for small business; to the Committee on Finance.

By Mr. PAUL:

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

By Mr. PAUL:

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

By Mr. PAUL:

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

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCAIN (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. LEVIN, Mr. GRAHAM, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. Res. 194. A resolution expressing the sense of the Senate on United States military operations in Libya; to the Committee on Foreign Relations.

By Mr. BROWN of Massachusetts (for himself and Mr. KERRY):

S. Res. 195. A resolution commemorating the 150th anniversary of the founding of the Massachusetts Institute of Technology in Cambridge, Massachusetts; considered and agreed to.

By Mr. TOOMEY (for himself, Mr. DEMINT, Mr. VITTER, Mr. COBURN, Mr. BURR, Mr. RISCH, Mr. RUBIO, Mr. JOHNSON of Wisconsin, and Mr. LEE):

S. Con. Res. 21. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021; placed on the calendar.

ADDITIONAL COSPONSORS

S. 89

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

S. 248

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 296

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

S. 366

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

S. 367

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 367, a bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit to small businesses which hire individuals who are members of the Ready Reserve or National Guard, and for other purposes.

S. 382

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 406

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 406, a bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes.

S. 437

At the request of Mr. NELSON of Florida, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 437, a bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to provide each individual taxpayer a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories.

S. 463

At the request of Mr. BEGICH, the name of the Senator from Delaware (Mr. COONS) 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. 491

At the request of Mr. PRYOR, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 555

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 613, a bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 649

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

S. 668

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

S. 672

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

S. 696

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 696, a bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes.

S. 737

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 737, a bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes.

S. 750

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 750, a bill to reform the financing of Senate elections, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 812

At the request of Mr. BENNET, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 812, a bill to build capacity and provide support at the leadership level for successful school turnaround efforts.

S. 866

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

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including

disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 906

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

S. 946

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 946, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 968

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

S. 983

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 983, a bill to amend the Internal Revenue Code of 1986 to disallow a deduction for amounts paid or incurred by a responsible party relating to a discharge of oil.

S. 1004

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1004, a bill to support Promise Neighborhoods.

S. 1023

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

S. 1025

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

S. 1034

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1034, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 13

At the request of Mr. ISAKSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Con. Res. 13, a concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

S. CON. RES. 17

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 132

At the request of Mr. NELSON of Nebraska, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 172

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as ''National Cancer Research Month''.

S. RES. 175

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1044. A bill to amend title 10, United States Code, to authorize the Defense Commissary Agency to conduct a pilot program at military institutions to be closed or subject to an adverse realignment under a base closure law under which a commissary store may sell additional types of merchandise; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to introduce legislation with my colleague, Senator COLLINS, to authorize the Department of Defense to carry out a pilot program to sell certain products at commissaries that serve areas with military installations that have been adversely affected by a Base Closure and Realignment, BRAC, round. It is my fervent hope that this legislation will provide the Department of Defense with a means of reducing the operating costs of the commissary in Topsham, Maine sufficiently that they are able to keep a commissary in the area open for many years after the disestablishment of Naval Air Station, NAS, Brunswick.

As my colleagues know, the 2005 BRAC round ordered the closure of NAS Brunswick, Maine. That base, which once employed nearly 5,000 personnel in the region, will be officially disestablished on May 31, 2011. With the closure of NAS Brunswick, some in the Department of Defense have argued that the nearby commissary in Topsham, Maine, should also be closed.

However, even after the closure of NAS Brunswick, nearly 1,500 active duty, Guard, and Reserve service members remain within a 20 mile drive of the installation, including more than 300 active duty personnel who support the Navy's Supervisor of Shipbuilding, Conversion and Repair just down the road in Bath, Maine. In addition, almost 9,000 military retirees and their dependents live in the immediate area, with many thousands more living within an hour's drive.

Thanks to a provision that I and my Maine colleagues succeeded in having included in the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, the Topsham commissary will remain open until at least September 15, 2011, while the Department of Defense considers the findings of a Government Accountability Office review on commissary operations and policies.

That GAO review was recently completed, and it revealed that the Department's decision to close the commissary was based on instructions that lack clear criteria for determining when commissaries should be established, operated, or closed. DOD concurred with GAO's assessment that its instructions are unclear, and indicated that it would clarify its criteria in the next version of commissary operations.

So, just one week ago, on May 10, 2011, Senator COLLINS and I wrote to Under Secretary of Defense for Personnel and Readiness Clifford Stanley to urge that he not close ANY commissary—including the Topsham commissary—until those instructions are clarified. Such an approach is the only reasonable route for DOD to move forward in a fair and transparent manner.

In recognition of the financial challenges facing our nation, we have also developed an idea to reduce the operating costs of the Topsham commissary, which DOD estimates to be approximately $2.2 million per year. The store currently returns about $400,000 to the commissary system through surcharge revenues, but I certainly appreciate how important it is to address the state of our nation's budget.

So, with a commissary at Topsham, and an exchange at NAS Brunswick, we explored the option of using a provision in existing law to create a ''combined'' store. Although that idea was appealing, we learned that every store created under that authority has eventually failed for lack of financial support. Thus, we developed the legislation we introduce here today.

This bill would create a pilot program to operate an ''enhanced commissary store'' in the Topsham-Brunswick area and at other installations closed or adversely realigned by a BRAC round. This new authority would allow the pilot stores to sell items that are currently sold by or for the military exchanges, such as alcoholic beverages and tobacco products. Unlike other products at the commissary, which are sold at cost plus a 5 percent surcharge, these products would be sold at higher prices as determined by the Secretary of Defense, and the proceeds from those sales would be applied to reducing the operating costs of each enhanced commissary.

Although it is difficult to determine how much revenue would result from this proposal, preliminary estimates are that it could reduce costs at a location such as the Topsham commissary by approximately $300,000 per year. That is more than enough to make a cost-effective benefit like the commissary an even better deal for our service members and the taxpayer.

On a final note, I would point out that this bill is quite similar to a provision included at the behest of Congresswoman CHELLIE PINGREE in H.R. 1540, the National Defense Authorization Act fiscal year 2012, as reported by the House Armed Services Committee. It has been my pleasure to work with her in developing this concept, and I hope that we will be able to include similar language in the Senate version of the bill later this year.

I believe that this bill is a common sense solution to ensuring that our service members, military retirees, and their dependents are able to continue to access the extremely important and valued benefit that is the commissary system, even in locations that undergo significant realignments due to a BRAC round. I urge my colleagues to consider this legislation, and look forward to working with the Senate Armed Services Committee to include the proposal in their version of the National Defense Authorization Act for fiscal year 2012.

By Mr. UDALL of Colorado:

S. 1047. A bill to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Leadville Mine Drainage Tunnel Act of 2011 to address concerns of federal jurisdiction and public safety regarding a mine drainage tunnel in Leadville, CO.

In 2008, a blockage formed in the Leadville Mine Drainage Tunnel that backed up a large volume of contaminated water, creating a serious safety hazard for the surrounding community if a catastrophic tunnel failure were to occur. The Bureau of Reclamation and the U.S. Environmental Protection Agency, EPA, took actions to address the immediate threat, including installing a dewatering relief well to relieve water pressure behind the tunnel blockage. However, in the process, questions arose as to whether the Bureau of Reclamation, which owns the tunnel, has the authority to help implement a number of remedies by treating contaminated water from the tunnel. My bill clarifies that the Bureau of Reclamation has the authority to treat this water and is responsible for maintaining the Leadville Mine Drainage Tunnel to protect public safety and reduce future threats to the community.

The Leadville Mine Drainage Tunnel was originally constructed by the federal Bureau of Mines in the 1940s and 1950s to facilitate the extraction of lead and zinc ore for World War II and Korean War efforts. The Bureau of Reclamation acquired the tunnel in 1959, hoping to use it as a source of water for the Fryingpan-Arkansas Project, a water diversion project in the Fryingpan and Arkansas River Basins. Although the tunnel was never used for the Fryingpan-Arkansas Project, water that flows out of the tunnel is considered part of the natural flow of the Arkansas River. With the passage and subsequent signing into law of H.R. 429 during the 102nd Congress, the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the tunnel.

Water levels in the tunnel have fluctuated in recent years. The 2008 collapse in the tunnel increased the tunnel's mine pool significantly, leading to new seeps and springs in the area. Estimates suggest that up to 1 billion gallons of water may have built up behind the blockage within the mine pool.

In November 2007, EPA sent a letter to the Bureau of Reclamation expressing concerns over a catastrophic blowout as a result of the built-up water, and, in February 2008, the Lake County Commissioners declared a state of emergency. The Bureau of Reclamation developed a risk assessment in the area, and the EPA and the Bureau of Reclamation performed some emergency measures to relieve water pressure in the tunnel.

While this emergency work was important and successful, the Bureau of Reclamation's authority to participate in a long-term solution remains an open question. It is unclear whether the Bureau of Reclamation has the authority to treat the water from the dewatering relief well or surface water diverted into the tunnel from a nearby National Priorities List site.

In short, we found there is not only a physical blockage in the tunnel, but also a legal blockage that has prevented the Bureau of Reclamation, the EPA and the State of Colorado from reaching an agreement on a long-term solution. This legislation will clear out the legal blockage by allowing the Bureau of Reclamation and the EPA to work collaboratively on solutions and address the unsafe mine pool in the tunnel.

Specifically, the bill does three things:

First, the bill clarifies that the Bureau of Reclamation is required to maintain the structural integrity of the tunnel to minimize the chance of a catastrophic failure of the tunnel leading to the uncontrolled release of contaminated water.

Second, the bill clarifies that the Bureau of Reclamation has the authority to participate in the long-term solution by treating water pooling up behind the blockage and surface water diverted into the tunnel from operable unit 6 of the California Gulch National Priorities List, Superfund, site. Current law restricts the Bureau of Reclamation to treating only ''historically discharged'' effluent, and it is uncertain whether that includes treating water as part of the remedy.

Third, the bill requires the Bureau of Reclamation and EPA to cooperate on any Record of Decision for the California Gulch Superfund site that impacts the Leadville Mine Drainage Tunnel or the associated water treatment plant. As part of that cooperation, the agencies must enter into an

agreement describing how they will pay for any necessary changes to the tunnel or treatment plant.

The bill also authorizes any funding that might be necessary for the Bureau of Reclamation to perform its clarified responsibilities under this bill.

By clearing up the legal blockage, the bill will help create a collaborative working relationship between the Bureau of Reclamation, the EPA and the State of Colorado to solve this problem for the long-term benefit of Lake County and all of Southeastern Colorado.

Concerns about the safety of the Leadville Mine Drainage Tunnel have persisted for over 30 years, as have questions about federal agencies' responsibility to address those concerns. My bill will finally clarify federal jurisdiction and give the residents of Leadville, Colorado, as well as the entire Arkansas River Basin, an additional measure of certainty that the federal government will maintain safe conditions at the tunnel. I look forward to working with the rest of the Colorado Congressional delegation on this legislation and to its speedy passage.

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. 1047

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 ''Leadville Mine Drainage Tunnel Act of 2011''.

SEC. 2. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

Section 703 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4656) is amended to read as follows:

''SEC. 703. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

''(a) LEADVILLE MINE DRAINAGE TUNNEL.—The Secretary shall take any action necessary to maintain the structural integrity of the Leadville Mine Drainage Tunnel—

''(1) to maintain public safety; and

''(2) to prevent an uncontrolled release of water from the tunnel portal.

''(b) WATER TREATMENT PLANT.—

''(1) IN GENERAL.—Subject to section 705, the Secretary shall be responsible for the operation and maintenance of the water treatment plant authorized under section 701, including any sludge disposal authorized under this title.

''(2) AUTHORITY TO OFFER TO ENTER INTO CONTRACTS.—In carrying out paragraph (1), the Secretary may offer to enter into 1 or more contracts with any appropriate individual or entity for the conduct of any service required under paragraph (1).''.

SEC. 3. REIMBURSEMENT.

Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4656) is amended—

(1) by striking ''The treatment plant'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), the treatment plant'';

(2) by striking ''Drainage Tunnel'' and inserting ''Drainage Tunnel (which includes any surface water diverted into the Leadville Mine Drainage Tunnel and water collected by the dewatering relief well installed in June 2008)''; and

(3) by adding at the end the following:

''(b) EXCEPTION.—The Secretary may—

''(1) enter into an agreement with any other entity or government agency to provide funding for an increase in any operation, maintenance, replacement, capital improvement, or expansion cost that is necessary to improve or expand the treatment plant; and

''(2) upon entering into an agreement under paragraph (1), make any necessary capital improvement to or expansion of the treatment plant.''.

SEC. 4. USE OF LEADVILLE MINE DRAINAGE TUNNEL AND TREATMENT PLANT.

Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended—

(1) by striking ''(a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—The Secretary'';

(2) by striking ''Neither'' and inserting the following:

''(2) LIABILITY.—Neither'';

(3) by striking ''The Secretary shall have'' and inserting the following:

''(3) FACILITIES COVERED UNDER OTHER LAWS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall have'';

(4) by inserting after ''Recovery Act.'' the following:

''(B) EXCEPTION.—If the Administrator of the Environmental Protection Agency proposes to amend or issue a new Record of Decision for operable unit 6 of the California Gulch National Priorities List Site, the Administrator shall consult with the Secretary with respect to each feature of the proposed new or amended Record of Decision that may require any alteration to, or otherwise affect the operation and maintenance of—

''(i) the Leadville Mine Drainage Tunnel; or

''(ii) the water treatment plant authorized under section 701.

''(4) AUTHORITY OF SECRETARY.—The Secretary may implement any improvement to the Leadville Mine Drainage Tunnel or improvement to or expansion of the water treatment plant authorized under section 701 as a result of a new or amended Record of Decision for operable unit 6 of the California Gulch National Priorities List Site only upon entering into an agreement with the Administrator of the Environmental Protection Agency or any other entity or government agency to provide funding for the improvement or expansion.''; and

(5) by striking ''For the purpose of'' and inserting the following:

''(5) DEFINITION OF UPPER ARKANSAS RIVER BASIN.—In''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 708(f) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended by striking ''sections 707 and 708'' and inserting ''this section and sections 703, 705, and 707''.

SEC. 6. CONFORMING AMENDMENT.

The table of contents of title VII of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4601) is amended by striking the item relating to section 703 and inserting the following:

''Sec. 703. Tunnel maintenance; operation and maintenance.''.

By Mr. KYL (for himself, Mr. BARRASSO, Mr. BURR, Mr. COBURN, and Mr. ROBERTS):

S. 1049. A bill to lower health premiums and increase choice for small business; to the Committee on Finance.

Mr. KYL. 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. 1049

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Health Relief Act of 2011''.

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

Sec. 1. Short title; table of contents.

TITLE I—MAKING COVERAGE AFFORDABLE FOR SMALL BUSINESSES

Sec. 101. Protecting American jobs and wages.
Sec. 102. Increasing flexibility for small businesses.
Sec. 103. Increasing choices for Americans.
Sec. 104. Protecting patients from higher premiums.
Sec. 105. Ensuring affordable coverage.

TITLE II—INCREASING CONSUMER CONTROL

Sec. 201. Repeal of the restriction on over-the-counter medicines.
Sec. 202. Repeal of the annual cap.

TITLE III—ALLOWING INDIVIDUALS TO KEEP COVERAGE THEY LIKE

Sec. 301. Allowing individuals to keep the coverage they have if they like it.

TITLE I—MAKING COVERAGE AFFORDABLE FOR SMALL BUSINESSES

SEC. 101. PROTECTING AMERICAN JOBS AND WAGES.

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by such sections and subsections are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SEC. 102. INCREASING FLEXIBILITY FOR SMALL BUSINESSES.

Section 1302(c)(2) of the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed.

SEC. 103. INCREASING CHOICES FOR AMERICANS.

(a) QUALIFIED HEALTH PLAN COVERAGE SATISFIED BY HIGH DEDUCTIBLE HEALTH PLAN WITH HEALTH SAVINGS ACCOUNT.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended to read as follows:

''(e) HIGH DEDUCTIBLE HEALTH PLAN WITH HEALTH SAVINGS ACCOUNT.—A health plan not providing a bronze, silver, gold, or platinum level of coverage shall be treated as meeting the requirements of subsection (d) with respect to any plan year for any enrollee if the plan meets the requirements for a high deductible health plan under section 223(c)(2) of the Internal Revenue Code of 1986 and such enrollee has established a health savings account (as defined in section 223(d)(1) of such Code) in relation to such plan.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 1312(d)(3) of the Patient Protection and Affordable Care

Act (42 U.S.C. 18032(d)(3)) is amended by striking ''\, except'' and all that follows through ''1302(e)(2)''.

(2) Subparagraph (A) of section 36B(c)(3) of the Internal Revenue Code of 1986, as added by section 1401(a) of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by striking ''\, except'' and all that follows through ''such Act''.

(3) Subparagraph (B) of section 1334(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18054(c)(1)) is amended by striking ''and catastrophic coverage''.

SEC. 104. PROTECTING PATIENTS FROM HIGHER PREMIUMS.

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111–148), as amended by section 10905 of such Act, is repealed.

SEC. 105. ENSURING AFFORDABLE COVERAGE.

Section 2701(a)(1)(A)(iii) of the Public Health Service Act (42 U.S.C. 300(a)(1)(A)(iii)), as added by section 1201 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking ''\, except'' and all that follows through ''2707(c))''.

TITLE II—INCREASING CONSUMER CONTROL

SEC. 201. REPEAL OF THE RESTRICTION ON OVER-THE-COUNTER MEDICINES.

Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 202. REPEAL OF THE ANNUAL CAP.

Sections 9005 and 10902 of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 1403 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) and the amendments made by such sections are repealed.

TITLE III—ALLOWING INDIVIDUALS TO KEEP COVERAGE THEY LIKE

SEC. 301. ALLOWING INDIVIDUALS TO KEEP THE COVERAGE THEY HAVE IF THEY LIKE IT.

(a) IN GENERAL.—Section 1251(a)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18011) is amended—

(1) by striking ''Except as provided in paragraph (3),'' and inserting the following:

''(A) IN GENERAL.—Except as provided in paragraphs (3) and (4),''; and

(2) by adding at the end the following:

''(B) PROTECTING EMPLOYERS AND CONSUMERS WITH GRANDFATHERED COVERAGE.—

''(i) IN GENERAL.—A group health plan or health insurance coverage in which an individual is enrolled on or after March 23, 2010, but before any plan year beginning not later than 1 year after the date of the enactment of this subparagraph, and which is deemed to be a grandfathered health plan under this section, shall continue to be considered a grandfathered health plan with respect to such individual regardless of any modification to the cost-sharing levels, employer contribution rates, or covered benefits under such plan or coverage as otherwise permitted under this Act (and the amendments made by this Act).

''(ii) REGULATIONS.—The Secretary shall promulgate regulations to clarify the application of clause (i) to a plan or coverage that continues to be a grandfathered health plan pursuant to such clause.''.

(b) EFFECTIVE DATE; PREVIOUSLY PROMULGATED REGULATIONS VOIDED.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Patient Protection and Affordable Care Act.

(2) PREVIOUSLY PROMULGATED REGULATIONS VOIDED.—Any regulations relating to section 1251(a)(2) of such Act promulgated before the date of the enactment of this Act shall have no force or effect.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 194—EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES MILITARY OPERATIONS IN LIBYA

Mr. MCCAIN (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. LEVIN, Mr. GRAHAM, Mrs. FEINSTEIN, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 194

Whereas peaceful demonstrations that began in Libya, inspired by similar movements in Tunisia, Egypt, and elsewhere in the Middle East, quickly spread to cities around the country, calling for greater political reform, opportunity, justice, and the rule of law;

Whereas, Muammar Qaddafi, his sons, and forces loyal to them responded to the peaceful demonstrations by authorizing and initiating violence against civilian non-combatants in Libya, including the use of airpower and foreign mercenaries;

Whereas, on February 25, 2011, President Barack Obama imposed unilateral economic sanctions on and froze the assets of Muammar Qaddafi and his family, as well as the Government of Libya and its agencies, to hold the Qaddafi regime accountable for its continued use of violence against unarmed civilians and its human rights abuses and to safeguard the assets of the people of Libya;

Whereas, on February 26, 2011, the United Nations Security Council passed Resolution 1970, which mandates international economic sanctions and an arms embargo;

Whereas, in response to Qaddafi's assault on Libyan civilians, a ''no-fly zone'' in Libya was called for by the Gulf Cooperation Council on March 7, 2011, by the head of the Organization of the Islamic Conference on March 8, 2011, and by the Arab League on March 12, 2011;

Whereas Qaddafi's advancing forces, after recapturing cities in eastern Libya that had been liberated by the Libyan opposition, were preparing to attack Benghazi, a city of 700,000 people and the seat of the opposition Government in Libya, the Interim Transitional National Council;

Whereas Qaddafi stated that he would show ''no mercy'' to his opponents in Benghazi, and that his forces would go ''door to door'' to find and kill dissidents;

Whereas, on March 17, 2011, the United Nations Security Council passed Resolution 1973, which mandates ''all necessary measures'' to protect civilians in Libya, implement a ''no-fly zone'', and enforce an arms embargo against the Qaddafi regime;

Whereas President Obama notified key congressional leaders in a meeting at the White House on March 18, 2011, of his intent to begin targeted military operations in Libya;

Whereas the United States Armed Forces, together with coalition partners, launched Operation Odyssey Dawn in Libya on March 19, 2011, to protect civilians in Libya from immediate danger and to enforce an arms embargo and a ''no-fly zone''; and

Whereas, on March 31, 2011, the United States transferred authority for Operation Odyssey Dawn in Libya to NATO command, with the mission continuing as Operation Unified Protector: Now, therefore, be it

Resolved, That the Senate—

(1) supports the aspirations of the Libyan people for political reform and self-government based on democratic and human rights;

(2) commends the service of the men and women of the United States Armed Forces and our coalition partners who are engaged in military operations to protect the people of Libya;

(3) supports the limited use of military force by the United States in Libya as part of the NATO mission to enforce United Nations Security Council Resolution 1973 (2011), as requested by the Transitional National Council, the Arab League, and the Gulf Cooperation Council;

(4) agrees that the goal of United States policy in Libya, as stated by the President, is to achieve the departure from power of Muammar Qaddafi and his family, including through the use of non-military means, so that a peaceful transition can begin to an inclusive government that ensures freedom, opportunity, and justice for the people of Libya;

(5) affirms that the funds of the Qaddafi regime that have been frozen by the United States should be returned to the Libyan people for their benefit, including humanitarian and reconstruction assistance, and calls for exploring with the Transitional National Council the possibility of using some of such funds to reimburse NATO member countries for expenses incurred in Operation Odyssey Dawn and Operation Unified Protector; and

(6) calls on the President—

(A) to submit to Congress a description of United States policy objectives in Libya, both during and after Qaddafi's rule, and a detailed plan to achieve them; and

(B) to consult regularly with Congress regarding United States efforts in Libya.

SENATE RESOLUTION 195—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY IN CAMBRIDGE, MASSACHUSETTS

Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 195

Whereas when the Massachusetts Institute of Technology (referred to in this preamble as ''MIT'') was founded by William Barton Rogers, on April 10, 1861, the doors to a powerful new institution for education, discovery, and technological advancement were opened;

Whereas the commitment of MIT to innovation and the entrepreneurial spirit has trained innovators and delivered groundbreaking technologies that have significantly contributed to the fields of computing, molecular biology, sustainable development, biomedicine, new media, energy, and the environment;

Whereas there are an estimated 6,900 companies founded by MIT alumni in the State of Massachusetts alone, which have earned worldwide sales of approximately $164,000,000,000 and represent 26 percent of total sales made by Massachusetts companies;

Whereas the distinguished living alumni of MIT have founded approximately 25,800 companies that, as of 2011, provide jobs for approximately 3,300,000 people around the world and earn $2,200,000,000,000 in annual sales;

Whereas MIT has many notable alumni and professors who have contributed to leading

research and development efforts, including 76 Nobel Prize recipients and astronauts who have flown more than ⅓ of the manned spaceflights of the United States;

Whereas MIT engineers and researchers have pioneered countless innovations, including the creation of random-access magnetic-core memory (commonly known as ''RAM''), which led to the digital revolution, the mapping of the human genome, the creation of GPS navigation technology, and the engineering of the computers that landed Americans on the moon;

Whereas MIT biomedical researchers remain at the forefront of many fields and have contributed years of key advancements, such as the first chemical synthesis of penicillin, the invention of heart stents, and the mapping of molecular defects to produce the first targeted therapies for cancer treatment; and

Whereas MIT has excelled as a world-renowned pioneer that promotes science and engineering education, economic growth, scientific breakthroughs, and technological advancement in the State of Massachusetts and throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 150th anniversary of the founding of the Massachusetts Institute of Technology in Cambridge, Massachusetts; and

(2) honors the outstanding contributions made by the alumni, professors, and staff of the Massachusetts Institute of Technology throughout the past 150 years, including the efforts supported by the Massachusetts Institute of Technology that have spurred the industrial progress of the United States through innovation.

SENATE CONCURRENT RESOLUTION 21—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2012 AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2013 THROUGH 2021

Mr. TOOMEY (for himself, Mr. DEMINT, Mr. VITTER, Mr. COBURN, Mr. BURR, Mr. RISCH, Mr. RUBIO, Mr. JOHNSON of Wisconsin, and Mr. LEE) submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2012 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2012 and 2013 through 2021.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2012.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Deficit-reduction reserve fund for improper payments.

TITLE III—BUDGET PROCESS

Subtitle A—Budget Enforcement

Sec. 301. Discretionary spending limits for fiscal years 2012 through 2021.
Sec. 302. Point of order against advance appropriations.
Sec. 303. Emergency legislation.
Sec. 304. Adjustments for the extension of certain current policies.

Subtitle B—Budgetary Treatment, Application, and Adjustments

Sec. 311. Budgetary treatment of certain discretionary administrative expenses.
Sec. 312. Application and effect of changes in allocations and aggregates.
Sec. 313. Adjustments to reflect changes in concepts and definitions.
Sec. 314. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2011 through 2021:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: $1,891,242,000,000.
Fiscal year 2013: $2,231,552,000,000.
Fiscal year 2014: $2,446,761,000,000.
Fiscal year 2015: $2,579,225,000,000.
Fiscal year 2016: $2,669,281,000,000.
Fiscal year 2017: $2,840,312,000,000.
Fiscal year 2018: $2,979,431,000,000.
Fiscal year 2019: $3,128,456,000,000.
Fiscal year 2020: $3,302,639,000,000.
Fiscal year 2021: $3,498,532,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: −$169,328,744.
Fiscal year 2013: −$123,402,692,541.
Fiscal year 2014: −$224,114,067,777.
Fiscal year 2015: −$251,676,989,105.
Fiscal year 2016: −$301,910,570,754.
Fiscal year 2017: −$334,999,321,887.
Fiscal year 2018: −$355,031,347,858.
Fiscal year 2019: −$374,359,689,475.
Fiscal year 2020: −$377,871,065,381.
Fiscal year 2021: −$385,051,194,659.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2012: $2,800,926,904,000.
Fiscal year 2013: $2,763,212,403,041.
Fiscal year 2014: $2,821,822,337,889.
Fiscal year 2015: $2,925,281,149,214.
Fiscal year 2016: $3,037,858,886,975.
Fiscal year 2017: $3,091,047,574,412.
Fiscal year 2018: $3,153,849,463,200.
Fiscal year 2019: $3,274,407,536,197.
Fiscal year 2020: $3,385,718,017,338.
Fiscal year 2021: $3,525,927,664,968.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2012: $2,896,353,904,000.
Fiscal year 2013: $2,842,056,403,041.
Fiscal year 2014: $2,827,314,337,889.
Fiscal year 2015: $2,904,616,149,214.
Fiscal year 2016: $3,005,951,886,975.
Fiscal year 2017: $3,049,441,902,412.
Fiscal year 2018: $3,101,850,272,744.
Fiscal year 2019: $3,235,276,947,250.
Fiscal year 2020: $3,340,654,777,302.
Fiscal year 2021: $3,471,694,543,538.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2012: $1,005,111,904,000.
Fiscal year 2013: $610,504,403,041.
Fiscal year 2014: $380,553,337,889.
Fiscal year 2015: $325,391,149,214.
Fiscal year 2016: $336,670,886,975.
Fiscal year 2017: $209,129,902,412.
Fiscal year 2018: $122,419,272,744.
Fiscal year 2019: $106,820,947,250.
Fiscal year 2020: $38,015,777,302.
Fiscal year 2021: −$26,837,456,462.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2012: $16,150,766,612,957.
Fiscal year 2013: $16,944,005,708,540.
Fiscal year 2014: $17,519,924,114,206.
Fiscal year 2015: $18,070,606,252,525.
Fiscal year 2016: $18,648,739,710,254.
Fiscal year 2017: $19,118,880,934,554.
Fiscal year 2018: $19,529,292,555,156.
Fiscal year 2019: $19,915,346,191,882.
Fiscal year 2020: $20,249,458,034,565.
Fiscal year 2021: $20,551,564,772,761.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2012: $11,350,301,046,369.
Fiscal year 2013: $11,974,151,560,892.
Fiscal year 2014: $12,360,931,733,697.
Fiscal year 2015: $12,690,980,107,426.
Fiscal year 2016: $13,024,952,666,769.
Fiscal year 2017: $13,234,036,186,609.
Fiscal year 2018: $13,364,220,300,384.
Fiscal year 2019: $13,483,681,224,381.
Fiscal year 2020: $13,550,483,116,937.
Fiscal year 2021: $13,564,837,023,727.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: $666,758,000,000.
Fiscal year 2013: $732,348,000,000.
Fiscal year 2014: $769,439,000,000.
Fiscal year 2015: $811,375,000,000.
Fiscal year 2016: $854,319,000,000.
Fiscal year 2017: $895,788,000,000.
Fiscal year 2018: $936,869,000,000.
Fiscal year 2019: $979,944,000,000.
Fiscal year 2020: $1,022,361,000,000.
Fiscal year 2021: $1,067,268,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: $574,011,000,000.
Fiscal year 2013: $637,688,000,000.
Fiscal year 2014: $674,601,000,000.
Fiscal year 2015: $712,979,000,000.
Fiscal year 2016: $753,355,000,000.
Fiscal year 2017: $798,242,000,000.
Fiscal year 2018: $846,810,000,000.
Fiscal year 2019: $898,686,000,000.
Fiscal year 2020: $955,483,000,000.
Fiscal year 2021: $1,014,378,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2012:
(A) New budget authority, $5,504,000,000.
(B) Outlays, $5,676,000,000.
Fiscal year 2013:
(A) New budget authority, $5,504,000,000.
(B) Outlays, $5,613,000,000.
Fiscal year 2014:
(A) New budget authority, $5,504,000,000.
(B) Outlays, $5,603,000,000.

Fiscal year 2015:
(A) New budget authority, $5,504,000,000.
(B) Outlays, $5,603,000,000.
Fiscal year 2016:
(A) New budget authority, $5,504,000,000.
(B) Outlays, $5,606,000,000.
Fiscal year 2017:
(A) New budget authority, $5,573,000,000.
(B) Outlays, $5,655,000,000.
Fiscal year 2018:
(A) New budget authority, $5,712,000,000.
(B) Outlays, $5,763,000,000.
Fiscal year 2019:
(A) New budget authority, $5,855,000,000.
(B) Outlays, $5,896,000,000.
Fiscal year 2020:
(A) New budget authority, $5,998,000,000.
(B) Outlays, $6,033,000,000.
Fiscal year 2021:
(A) New budget authority, $6,142,000,000.
(B) Outlays, $6,177,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and outlays of the Postal Service for discretionary administrative expenses are as follows:
Fiscal year 2012:
(A) New budget authority, $258,000,000.
(B) Outlays, $260,000,000.
Fiscal year 2013:
(A) New budget authority, $258,000,000.
(B) Outlays, $262,000,000.
Fiscal year 2014:
(A) New budget authority, $258,000,000.
(B) Outlays, $263,000,000.
Fiscal year 2015:
(A) New budget authority, $258,000,000.
(B) Outlays, $264,000,000.
Fiscal year 2016:
(A) New budget authority, $258,000,000.
(B) Outlays, $265,000,000.
Fiscal year 2017:
(A) New budget authority, $261,000,000.
(B) Outlays, $268,000,000.
Fiscal year 2018:
(A) New budget authority, $268,000,000.
(B) Outlays, $272,000,000.
Fiscal year 2019:
(A) New budget authority, $274,000,000.
(B) Outlays, $278,000,000.
Fiscal year 2020:
(A) New budget authority, $281,000,000.
(B) Outlays, $285,000,000.
Fiscal year 2021:
(A) New budget authority, $288,000,000.
(B) Outlays, $291,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2011 through 2021 for each major functional category are:
(1) National Defense (050):
Fiscal year 2012:
(A) New budget authority, $582,626,000,000.
(B) Outlays, $593,580,000,000.
Fiscal year 2013:
(A) New budget authority, $600,283,000,000.
(B) Outlays, $597,211,000,000.
Fiscal year 2014:
(A) New budget authority, $616,451,000,000.
(B) Outlays, $606,903,000,000.
Fiscal year 2015:
(A) New budget authority, $628,847,000,000.
(B) Outlays, $618,837,000,000.
Fiscal year 2016:
(A) New budget authority, $641,976,000,000.
(B) Outlays, $635,475,000,000.
Fiscal year 2017:
(A) New budget authority, $653,695,000,000.
(B) Outlays, $643,275,000,000.
Fiscal year 2018:
(A) New budget authority, $665,679,000,000.
(B) Outlays, $650,246,000,000.
Fiscal year 2019:
(A) New budget authority, $674,607,000,000.
(B) Outlays, $664,991,638,890.
Fiscal year 2020:
(A) New budget authority, $678,766,000,000.
(B) Outlays, $671,377,688,571.
Fiscal year 2021:
(A) New budget authority, $702,965,000,000.
(B) Outlays, $688,398,389,534.
(2) International Affairs (150):
Fiscal year 2012:
(A) New budget authority, $33,236,000,000.
(B) Outlays, $32,298,000,000.
Fiscal year 2013:
(A) New budget authority, $31,314,000,000.
(B) Outlays, $30,132,000,000.
Fiscal year 2014:
(A) New budget authority, $27,355,000,000.
(B) Outlays, $27,322,000,000.
Fiscal year 2015:
(A) New budget authority, $24,877,000,000.
(B) Outlays, $26,130,000,000.
Fiscal year 2016:
(A) New budget authority, $22,917,000,000.
(B) Outlays, $25,435,000,000.
Fiscal year 2017:
(A) New budget authority, $21,961,000,000.
(B) Outlays, $23,376,000,000.
Fiscal year 2018:
(A) New budget authority, $22,931,000,000.
(B) Outlays, $23,202,000,000.
Fiscal year 2019:
(A) New budget authority, $22,719,000,000.
(B) Outlays, $21,345,000,000.
Fiscal year 2020:
(A) New budget authority, $22,756,000,000.
(B) Outlays, $20,264,000,000.
Fiscal year 2021:
(A) New budget authority, $24,689,000,000.
(B) Outlays, $20,167,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2012:
(A) New budget authority, $25,019,000,000.
(B) Outlays, $26,486,000,000.
Fiscal year 2013:
(A) New budget authority, $27,037,000,000.
(B) Outlays, $27,725,000,000.
Fiscal year 2014:
(A) New budget authority, $27,312,000,000.
(B) Outlays, $27,763,000,000.
Fiscal year 2015:
(A) New budget authority, $27,312,000,000.
(B) Outlays, $27,469,000,000.
Fiscal year 2016:
(A) New budget authority, $27,311,000,000.
(B) Outlays, $27,506,000,000.
Fiscal year 2017:
(A) New budget authority, $27,225,000,000.
(B) Outlays, $27,311,000,000.
Fiscal year 2018:
(A) New budget authority, $27,225,000,000.
(B) Outlays, $27,311,000,000.
Fiscal year 2019:
(A) New budget authority, $28,255,000,000.
(B) Outlays, $27,735,000,000.
Fiscal year 2020:
(A) New budget authority, $29,758,000,000.
(B) Outlays, $28,025,000,000.
Fiscal year 2021:
(A) New budget authority, $29,758,000,000.
(B) Outlays, $28,325,000,000.
(4) Energy (270):
Fiscal year 2012:
(A) New budget authority, $1,108,000,000.
(B) Outlays, $10,174,000,000.
Fiscal year 2013:
(A) New budget authority, $1,014,000,000.
(B) Outlays, $7,134,000,000.
Fiscal year 2014:
(A) New budget authority, $873,000,000.
(B) Outlays, $4,167,000,000.
Fiscal year 2015:
(A) New budget authority, $438,000,000.
(B) Outlays, $676,000,000.
Fiscal year 2016:
(A) New budget authority, $353,000,000.
(B) Outlays, −$340,000,000.
Fiscal year 2017:
(A) New budget authority, $337,000,000.
(B) Outlays, −$223,000,000.
Fiscal year 2018:
(A) New budget authority, $276,000,000.
(B) Outlays, −$267,000,000.
Fiscal year 2019:
(A) New budget authority, $291,000,000.
(B) Outlays, −$369,000,000.
Fiscal year 2020:
(A) New budget authority, $231,000,000.
(B) Outlays, −$379,000,000.
Fiscal year 2021:
(A) New budget authority, $282,000,000.
(B) Outlays, −$430,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2012:
(A) New budget authority, $27,487,000,000.
(B) Outlays, $33,002,000,000.
Fiscal year 2013:
(A) New budget authority, $22,896,000,000.
(B) Outlays, $27,120,000,000.
Fiscal year 2014:
(A) New budget authority, $21,203,000,000.
(B) Outlays, $25,016,000,000.
Fiscal year 2015:
(A) New budget authority, $20,897,000,000.
(B) Outlays, $21,490,000,000.
Fiscal year 2016:
(A) New budget authority, $19,459,000,000.
(B) Outlays, $19,776,000,000.
Fiscal year 2017:
(A) New budget authority, $17,522,000,000.
(B) Outlays, $17,746,000,000.
Fiscal year 2018:
(A) New budget authority, $17,461,000,000.
(B) Outlays, $17,674,000,000.
Fiscal year 2019:
(A) New budget authority, $17,118,000,000.
(B) Outlays, $17,281,000,000.
Fiscal year 2020:
(A) New budget authority, $17,109,000,000.
(B) Outlays, $17,237,000,000.
Fiscal year 2021:
(A) New budget authority, $16,971,000,000.
(B) Outlays, $16,984,000,000.
(6) Agriculture (350):
Fiscal year 2012:
(A) New budget authority, $12,777,000,000.
(B) Outlays, $13,594,000,000.
Fiscal year 2013:
(A) New budget authority, $12,592,000,000.
(B) Outlays, $13,161,000,000.
Fiscal year 2014:
(A) New budget authority, $12,593,000,000.
(B) Outlays, $12,545,000,000.
Fiscal year 2015:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $12,407,000,000.
Fiscal year 2016:
(A) New budget authority, $12,789,000,000.
(B) Outlays, $12,444,000,000.
Fiscal year 2017:
(A) New budget authority, $12,908,000,000.
(B) Outlays, $12,560,000,000.
Fiscal year 2018:
(A) New budget authority, $13,033,000,000.
(B) Outlays, $12,871,000,000.
Fiscal year 2019:
(A) New budget authority, $13,162,000,000.
(B) Outlays, $12,992,000,000.
Fiscal year 2020:
(A) New budget authority, $13,276,000,000.
(B) Outlays, $13,123,000,000.
Fiscal year 2021:
(A) New budget authority, $13,366,000,000.
(B) Outlays, $13,243,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2012:
(A) New budget authority, $13,927,000,000.
(B) Outlays, $10,411,000,000.
Fiscal year 2013:
(A) New budget authority, $8,835,000,000.
(B) Outlays, $1,664,000,000.
Fiscal year 2014:
(A) New budget authority, $5,962,000,000.
(B) Outlays, −$14,258,000,000.
Fiscal year 2015:
(A) New budget authority, $4,767,000,000.
(B) Outlays, −$17,646,000,000.

Fiscal year 2016:
(A) New budget authority, $3,934,000,000.
(B) Outlays, −$21,724,000,000.
Fiscal year 2017:
(A) New budget authority, $2,525,000,000.
(B) Outlays, −$23,094,000,000.
Fiscal year 2018:
(A) New budget authority, $984,000,000.
(B) Outlays, −$26,985,000,000.
Fiscal year 2019:
(A) New budget authority, $357,000,000.
(B) Outlays, −$19,217,000,000.
Fiscal year 2020:
(A) New budget authority, −$300,000,000.
(B) Outlays, −$20,403,000,000.
Fiscal year 2021:
(A) New budget authority, −$237,000,000.
(B) Outlays, −$21,819,000,000.
(8) Transportation (400):
Fiscal year 2012:
(A) New budget authority, $60,333,000,000.
(B) Outlays, $82,422,000,000.
Fiscal year 2013:
(A) New budget authority, $62,390,000,000.
(B) Outlays, $73,250,000,000.
Fiscal year 2014:
(A) New budget authority, $64,714,000,000.
(B) Outlays, $70,060,000,000.
Fiscal year 2015:
(A) New budget authority, $65,788,000,000.
(B) Outlays, $68,425,000,000.
Fiscal year 2016:
(A) New budget authority, $67,926,000,000.
(B) Outlays, $68,399,000,000.
Fiscal year 2017:
(A) New budget authority, $69,110,000,000.
(B) Outlays, $69,479,000,000.
Fiscal year 2018:
(A) New budget authority, $70,422,000,000.
(B) Outlays, $69,897,000,000.
Fiscal year 2019:
(A) New budget authority, $71,227,000,000.
(B) Outlays, $70,217,000,000.
Fiscal year 2020:
(A) New budget authority, $75,370,000,000.
(B) Outlays, $71,803,000,000.
Fiscal year 2021:
(A) New budget authority, $83,547,000,000.
(B) Outlays, $82,829,000,000.
(9) Community and Regional Development (450):
Fiscal year 2012:
(A) New budget authority, $11,255,000,000.
(B) Outlays, $21,096,000,000.
Fiscal year 2013:
(A) New budget authority, $11,258,000,000.
(B) Outlays, $18,416,000,000.
Fiscal year 2014:
(A) New budget authority, $11,194,000,000.
(B) Outlays, $14,616,000,000.
Fiscal year 2015:
(A) New budget authority, $11,185,000,000.
(B) Outlays, $13,540,000,000.
Fiscal year 2016:
(A) New budget authority, $10,981,000,000.
(B) Outlays, $11,809,000,000.
Fiscal year 2017:
(A) New budget authority, $10,958,000,000.
(B) Outlays, $10,847,000,000.
Fiscal year 2018:
(A) New budget authority, $10,677,000,000.
(B) Outlays, $10,590,000,000.
Fiscal year 2019:
(A) New budget authority, $10,666,000,000.
(B) Outlays, $10,577,000,000.
Fiscal year 2020:
(A) New budget authority, $10,654,000,000.
(B) Outlays, $10,574,000,000.
Fiscal year 2021:
(A) New budget authority, $10,643,000,000.
(B) Outlays, $10,561,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2012:
(A) New budget authority, $66,849,000,000.
(B) Outlays, $95,712,000,000.
Fiscal year 2013:
(A) New budget authority, $63,887,000,000.
(B) Outlays, $73,071,000,000.
Fiscal year 2014:
(A) New budget authority, $66,076,000,000.
(B) Outlays, $68,044,000,000.
Fiscal year 2015:
(A) New budget authority, $69,446,000,000.
(B) Outlays, $70,450,000,000.
Fiscal year 2016:
(A) New budget authority, $72,443,000,000.
(B) Outlays, $72,875,000,000.
Fiscal year 2017:
(A) New budget authority, $70,409,000,000.
(B) Outlays, $70,962,000,000.
Fiscal year 2018:
(A) New budget authority, $66,421,000,000.
(B) Outlays, $67,834,000,000.
Fiscal year 2019:
(A) New budget authority, $64,667,000,000.
(B) Outlays, $66,800,000,000.
Fiscal year 2020:
(A) New budget authority, $64,423,000,000.
(B) Outlays, $66,421,000,000.
Fiscal year 2021:
(A) New budget authority, $63,833,000,000.
(B) Outlays, $65,432,000,000.
(11) Health (550):
Fiscal year 2012:
(A) New budget authority, $338,029,000,000.
(B) Outlays, $347,690,000,000.
Fiscal year 2013:
(A) New budget authority, $342,096,000,000.
(B) Outlays, $344,969,000,000.
Fiscal year 2014:
(A) New budget authority, $329,311,000,000.
(B) Outlays, $329,334,000,000.
Fiscal year 2015:
(A) New budget authority, $323,797,000,000.
(B) Outlays, $323,574,000,000.
Fiscal year 2016:
(A) New budget authority, $312,582,000,000.
(B) Outlays, $311,447,000,000.
Fiscal year 2017:
(A) New budget authority, $313,059,000,000.
(B) Outlays, $311,991,000,000.
Fiscal year 2018:
(A) New budget authority, $307,702,000,000.
(B) Outlays, $307,092,000,000.
Fiscal year 2019:
(A) New budget authority, $303,555,000,000.
(B) Outlays, $303,419,000,000.
Fiscal year 2020:
(A) New budget authority, $307,262,000,000.
(B) Outlays, $306,911,000,000.
Fiscal year 2021:
(A) New budget authority, $321,877,000,000.
(B) Outlays, $321,441,000,000.
(12) Medicare (570):
Fiscal year 2012:
(A) New budget authority, $487,760,000,000.
(B) Outlays, $488,060,000,000.
Fiscal year 2013:
(A) New budget authority, $530,722,000,000.
(B) Outlays, $530,767,000,000.
Fiscal year 2014:
(A) New budget authority, $560,600,000,000.
(B) Outlays, $560,744,000,000.
Fiscal year 2015:
(A) New budget authority, $585,154,000,000.
(B) Outlays, $585,256,000,000.
Fiscal year 2016:
(A) New budget authority, $634,696,000,000.
(B) Outlays, $634,769,000,000.
Fiscal year 2017:
(A) New budget authority, $657,713,000,000.
(B) Outlays, $657,799,000,000.
Fiscal year 2018:
(A) New budget authority, $682,995,000,000.
(B) Outlays, $682,951,000,000.
Fiscal year 2019:
(A) New budget authority, $745,085,000,000.
(B) Outlays, $745,186,000,000.
Fiscal year 2020:
(A) New budget authority, $800,776,000,000.
(B) Outlays, $800,853,000,000.
Fiscal year 2021:
(A) New budget authority, $858,764,000,000.
(B) Outlays, $858,830,000,000.
(13) Income Security (600):
Fiscal year 2012:
(A) New budget authority, $475,377,000,000.
(B) Outlays, $479,471,000,000.
Fiscal year 2013:
(A) New budget authority, $433,539,438,356.
(B) Outlays, $433,513,438,356.
Fiscal year 2014:
(A) New budget authority, $384,046,876,712.
(B) Outlays, $383,420,876,712.
Fiscal year 2015:
(A) New budget authority, $385,183,191,781.
(B) Outlays, $383,963,191,781.
Fiscal year 2016:
(A) New budget authority, $390,453,506,849.
(B) Outlays, $388,748,506,849.
Fiscal year 2017:
(A) New budget authority, $387,088,493,918.
(B) Outlays, $382,034,821,918.
Fiscal year 2018:
(A) New budget authority, $389,199,158,086.
(B) Outlays, $382,540,967,630.
Fiscal year 2019:
(A) New budget authority, $400,032,296,366.
(B) Outlays, $393,821,068,529.
Fiscal year 2020:
(A) New budget authority, $406,776,819,018.
(B) Outlays, $398,422,890,411.
Fiscal year 2021:
(A) New budget authority, $417,206,501,376.
(B) Outlays, $408,016,990,411.
(14) Social Security (650):
Fiscal year 2012:
(A) New budget authority, $54,439,000,000.
(B) Outlays, $54,624,000,000.
Fiscal year 2013:
(A) New budget authority, $29,096,000,000.
(B) Outlays, $29,256,000,000.
Fiscal year 2014:
(A) New budget authority, $32,701,000,000.
(B) Outlays, $32,776,000,000.
Fiscal year 2015:
(A) New budget authority, $36,261,000,000.
(B) Outlays, $36,311,000,000.
Fiscal year 2016:
(A) New budget authority, $40,171,000,000.
(B) Outlays, $40,171,000,000.
Fiscal year 2017:
(A) New budget authority, $44,263,000,000.
(B) Outlays, $44,263,000,000.
Fiscal year 2018:
(A) New budget authority, $48,717,000,000.
(B) Outlays, $48,717,000,000.
Fiscal year 2019:
(A) New budget authority, $53,508,000,000.
(B) Outlays, $53,508,000,000.
Fiscal year 2020:
(A) New budget authority, $58,552,000,000.
(B) Outlays, $58,552,000,000.
Fiscal year 2021:
(A) New budget authority, $64,053,000,000.
(B) Outlays, $64,053,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2012:
(A) New budget authority, $128,339,000,000.
(B) Outlays, $127,140,000,000.
Fiscal year 2013:
(A) New budget authority, $130,024,000,000.
(B) Outlays, $130,025,000,000.
Fiscal year 2014:
(A) New budget authority, $134,143,000,000.
(B) Outlays, $134,055,000,000.
Fiscal year 2015:
(A) New budget authority, $138,167,000,000.
(B) Outlays, $137,851,000,000.
Fiscal year 2016:
(A) New budget authority, $147,410,000,000.
(B) Outlays, $146,868,000,000.
Fiscal year 2017:
(A) New budget authority, $146,323,000,000.
(B) Outlays, $145,704,000,000.
Fiscal year 2018:
(A) New budget authority, $145,412,000,000.
(B) Outlays, $144,751,000,000.
Fiscal year 2019:
(A) New budget authority, $155,091,000,000.
(B) Outlays, $154,407,000,000.
Fiscal year 2020:
(A) New budget authority, $159,680,000,000.

(B) Outlays, $158,979,000,000.
Fiscal year 2021:
(A) New budget authority, $164,381,000,000.
(B) Outlays, $163,622,000,000.
(16) Administration of Justice (750):
Fiscal year 2012:
(A) New budget authority, $50,104,000,000.
(B) Outlays, $52,573,000,000.
Fiscal year 2013:
(A) New budget authority, $44,813,000,000.
(B) Outlays, $49,292,000,000.
Fiscal year 2014:
(A) New budget authority, $44,555,000,000.
(B) Outlays, $46,815,000,000.
Fiscal year 2015:
(A) New budget authority, $44,366,000,000.
(B) Outlays, $45,587,000,000.
Fiscal year 2016:
(A) New budget authority, $46,418,000,000.
(B) Outlays, $46,830,000,000.
Fiscal year 2017:
(A) New budget authority, $45,108,000,000.
(B) Outlays, $45,295,000,000.
Fiscal year 2018:
(A) New budget authority, $45,959,000,000.
(B) Outlays, $45,595,000,000.
Fiscal year 2019:
(A) New budget authority, $47,100,000,000.
(B) Outlays, $46,865,000,000.
Fiscal year 2020:
(A) New budget authority, $50,158,000,000.
(B) Outlays, $49,751,000,000.
Fiscal year 2021:
(A) New budget authority, $52,153,000,000.
(B) Outlays, $51,733,000,000.
(17) General Government (800):
Fiscal year 2012:
(A) New budget authority, $22,604,000,000.
(B) Outlays, $27,072,000,000.
Fiscal year 2013:
(A) New budget authority, $22,006,000,000.
(B) Outlays, $23,279,000,000.
Fiscal year 2014:
(A) New budget authority, $22,039,000,000.
(B) Outlays, $22,420,000,000.
Fiscal year 2015:
(A) New budget authority, $22,068,000,000.
(B) Outlays, $21,867,000,000.
Fiscal year 2016:
(A) New budget authority, $22,076,000,000.
(B) Outlays, $21,500,000,000.
Fiscal year 2017:
(A) New budget authority, $22,282,000,000.
(B) Outlays, $21,555,000,000.
Fiscal year 2018:
(A) New budget authority, $22,715,000,000.
(B) Outlays, $21,789,000,000.
Fiscal year 2019:
(A) New budget authority, $23,265,000,000.
(B) Outlays, $22,016,000,000.
Fiscal year 2020:
(A) New budget authority, $23,651,000,000.
(B) Outlays, $22,324,000,000.
Fiscal year 2021:
(A) New budget authority, $24,104,000,000.
(B) Outlays, $22,736,000,000.
(18) Net Interest (900):
Fiscal year 2012:
(A) New budget authority, $372,130,904,000.
(B) Outlays, $372,130,904,000.
Fiscal year 2013:
(A) New budget authority, $430,838,964,685.
(B) Outlays, $430,838,964,685.
Fiscal year 2014:
(A) New budget authority, $498,591,461,177.
(B) Outlays, $498,591,461,177.
Fiscal year 2015:
(A) New budget authority, $559,984,957,433.
(B) Outlays, $559,984,957,433.
Fiscal year 2016:
(A) New budget authority, $620,259,380,126.
(B) Outlays, $620,259,380,126.
Fiscal year 2017:
(A) New budget authority, $672,409,080,495.
(B) Outlays, $672,409,080,495.
Fiscal year 2018:
(A) New budget authority, $714,240,305,114.
(B) Outlays, $714,240,305,114.
Fiscal year 2019:
(A) New budget authority, $746,520,239,831.
(B) Outlays, $746,520,239,831.
Fiscal year 2020:
(A) New budget authority, $773,564,198,320.
(B) Outlays, $773,564,198,320.
Fiscal year 2021:
(A) New budget authority, $788,846,163,593.
(B) Outlays, $788,846,163,593.
(19) Allowances (920):
Fiscal year 2012:
(A) New budget authority, −$11,100,000,000.
(B) Outlays, −$11,100,000,000.
Fiscal year 2013:
(A) New budget authority, −$11,100,000,000.
(B) Outlays, −$11,100,000,000.
Fiscal year 2014:
(A) New budget authority, −$6,100,000,000.
(B) Outlays, −$6,100,000,000.
Fiscal year 2015:
(A) New budget authority, −$1,100,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2016:
(A) New budget authority, −$1,100,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2017:
(A) New budget authority, −$1,100,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2018:
(A) New budget authority, −$1,100,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2019:
(A) New budget authority, −$1,100,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2020:
(A) New budget authority, −$1,100,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2021:
(A) New budget authority, −$1,100,000,000.
(B) Outlays, −$1,100,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2012:
(A) New budget authority, −$77,917,000,000.
(B) Outlays, −$77,917,000,000.
Fiscal year 2013:
(A) New budget authority, −$80,329,000,000.
(B) Outlays, −$80,329,000,000.
Fiscal year 2014:
(A) New budget authority, −$81,798,000,000.
(B) Outlays, −$81,798,000,000.
Fiscal year 2015:
(A) New budget authority, −$84,857,000,000.
(B) Outlays, −$84,857,000,000.
Fiscal year 2016:
(A) New budget authority, −$85,946,000,000.
(B) Outlays, −$85,946,000,000.
Fiscal year 2017:
(A) New budget authority, −$91,248,000,000.
(B) Outlays, −$91,248,000,000.
Fiscal year 2018:
(A) New budget authority, −$97,099,000,000.
(B) Outlays, −$97,099,000,000.
Fiscal year 2019:
(A) New budget authority, −$101,718,000,000.
(B) Outlays, −$101,718,000,000.
Fiscal year 2020:
(A) New budget authority, −$105,645,000,000.
(B) Outlays, −$105,645,000,000.
Fiscal year 2021:
(A) New budget authority, −$110,174,000,000.
(B) Outlays, −$110,174,000,000.
(21) Global War on Terror and Related Activities (970):
Fiscal year 2012:
(A) New budget authority, $126,544,000,000.
(B) Outlays, $117,835,000,000.
Fiscal year 2013:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $92,661,000,000.
Fiscal year 2014:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $64,878,000,000.
Fiscal year 2015:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $54,401,000,000.
Fiscal year 2016:
(A) New budget authority, $30,750,000,000.
(B) Outlays, $30,750,000,000.
Fiscal year 2017:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2018:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2019:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2020:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2021:
(A) New budget authority, $0.
(B) Outlays, $0.

TITLE II—RESERVE FUNDS

SEC. 201. DEFICIT-REDUCTION RESERVE FUND FOR IMPROPER PAYMENTS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by eliminating or reducing improper payments and use such savings to reduce the deficit. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 6 and 11 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

TITLE III—BUDGET PROCESS

Subtitle A—Budget Enforcement

SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2012 THROUGH 2021.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2012, $1,137,365,000,000 in new budget authority and $1,277,353,000,000 in outlays;

(2) for fiscal year 2013, $1,076,513,000,000 in new budget authority and $1,203,206,000,000 in outlays;

(3) for fiscal year 2014, $1,094,543,000,000 in new budget authority and $1,160,763,000,000 in outlays;

(4) for fiscal year 2015, $1,106,796,000,000 in new budget authority and $1,149,100,000,000 in outlays;

(5) for fiscal year 2016, $1,099,720,000,000 in new budget authority and $1,133,357,000,000 in outlays;

(6) for fiscal year 2017, $1,082,528,000,000 in new budget authority and $1,110,758,000,000 in outlays;

(7) for fiscal year 2018, $1,086,986,000,000 in new budget authority and $1,109,721,000,000 in outlays;

(8) for fiscal year 2019, $1,101,073,000,000 in new budget authority and $1,128,053,000,000 in outlays;

(9) for fiscal year 2020, $1,114,538,000,000 in new budget authority and $1,139,781,000,000 in outlays; and

(10) for fiscal year 2021, $1,152,698,000,000 in new budget authority and $1,171,654,000,000 in outlays.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2012 that first becomes available for any fiscal year after 2012, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

(b) EXCEPTIONS.—Advance appropriations may be provided for fiscal years 2013 and 2014 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,500,000,000 in new budget authority in each year.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 301 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

SEC. 304. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.

(a) ADJUSTMENT.—For the purposes of determining points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions meeting the criteria of subsection (c) to exclude the amounts of qualifying budgetary effects.

(b) COVERED POINTS OF ORDER.—The Chairman of the Committee on the Budget of the Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) QUALIFYING LEGISLATION.—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139);

(2) amend the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986, consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010;

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010; and

(4) extend middle-class tax cuts made in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) and the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27), consistent with section 7(f) of the Statutory Pay-As-You-Go Act of 2010.

(d) LIMITATION.—The Chairman shall make any adjustments pursuant to this section in a manner consistent with the limitations described in sections 4(c) and 7(h) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139).

(e) DEFINITION.—For the purposes of this section, the terms ''budgetary effects'' or ''effects'' mean the amount by which a provision changes direct spending or revenues relative to the baseline.

(f) SUNSET.—This section shall expire on December 31, 2011.

Subtitle B—Budgetary Treatment, Application, and Adjustments

SEC. 311. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 312. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 313. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 314. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 323. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table.

SA 324. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 325. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 326. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 327. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 328. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 329. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 330. Mr. UDALL of Colorado (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 331. Mr. UDALL of Colorado (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 332. Mr. UDALL of Colorado (for himself, Mr. PAUL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 333. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 334. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 323. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

''(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

''(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

''(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.''.

SA 324. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: '', except as provided in paragraph (5)''; and

(2) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

''(i) has in effect an established decision-making process with respect to suspicious transactions;

''(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

''(iii) has determined not to file a report with respect to a particular transaction.

''(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).''.

SA 325. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end '', subject to judicial review under paragraph (5)''; and

(2) by adding at the end the following:

''(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or

oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.''.

SA 326. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 4, and insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

''(1) IN GENERAL.—

''(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

''(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.''.

SA 327. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term ''minimization and destruction procedures'' means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

SA 328. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. FIREARMS RECORDS.

(a) IN GENERAL.—Title X of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 391 et seq.) is amended by adding at the end the following:

''SEC. 1017. FIREARMS RECORDS.

''(a) IN GENERAL.—No provision of this Act or an amendment made by this Act shall be construed to authorize access to any firearms records in the possession of any person licensed under chapter 44 of title 18, United States Code.

''(b) ACCESS.—Access to any records described in subsection (a) shall be provided in accordance with chapter 44 of title 18, United States Code.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272 et seq.) is amended by adding at the end the following:

''Sec. 1017. Firearms records.''.

SA 329. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: '', but only upon request of an appropriate law enforcement agency to such institution or person for such report''.

SA 330. Mr. UDALL of Colorado (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. LONE WOLF TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

''(e) REQUIREMENTS FOR APPLICATIONS FOR INDIVIDUAL TERRORISTS.—

''(1) DELEGATION.—The Attorney General may only delegate the authority to approve an application under subsection (a) for an order approving electronic surveillance of an agent of a foreign power, as defined in section 101(b)(1)(C), to the Deputy Attorney General.

''(2) NOTICE TO CONGRESS.—Not later than seven days after an application for an order approving electronic surveillance of an agent of a foreign power, as defined in section 101(b)(1)(C), is made under subsection (a), the Attorney General shall submit to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives notice of such application.''.

SA 331. Mr. UDALL of Colorado (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. SPECIFIC EVIDENCE FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

(a) FACTUAL BASIS FOR REQUESTED ORDER.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended to read as follows:

''(2) shall include—

''(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

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

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

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

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

''(B) an enumeration of the minimization procedures adopted by the Attorney General under subsection (g) that are applicable to the retention and dissemination by the Federal Bureau of Investigation of any tangible things to be made available to the Federal Bureau of Investigation based on the order requested in such application.''.

(b) EXCEPTION.—Notwithstanding the amendment made by subsection (a), an order issued by a court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) for access to business records under title V of such Act (50 U.S.C. 1861 et seq.) in effect on, and issued prior to, September 30, 2011, shall remain in effect under the provisions of such title V in effect on September 29, 2011, until the date of expiration of such order. Any renewal or extension of such order shall be subject to the provisions of such title V in effect on September 30, 2011.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2011.

SA 332. Mr. UDALL of Colorado (for himself, Mr. PAUL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. LIMITATIONS ON ROVING WIRETAPS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

''(A)(i) the identity of the target of the electronic surveillance, if known; or

''(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

''(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

''(ii) if any of the facilities or places are not known, the identity of the target;''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;''.

SA 333. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. PROTECTIONS FOR BOOKSTORES AND LIBRARIES.

(a) EXEMPTION OF BOOKSTORES AND LIBRARIES FROM ORDERS REQUIRING THE PRODUCTION OF ANY TANGIBLE THINGS FOR CERTAIN FOREIGN INTELLIGENCE INVESTIGATIONS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

''(i) PROHIBITION ON SEARCHING FOR OR SEIZING MATERIAL FROM A BOOKSELLER OR LIBRARY.—

''(1) IN GENERAL.—No application may be made under this section with either the purpose or effect of searching for, or seizing from, a bookseller or library documentary materials that contain personally identifiable information concerning a patron of a bookseller or library.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding a physical search for documentary materials referred to in paragraph (1) under other provisions of law, including under section 303.

''(3) DEFINITIONS.—In this subsection:

''(A) BOOKSELLER.—The term 'bookseller' means any person or entity engaged in the sale, rental or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

''(B) DOCUMENTARY MATERIALS.—The term 'documentary materials' means any document, tape or other communication created by a bookseller or library in connection with print or digital dissemination of a book, journal, magazine, newspaper, or other similar form of communication, including access to the Internet.

''(C) LIBRARY.—The term 'library' has the meaning given that term under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination or circulation.

''(D) PATRON.—The term 'patron' means any purchaser, renter, borrower, user or subscriber of goods or services from a library or bookseller.

''(E) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' includes information that identifies a person as having used, requested or obtained specific reading materials or services from a bookseller or library.''.

(b) NATIONAL SECURITY LETTERS.—Section 2709(f) of title 18, United States Code, is amended to read as follows:

''(f) EXCEPTION FOR LIBRARIES AND BOOKSELLERS.—

''(1) IN GENERAL.—A library or a bookseller is not a wire or electronic communication service provider for purposes of this section, regardless of whether the library or bookseller is providing electronic communication service.

''(2) DEFINITIONS.—In this subsection:

''(A) BOOKSELLER.—The term bookseller means any person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

''(B) LIBRARY.—The term library has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)).''.

SA 334. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. ADDITIONAL SUNSETS.

(a) NATIONAL SECURITY LETTERS.—

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

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

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

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

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

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

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

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

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

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

(ii) in subsection (b)(1)(A), as amended by section 7(b) of this Act, by striking ''section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)'' and inserting ''section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)'';

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

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

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

(iii) by striking subparagraph (E); and

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

(b) FISA AMENDMENTS ACT OF 2008.—

(1) EXTENSION.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1881 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 403(b)(2) of such Act (Public Law 110–261; 122 Stat. 2474) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(3) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110–261; 50 U.S.C. 1801 note) is amended in the heading by striking ''DECEMBER 31, 2012'' and inserting ''DECEMBER 31, 2013''.

SEC. 4. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND TANGIBLE THINGS.

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

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

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

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

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

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

''(B) if the records sought contain bookseller records, or are from a library and contain personally identifiable information about a patron of the library, a statement of facts showing that there are reasonable grounds to believe that the records sought—

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

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

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

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

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

(3) in subsection (c)(1)—

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

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

(C) by striking the second sentence; and

(4) by adding at the end the following:

''(i) DEFINITIONS.—In this section—

''(1) the term 'bookseller records' means transactional records reflecting the purchase (including subscription purchase) or rental of books, journals, or magazines, whether in digital form or in print, of an individual or entity engaged in the sale or rental of books, journals, or magazines;

''(2) the term 'library' has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1));

''(3) the term 'patron' means a purchaser, renter, borrower, user, or subscriber of goods or services from a library; and

''(4) the term 'personally identifiable information' includes information that identifies a person as having used, requested, or obtained specific reading materials or services from a library.''.

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

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

''SEC. 503. DEFINITIONS.

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

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

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

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

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

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

and

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

''Sec. 503. Definitions.''.

SEC. 5. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

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

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

(2) in paragraph (2)—

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

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

(3) by adding at the end the following:

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

(b) MINIMIZATION.—

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

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

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

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

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

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

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

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

(c) TRANSITION PROCEDURES.—

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

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

SEC. 6. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

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

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

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

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

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

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

''(iii) interference with diplomatic relations; or

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

''(2) EXCEPTION.—

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

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

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

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of this title, unless an appropriate official of the Federal Bureau of the Investigation makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a recipient has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

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

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

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

''(iii) interference with diplomatic relations; or

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

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

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

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

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request or order for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

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

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

''(iii) interference with diplomatic relations; or

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

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

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

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

''(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code,

unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D) PROHIBITION OF CERTAIN DISCLOSURE.—

''(i) PROHIBITION.—

''(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

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

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

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

''(cc) interference with diplomatic relations; or

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

''(ii) EXCEPTION.—

''(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

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

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

''(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(II) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(III) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

''(IV) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(iii) RIGHT TO JUDICIAL REVIEW.—

''(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement.

''(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

''(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

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

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

''(iii) interference with diplomatic relations; or

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

''(2) EXCEPTION.—

''(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

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

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

''(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the authorized investigative agency described in subsection (a) makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

SEC. 7. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''a production order'' and inserting ''a production order or nondisclosure order''; and

(ii) by striking ''Not less than 1 year'' and all that follows; and

(B) in clause (ii), by striking ''production order or nondisclosure''; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government

shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

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

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

''(C) interference with diplomatic relations; or

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

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

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

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

''(C) interference with diplomatic relations; or

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

(c) MINIMIZATION.—Section 501(g)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)(1)) is amended by striking ''Not later than'' and all that follows and inserting ''At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.''.

SEC. 8. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, as amended by this Act, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking ''FORM OF CERTIFICATION'' and inserting ''CERTIFICATION'';

(2) by striking ''The certification'' and inserting the following:

''(1) FORM OF CERTIFICATION.—The certification''; and

(3) by adding at the end the following:

''(2) WRITTEN STATEMENT.—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subparagraph (A).''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) is amended by adding at the end the following:

''(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained by the authorized investigative agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized inquiry or investigation described in paragraph (3)(A)(ii).''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510(e) of title 18, United States Code, is amended by striking ''section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)),'' and inserting ''section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) and 3414(a)(5)(D)(i)),''.

(2) SEMIANNUAL REPORTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraph (6) as paragraph (4).

SEC. 9. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

''(c) REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'applicable period' means—

''(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the PATRIOT Sunsets Extension Act of 2011 and ending on December 31, 2011; and

''(ii) with respect to the second report submitted under paragraph (2) or (3), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report; and

''(B) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(2) CLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 436) during the applicable period.

''(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

''(i) the number of authorized requests under the provision, including requests for subscriber information; and

''(ii) the number of authorized requests under the provision—

''(I) that relate to a United States person;

''(II) that relate to a person that is not a United States person;

''(III) that relate to a person that is—

''(aa) the subject of an authorized national security investigation; or

''(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

''(3) UNCLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period ending on the last day of the second month before the date for submission of the report. Each report under this subparagraph shall be in unclassified form.

''(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

''(i) that relate to a United States person;

''(ii) that relate to a person that is not a United States person;

''(iii) that relate to a person that is—

''(I) the subject of an authorized national security investigation; or

''(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).

SEC. 10. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding at the end the following:

''SEC. 602. ANNUAL UNCLASSIFIED REPORT.

''Not later than June 30, 2012, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for the protection of classified information from unauthorized disclosure, shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives an unclassified report summarizing how the authorities under this Act are used, including the impact of the use of the authorities under this Act on the privacy of United States persons (as defined in section 101).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 601 the following:

''Sec. 602. Annual unclassified report.''.

SEC. 11. AUDITS.

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2013'';

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and inserting the following:

''(C) with respect to calendar years 2007 through 2013, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures protect the constitutional rights of United States persons.''; and

(ii) in subparagraph (D), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

''(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

''(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.'';

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—

''(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

''(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

''(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

''(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

''(2) SUBMISSION DATES FOR ASSESSMENT.—

''(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

''(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

''(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.'';

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by inserting ''and any Inspector General of an element of the intelligence community that submits a report under this section'' after ''Justice''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) and (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)'';

(6) in subsection (f) as redesignated by paragraph (3)—

(A) by striking ''The reports submitted under subsections (c)(1) and (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''; and

(7) by adding at the end the following:

''(g) DEFINITIONS.—In this section—

''(1) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

''(2) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2013''; and

(B) in paragraph (3)(C), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

''(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

''(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.'';

(3) by striking subsection (g) and inserting the following:

''(h) DEFINITIONS.—In this section—

''(1) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a);

''(2) the term 'national security letter' means a request for information under—

''(A) section 2709(a) of title 18, United States Code (to access certain communication service provider records);

''(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

''(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

''(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

''(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

''(3) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).'';

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the intelligence activities of the element of the intelligence community shall—

''(A) examine the use of national security letters by the element of the intelligence community during the period;

''(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the element of the intelligence community, including any improper or illegal use of such authority;

''(C) assess the importance of information received under the national security letters to the intelligence activities of the element of the intelligence community; and

''(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

''(2) SUBMISSION DATES FOR ASSESSMENT.—

''(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

''(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

''(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.'';

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by inserting ''and any Inspector General of an element of the intelligence community that submits a report under this section'' after ''Justice''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) or (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)''; and

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking ''The reports submitted under subsections (c)(1) or (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2013.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2007 through 2013;

(B) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 through 2013, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) SUBMISSION DATES.—

(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2007 through 2009.

(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2012 and 2013.

(4) INTELLIGENCE ASSESSMENT.—

(A) IN GENERAL.—For the period beginning January 1, 2007 and ending on December 31, 2013, the Inspector General of any element of

the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

(B) SUBMISSION DATES FOR ASSESSMENT.—

(i) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 and 2011.

(iii) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2012 and 2013.

(5) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(A) NOTICE.—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) UNCLASSIFIED FORM.—Each report submitted under paragraph (3) and any comments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section—

(1) the terms ''foreign intelligence information'' and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(e) OFFSET.—Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, $9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 12. DELAYED NOTICE SEARCH WARRANTS.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking ''30 days'' and inserting ''7 days''.

SEC. 13. PROCEDURES.

(a) IN GENERAL.—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) CONSIDERATIONS.—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) REVISIONS TO PROCEDURES AND OVERSIGHT.—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 14. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

SEC. 15. OFFSET.

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, $9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 16. ELECTRONIC SURVEILLANCE.

Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting ''with particularity'' after ''description''.

SEC. 17. EFFECTIVE DATE.

The amendments made by sections 4, 5, 6, 7, 8, and 12 shall take effect on the date that is 120 days after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 26, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled ''In Our Way: Expanding the Success of Native Language & Culture-Based Education.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Dayle Elieson and James Cook, detailees on my Judiciary Committee staff, be granted floor privileges for the remainder of the 112th Congress.

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

150TH ANNIVERSARY OF THE FOUNDING OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 195, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 195) commemorating the 150th anniversary of the founding of the Massachusetts Institute of Technology, Cambridge, Massachusetts.

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

Mr. MANCHIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 195

Whereas when the Massachusetts Institute of Technology (referred to in this preamble as ''MIT'') was founded by William Barton Rogers, on April 10, 1861, the doors to a powerful new institution for education, discovery, and technological advancement were opened;

Whereas the commitment of MIT to innovation and the entrepreneurial spirit has trained innovators and delivered groundbreaking technologies that have significantly contributed to the fields of computing, molecular biology, sustainable development, biomedicine, new media, energy, and the environment;

Whereas there are an estimated 6,900 companies founded by MIT alumni in the State of Massachusetts alone, which have earned worldwide sales of approximately $164,000,000,000 and represent 26 percent of total sales made by Massachusetts companies;

Whereas the distinguished living alumni of MIT have founded approximately 25,800 companies that, as of 2011, provide jobs for approximately 3,300,000 people around the world and earn $2,200,000,000,000 in annual sales;

Whereas MIT has many notable alumni and professors who have contributed to leading research and development efforts, including 76 Nobel Prize recipients and astronauts who have flown more than ⅓ of the manned spaceflights of the United States;

Whereas MIT engineers and researchers have pioneered countless innovations, including the creation of random-access magnetic-core memory (commonly known as ''RAM''), which led to the digital revolution, the mapping of the human genome, the creation of GPS navigation technology, and the engineering of the computers that landed Americans on the moon;

Whereas MIT biomedical researchers remain at the forefront of many fields and have contributed years of key advancements, such as the first chemical synthesis of penicillin, the invention of heart stents, and the mapping of molecular defects to produce the first targeted therapies for cancer treatment; and

Whereas MIT has excelled as a world-renowned pioneer that promotes science and engineering education, economic growth, scientific breakthroughs, and technological advancement in the State of Massachusetts and throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 150th anniversary of the founding of the Massachusetts Institute of Technology in Cambridge, Massachusetts; and

(2) honors the outstanding contributions made by the alumni, professors, and staff of the Massachusetts Institute of Technology throughout the past 150 years, including the efforts supported by the Massachusetts Institute of Technology that have spurred the industrial progress of the United States through innovation.

MEASURES READ THE FIRST TIME—S. 1050, S.J. RES. 13, S.J. RES. 14

Mr. MANCHIN. Mr. President, I understand there are three measures at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the measures by title for the first time.

The legislative clerk read as follows:

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

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

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

Mr. MANCHIN. Mr. President, I now ask for their second reading and object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The measures will be read for the second time on the next legislative day.

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY BENJAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

Mr. MANCHIN. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Benjamin Netanyahu, Prime Minister of Israel, into the House Chamber for the joint meeting at 11 a.m. on Tuesday, May 24, 2011.

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

ORDERS FOR TUESDAY, MAY 24, 2011

Mr. MANCHIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 1038, the PATRIOT Act extension, postcloture, and that any time during tonight's adjournment count postcloture on the motion to proceed to S. 1038.

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

PROGRAM

Mr. MANCHIN. Mr. President, there will be a joint meeting of Congress tomorrow at 11 a.m. with Israeli Prime Minister Netanyahu. Senators should gather in the Senate Chamber at 10:30 a.m. to proceed as a body to the Hall of the House of Representatives at 10:40 a.m.

Mr. President, we anticipate additional debate and adoption of the motion to proceed to S. 1038, the PATRIOT Act extension, during Tuesday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANCHIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, May 24, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION), VICE RAJKUMAR CHELLARAJ, RESIGNED.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

NATIONAL SCIENCE FOUNDATION

CLAUDE M. STEELE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE ELIZABETH HOFFMAN, TERM EXPIRED.

UNITED STATES PAROLE COMMISSION

CHARLES THOMAS MASSARONE, OF KENTUCKY, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE EDWARD F. REILLY, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DAVID A. STICKLEY

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOHN A. HAMMOND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES T. WALTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. STEPHEN L. JONES
BRIG. GEN. RICHARD W. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL MARCIA M. ANDERSON
BRIGADIER GENERAL WILLIAM G. BEARD
BRIGADIER GENERAL NICKOLAS P. TOOLIATOS
BRIGADIER GENERAL JIMMIE J. WELLS

To be brigadier general

COLONEL MARGARETT E. BARNES
COLONEL ROBERT D. CARLSON
COLONEL SCOTTIE D. CARPENTER
COLONEL ALLAN W. ELLIOTT
COLONEL THOMAS P. EVANS
COLONEL JANICE M. HAIGLER
COLONEL KURT A. HARDIN
COLONEL KENNETH D. JONES
COLONEL CHRISTOPHER R. KEMP
COLONEL MICHAEL A. MANN
COLONEL JAMES H. MASON
COLONEL CYNTHIA A. O'CONNELL
COLONEL ALAN L. STOLTE
COLONEL GEORGE R. THOMPSON
COLONEL TRACY A. THOMPSON
COLONEL KEVIN R. TURNER
COLONEL BRYAN W. WAMPLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOHN W. BAKER
COLONEL MARGARET W. BURCHAM
COLONEL RICHARD D. CLARKE, JR.
COLONEL ROGER L. CLOUTIER, JR.
COLONEL TIMOTHY R. COFFIN
COLONEL PEGGY C. COMBS
COLONEL BRUCE T. CRAWFORD
COLONEL JASON T. EVANS
COLONEL STEPHEN E. FARMEN
COLONEL JOHN G. FERRARI
COLONEL KIMBERLY FIELD
COLONEL DUANE A. GAMBLE
COLONEL RYAN F. GONSALVES
COLONEL WAYNE W. GRIGSBY, JR.
COLONEL STEVEN R. GROVE
COLONEL WILLIAM B. HICKMAN
COLONEL JOHN H. HORT
COLONEL CHRISTOPHER P. HUGHES
COLONEL DANIEL P. HUGHES
COLONEL DANIEL L. KARBLER
COLONEL RONALD F. LEWIS
COLONEL JAMES B. LINDER
COLONEL MICHAEL D. LUNDY
COLONEL DAVID K. MACEWEN
COLONEL TODD B. MCCAFFREY
COLONEL PAUL M. NAKASONE
COLONEL PAUL A. OSTROWSKI
COLONEL LAURA J. RICHARDSON
COLONEL STEVEN A. SHAPIRO
COLONEL JAMES E. SIMPSON
COLONEL MARK R. STAMMER

COLONEL MICHAEL C. WEHR
COLONEL ERIC P. WENDT
COLONEL ROBERT P. WHITE

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

TODD A. EADS
MIECHIA A. ESCO
CORY M. HUGEN
NICHOLE L. INGALLS

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SHAUN A. PRICE

THE FOLLOWING NAMED OFFICERS IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

CHRISTOPHER R. BRADEN
CM DYER

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

CALVIN B. SUFFRIDGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

ELIZABETH J. JACKSON

To be lieutenant commander

JOHN M. MIYAHARA