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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, SEPTEMBER 6, 2011 No. 130

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEST).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 6, 2011.

I hereby appoint the Honorable ALLEN B. WEST to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear Lord, we give You thanks for giving us another day.

In the wake of a great American holiday, we ask Your special blessing on American workers, those fortunate to have jobs during these difficult economic times, and those desiring work. May they know and be confident of the nobility and sacredness of their labor.

And during this day of travel, bringing the Members of the people's House back to the Capitol, may Your angels accompany all, ensuring a safe return for all.

Lord, the task facing the Nation's Congress is a difficult one, which will call upon each Member to consider what is best for American workers first. It is the challenge facing all Americans. Give the Members wisdom in their work that our economy might begin to rebound and our countrymen and women throughout these United States might be able to provide for their families to build lives we have all come to expect for our citizens.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution 375, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 375, no legislative business will be conducted on this day.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to sections 3 and 4 of House Resolution 375, the House stands adjourned until 2 p.m. on Wednesday, September 7, 2011.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House adjourned until tomorrow, Wednesday, September 7, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2946. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Large Trader Reporting for Physical Commodity Swaps (RIN: 3038-AD17) received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2947. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Prohibition on the Employment, or Attempted Employment, of Manipulative and Deceptive Devices and Prohibition on Price Manipulation (RIN: 3038-AD27) received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2948. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Privacy of Consumer Financial Information; Conforming Amendments Under Dodd-Frank Act (RIN: 3038-AD13) received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2949. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Effective Date for Swap Regulation received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2950. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Agricultural Commodity Definiton (RIN: 3038-AD23) received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2951. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Business Affiliate Marketing and Disposal of Consumer Information Rules (RIN: 3038-AD12) received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2952. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Alternative Mortgage Transaction Parity (Regulation D) [Docket No.: CFPB-2011-0004] (RIN: 3170-AA04) received July 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2953. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Disclosure of Records and Information [Docket No.: CFPB-2011-0003] (RIN: 3170-AA01) received July 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2954. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received July 29, 2011,

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pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2955. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1205] received July 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2956. A letter from the Associate General Counsel for Legislation and Regulation Division, Department of Housing and Urban Development, transmitting the Department's final rule — Real Estate Settlement Procedures Act (RESPA): Technical Corrections and Clarifying Amendments [Docket No.: FR-5180-F-07] (RIN: 2502-AH85) received July 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2957. A letter from the Regulatory Specialist, LRA, Department of the Treasury, transmitting the Department's final rule — Office of Thrift Supervision Integration; Dodd-Frank Act Implementation (RIN: 1557-AD41) received July 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2958. A letter from the Chief, Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Reporting Requirements for U.S. Providers of International Telecommunications Services Amendment of Part 43 of the Commission's Rules [IB Docket No.: 04-112] received July 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2959. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Highway Use Tax; Filing and Payment for Taxable Period Beginning July 1, 2011 [TD 9537] (RIN: 1546-BK36) received July 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2960. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modifications of Certain Derivative Contracts [TD 9538] (RIN: 1545-BK14) received July 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Submitted August 5, 2011]

By Ms. FUDGE (for herself, Mrs. CHRISTENSEN, Ms. LEE of California, and Mr. PAYNE):

H.R. 2795. A bill to address childhood obesity, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, Natural Resources, the Judiciary, Financial Services, and Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BASS of California (for herself, Mrs. MALONEY, Mr. CHABOT, Mr. WOLF, and Mr. MORAN):

H.R. 2801. A bill to establish a task force for the purpose of studying and making recommendations to prevent and combat internet-facilitated human trafficking; referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHMOND:

H.R. 2809. A bill to amend the Riegle Community Development and Regulatory Improvement Act of 1994 to improve the microenterprise technical assistance and capacity building grant program, to establish an Office of Youth Entrepreneurship in the Small Business Administration, and for other purposes; referred to the Committee on Financial Services, and in addition to the Committees on Small Business, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HANABUSA (for herself and Ms. HIRONO):

H. Res. 388. A resolution acknowledging the contributions and sacrifices of the young men who served as colonists on behalf of the United States in the Federal occupation of the islands of Howland, Baker, Jarvis, Canton, and Enderbury from 1935 through 1942, facilitating the United States claim of jurisdiction over such islands; to the Committee on Natural Resources.

By Mr. HASTINGS of Florida (for himself, Mr. RIVERA, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Mr. ROSS of Florida, Mr. WEST, Ms. WILSON of Florida, and Ms. BROWN of Florida):

H. Res. 390. A resolution honoring the achievements of E. Thom Rumbergert; to the Committee on Transportation and Infrastructure.

[Submitted August 12, 2011]

By Ms. FUDGE:

H.R. 2818. A bill to provide temporary housing during schools breaks to students who are homeless or in foster care; to the Committee on Education and the Workforce.

By Ms. JENKINS:

H.R. 2819. A bill to prohibit the Secretary of Defense, the Director of the Central Intelligence Agency, and any other officer or employee of the Federal Government from providing information about the mission to kill Osama bin Laden to any person outside the Federal Government until the Inspectors General of the Department of Defense and the Central Intelligence Agency carry out an investigation and provide a briefing to Congress on the matter, and for other purposes; referred to the Committee on Armed Services, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 2820. A bill to provide for the establishment and operation of Advanced Composites Development Centers; referred to the Committee on Science, Space, and Technology, and in addition to the Committees on Homeland Security, Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted August 19, 2011]

By Mr. CONYERS (for himself, Mr. GRIJALVA, Mr. COHEN, Mr. RICHMOND, Ms. EDWARDS, Mr. PAYNE, Mr. RANGEL, Mr. WATT, and Mr. HASTINGS of Florida):

H.R. 2823. A bill to preserve knowledge and promote education about jazz in the United States and abroad; referred to the Committee on Education and the Workforce, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted September 2, 2011]

By Mr. CAMP (for himself, Mr. LEVIN, Mr. BRADY of Texas, and Mr. MCDERMOTT):

H.R. 2832. A bill to extend the Generalized System of Preferences, and for other purposes; to the Committee on Ways and Means.

By Mr. BENISHEK (for himself, Mr. BOREN, Mr. YOUNG of Alaska, and Mr. KELLY):

H.R. 2834. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities; on referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. BOSWELL, Mr. CLAY, Ms. ESHOO, Ms. NORTON, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. TOWNS, Ms. BASS of California, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CICILLINE, Mr. CLARKE of Michigan, Mr. CLEAVER, Mr. COHEN, Mr. COURTNEY, Mr. CUMMINGS, Ms. DELAURO, Mr. ELLISON, Mr. FILNER, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. LANGEVIN, Ms. LEE of California, Mr. LUJÁN, Mrs. MALONEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS, Mr. MURPHY of Connecticut, Mr. NADLER, Mr. NEAL, Mr. REYES, Ms. RICHARDSON, Mr. RUPPERSBERGER, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SIRES, Mr. STARK, Mr. TONKO, Ms. TSONGAS, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. WELCH, Ms. WILSON of Florida, Ms. WOOLSEY, Mr. YARMUTH, Mr. DOYLE, and Mr. CLYBURN):

H.R. 2835. A bill to establish a joint select committee of Congress to report findings and propose legislation to restore the Nation's workforce to full employment over the period of fiscal years 2012 and 2013, and to provide for expedited consideration of such legislation by both the House of Representatives and the Senate; to the Committee on Rules.

By Mr. LARSON of Connecticut (for himself, Mr. BOSWELL, Mr. CLAY, Ms. ESHOO, Ms. NORTON, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. TOWNS, Mr. VAN HOLLEN, and Mr. CLYBURN):

H.R. 2836. A bill to amend the Budget Control Act of 2011 to require the joint select committee of Congress to report findings and propose legislation to restore the Nation's workforce to full employment over the period of fiscal years 2012 and 2013; to the Committee on Rules.

By Mr. LARSON of Connecticut (for himself, Mr. BOSWELL, Mr. CLAY, Ms. ESHOO, Ms. NORTON, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, and Mr. TOWNS):

H.R. 2837. A bill to amend the Budget Control Act of 2011 to require the joint select committee of Congress to report findings and

propose legislation to restore the Nation's workforce to full employment over the period of fiscal years 2012 and 2013; to the Committee on Rules.

By Mr. LOBIONDO (for himself and Mr. MICA):

H.R. 2839. A bill to suppress the threat of piracy on the high seas, and for other purposes; referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mr. MICA, and Mr. GIBBS):

H.R. 2840. A bill to amend the Federal Water Pollution Control Act to regulate discharges from commercial vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WOMACK:

H.R. 2841. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Energy and Commerce.

[Submitted September 6, 2011]

By Mr. TIPTON (for himself and Mr. GOSAR):

H.R. 2842. A bill to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

[Submitted September 6, 2011]

By Mr. GONZALEZ:

H.R. 2843. A bill for the relief of Monica Elizondo; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. TIPTON:

H.R. 2842.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8 the power to make rules for the government and regulation of the land.

Mr. GONZALEZ:

H.R. 2843.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

Article 1, Section 8, Clause 4

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. AL GREEN of Texas.

H.R. 358: Mr. ROYCE.

H.R. 1004: Mr. HARRIS.

H.R. 1744: Mr. MURPHY of Pennsylvania and Mr. FINCHER.

H.R. 2107: Mr. BOSWELL.

H.R. 2348: Mr. ROGERS of Michigan.

H.R. 2497: Mr. MURPHY of Pennsylvania, Mr. BRADY of Texas, Mr. HUELSKAMP, and Mr. GOODLATTE.

H.R. 2530: Ms. KAPTUR, Mr. WELCH, and Mr. CONYERS.

H. R. 2815: Mrs. CAPPS.

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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

God of new beginnings, the author and sustainer of our faith, thank You for this fresh start as we begin this fall session of the Senate. Bless our lawmakers to strive to do Your will, empowering them with greater knowledge and discernment so that they may approve the things that are excellent. Lord, give them a productivity that comes from the power of Your spirit, using them to do Your work on Earth. Show them Your greatness and Your mighty hand, for You are the God of our salvation. You are our rock, our fortress, and our deliverer; we will trust in Your strength to preserve this land we love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

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

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. WEBB 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. Following leader remarks, the Senate will proceed to a period of morning business until 5 p.m. During that period of time, Senators will be permitted to speak for up to 10 minutes each.

At 5 p.m., the Senate will proceed to executive session to consider the nomination of Bernice Bouie Donald of Tennessee to be U.S. circuit judge for the Sixth Circuit. There will be 30 minutes of debate, equally divided, prior to the vote on confirmation of the nomination.

Upon disposition of the Donald nomination, the Senate will resume consideration and vote on the motion to proceed to invoke cloture on the patent reform bill. Senators should expect two rollcall votes this evening about 5:30 p.m.

JOBS AGENDA

Mr. President, first of all, I welcome the Presiding Officer and everyone back to the Senate after the August recess, as well as my good friend, the Republican leader.

I look forward to the No. 1 priority we have; that is, job creation. This isn't just a conversation among those of us in the Senate. The American people agree that is the No. 1 priority we should have.

I am sorry to say Republicans have distracted Congress from its most important responsibility—getting our economy back to work and back on track. That means jobs. We have been distracted time and time again. They have filed endless amendments on legislation that should engender bipartisan support. They have killed good bills with obstructionism and stall tactics. They have dragged out votes to continue funding the government. They did that on the CR we worked on for weeks and weeks, and all we were trying to do was to fund the government until October 1 and to avert a default crisis. Votes that normally had been routine under Democratic and Republican administrations were not with this Republican obstructionism we have had.

President Reagan asked Congress to extend the debt ceiling 18 times, and it was done 18 times. But this year—not like the era of President Reagan, when the debt was increasing significantly as a result of his agenda—our jobs agenda was held up and set aside for months. The work of Congress and our ability to do something about the economy was being held hostage. Rather than working with Democrats to pass job-creating legislation, Republicans insisted on reckless cuts that hurt our economic recovery.

Economists—take, for example, Mark Zandi, certainly a person who has shown some bipartisanship, worked for JOHN MCCAIN as his economic adviser and who is now in the private sector—have said we have to cut spending, and we have all acknowledged that. We agree with Mark Zandi. But we also agree with economist Mark Zandi in saying we have to be very careful about how we cut now because of the difficult times we are going through. We cut significantly in programs that create jobs, but we did it because we have to get this debt under control.

As my friend said, his No. 1 goal is to defeat President Obama—my friend the Republican leader. With that as the No. 1 goal, it makes it very difficult to get things done around here.

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

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The August employment report, released last week, should be a wake-up call to every Member of Congress—Democrats and Republicans. We cannot waste any more time, as has been wasted over the last 8 months. The private sector added less than 20,000 jobs last month, and that was offset by the further unemployment that came in the ranks of government. So the net job increase was basically zero. Although August marked the 18th straight month of private sector job growth, a stagnant unemployment rate is simply not good enough. Congress must act very quickly to jump-start the economy, and in doing that it will help the recovery.

We have to bring the unemployment rate down. It is time for us to get down to work, as we should have been doing all along, and we look forward to working with the Republicans who have delayed our ability to work together for some 8 months. That is going to take cooperation, which has been in short supply, it seems, in Washington in the last 8 months. I am hopeful we can begin a new work period, where our constituents' voices will be fresh in our minds.

I just returned from Nevada—as we all have returned from our States—and I had the time to talk with my friends in Nevada, people whom I have known for many years. I was talking to one of my friends in Reno today, and I said to him: Pete, it is very hard to look as you drive by these strip malls and see the for lease signs all over, in Reno and in Las Vegas. It is not good. They are struggling. Nevada leads the Nation in unemployment. That is not something of which we are proud.

People are having trouble finding steady work not only in Nevada but around the country and in all segments of our economy. Public radio had a piece on law schools, where enrollments have been cut way back. As I understood the piece they had on the radio, 16 percent of law school graduates can't find work—not in the legal profession or anyplace. So it is not only Nevada, it is all over the country. People are having trouble finding steady work—people with education and people without education. People are having trouble making their mortgage payments and even putting food on the table. So our constituents are going to be watching very closely this fall to see whether we have heard their message: We need some jobs.

We must set aside partisanship and we must do it for the sake of America and jobs. The American people are not going to be satisfied with the same obstructionism and gridlock they saw in the spring and summer. They know, as I do, that the Nation's economy depends on dedicated men and women—Democrats, Republicans, and Independents—working together to put bipartisan bills together and get America back to work.

We are going to waste no time in the Senate getting down to business. Today, we will hold a vote on legislation to streamline the patent system, which will help entrepreneurs start new businesses. The America Invents Act—which passed the beginning of this Congress—will significantly reform the patent system for the first time in some 60 years. It passed the House with more than 300 votes, and it passed the Senate with 95 votes. This is exactly the kind of job-creating legislation our country needs to get our economic recovery back in motion. This bill will promote innovation, create American jobs, and grow our economy without adding a penny to the deficit.

I have to say, the patent bill was not held up by Republicans in the Senate; it was held up by Republicans in the House who held that bill for months and months. It is here now, and I am going to do everything I can—I think we all feel this way—to move this legislation along. Today, there are 700,000 patent applications—3 years' worth, at least—waiting to be reviewed. Who knows what is in that pile of patents. Could it be another Google? Could it be another software system that will revolutionize different parts of our society? Of course, there could be and likely is. We need to get through that backlog, and we need to unlock the job-creating potential of each patent.

This bill will also lower fees for small business applicants by up to 75 percent, helping put more people to work.

It is time our patent system became a tool to spark innovation, which is important, and so we need to move forward. The American Invents Act is the kind of bipartisan effort Americans have demanded and deserve from Congress, though I acknowledge it is only a beginning, a downpayment on the aggressive jobs agenda we understand is necessary.

We will hold a cloture vote on this legislation tonight, which I hope will allow us to get on the bill. I hope we will not have to file cloture on the bill itself. I have told my Republican colleagues, if there are amendments that need to be offered—a reasonable number of amendments—let's get them done. We have too much to do to waste weeks on this piece of legislation. We have already done that. So I hope we will have final passage in the next few days. This is important legislation, and we have had plenty of time to debate this in Congress. It is time to move on to other job-creating measures.

This work period is 3 weeks long. I hope we don't have to extend it into the following week. We have a holiday on the Wednesday following the Friday we intend to leave here. I hope we don't have to work into that work period, so we are going to do everything we can to avoid that. But during this work period we must extend the authorization of the Federal Aviation Administration. This is important.

As we know from what happened last month, 80,000 Americans were put out of work. I think it was certainly something which had some impact on the safety of what was going on around the country. We had safety inspectors who were paying their own way to go around the country. They were buying their own tickets and their own meals. We can't afford another FAA shutdown. It would put air travelers at risk and, as I indicated, immediately lay off 80,000 workers—thousands of them construction workers and 4,000 of them permanent employees.

This bill was held up for one reason and one reason only, to protect one airline company—one airline company—that is all. All the other excuses are only excuses. We need to move forward with this legislation and make this legislation pass on a permanent basis. We have had 20-plus temporary extensions of this legislation. We have to move on, but we certainly have to get an extension until after the first of the year. We can no longer be wanting to protect one airline—one airline of all the airlines in America. Only one airline company is complaining. Neither can we afford a disruption in the collection of the gasoline taxes or delay highway and mass transit construction projects that employ—I believe Senator BOXER indicated—1.7 million people. She is the chairman of that committee.

So before the end of the month, we must authorize Federal spending for the Nation's highways. Even Grover Norquist, the person who goes around telling everybody which bills are good to vote for and which aren't, has said advancing the highway bill is not a tax increase. And he, as I understand, is clearly one who won't oppose this crucial legislation which extends the highway bill we hope until the first of February or thereabouts.

During this work period, Congress also must make sure that FEMA, the Federal Emergency Management Agency, has the resources it needs to help American families rebuild their lives after some of the most deadly disasters in the history of this country. No. 1 was Hurricane Irene. We don't know for sure, but it will be in the top 5 or 10 of the most costly disasters in American history. We have to free this money. Right now, because of FEMA running out of money because of these disasters—just this past month, we had an earthquake here in the East, which surprised everyone. It was in the Presiding Officer's State but had impact in a lot of other places. The National Cathedral was damaged significantly, the Washington Monument was closed. FEMA has frozen long-term aid to Joplin, MO. We had almost 30 people killed, Mr. President. FEMA is there to lend a helping hand, and that hand has been drawing back because they are running out of money. So we need to fund FEMA and help the victims of Hurricane Irene and to make sure, with those other disasters taking place, we can also complete that work. We plan for these disasters as best we can. We put money in our budgets for what we anticipate will be disasters. But no one

can have a crystal ball and determine all these disasters are going to take place. So we need to understand these are emergency monies. If there ever were an emergency—it is these people who have been hurt by these devastating storms and emergencies.

On Thursday, I look forward to hearing President Obama's speech. It is a joint session of Congress. He is going to talk about job creation. It will be crucial for Congress to work together with the President to jump-start our flagging economy. It won't be easy for Congress to tackle all the things this fall—and I am only talking about things we need to do this work period—but it has never been more important than now to put our jobs agenda ahead of either party's political agenda.

I look forward to a productive work period during which colleagues on both sides of the aisle will work together for the good of our economy and the good of this great Nation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

CONTROL OF THE ECONOMY

Mr. MCCONNELL. Mr. President, it is good to see my friend the majority leader. I agree with him that I think we can make some significant progress in the next few weeks on some issues on which both sides have largely agreed. However, there are other things where clearly there remains differences among us.

As lawmakers return to Washington this week, every one of us, I am sure, is aware of the fact that many Americans are not only frustrated with the state of our economy but also with the state of their government. I don't think any one of us is under any illusion that the American people were particularly eager to see us come back. And who could blame them? After 2½ years of being told that Washington had the answer to everything from the high cost of health care to high unemployment, people have every reason to be skeptical. For more than 2½ years under the administration, Americans have been hearing about the wonders government spending would do for our economy and about the dangerous consequences of failing to apply bold solutions to big problems. And what has it gotten them? As Washington has grown bigger and bigger, Americans have continued to lose jobs. The national debt has exploded literally out of sight. And for the first time in our history, America's once pristine credit rating has been downgraded by a major rating agency. The average length of unemployment recently surpassed 40 weeks for the first time ever, and just last week we learned that in the month of August not a single new job was created in this country—not one. But here is the bottom line. In the 2½ years since President Obama signed his signature jobs bill—the so-called stimulus—there are 1.7 million fewer jobs in our country.

Statistics such as these help us to understand the dimensions of the economic challenges so many Americans continue to face. But most people don't need to read the morning papers or wait for the monthly jobs report to know they are struggling. And no amount of speeches, however carefully crafted to appeal to the anxieties of the moment, will convince them that some politician here in Washington, from the President on down, has the solution. The truth is, President Obama did more for jobs last week by reversing himself on a single government-imposed regulation than he has done in all the speeches he has given put together.

At this point, I think most people have safely concluded that the problem with our economy isn't that Washington is doing too little but that Washington is doing too much already. That is why in the coming weeks and months many of us will continue to press for an entirely new approach, one that puts individuals and businesses at the center of our recovery instead of Washington, one that clears away the redtape and the regulatory overreach, one that lifts the cloud of uncertainty that has been holding job creators back and enables the American people to move our economy in the direction they want instead of having it dictated to them from above by the President.

It is time for an approach that is based on the simple principle that if the American people are going to have control of their own destiny, they need to have more control of their economy. They have seen where consolidating every economic decision in Washington has gotten us. They see that folks in Washington seem to be doing just fine. Millions of Americans may have lost their homes over the past few years, millions more may owe more on their homes than those homes are worth, but home values here in Washington are going up—going up. Countless Americans outside of Washington may have seen their savings dry up or have been forced to decide between making a car repair or a tuition payment, but you would never know that here. As countless economic tragedies unfolded in homes across the country over the past few years, the Washington metropolitan area was working on a new distinction: the highest median income in America—the highest median income in America right here in Washington. I assure you, these folks aren't getting rich off of farming. While most of the rest of the country continues to struggle, Washington is booming. And that is not the kind of change people voted for 3 years ago.

So before we get into the details about what many of us believe will succeed in reigniting the economy outside of Washington, we need to be clear about what hasn't because while I have no doubt that the President will propose many things on Thursday night that when looked at individually sound pretty good or that he will call them all bipartisan, I am equally certain that, taken as a whole, they will represent more of the same failed approach that has only made things worse over the past few years and resulted in fewer jobs than when we started.

Over the weekend, the President tested a few of the lines I expect we will hear on Thursday. His central message, evidently, is that anyone who doesn't rubberstamp his economic agenda is putting politics above country.

Well, with all due respect, Mr. President, there is a much simpler reason for opposing your economic proposals that has nothing whatsoever to do with politics, and it is this: They don't work.

We can trace these failures to the President's very first days in office. One of the first things he did upon assuming office was to direct Congress to send him the stimulus. Here was one of the single most expensive pieces of legislation Congress has ever approved. The interest payments alone were projected to cost an average of $100 million a day. This was the President's way of jump-starting an agenda that, in his words, ''began with jobs.'' The agenda, he said, began with jobs, and he knew some of us were skeptical it would work. That is why shortly after it became law he asked if he could come up to Capitol Hill and use his very first speech to a joint session of Congress to explain exactly what it would achieve. Here is what the President told us. The stimulus, he said, would save or create 3.5 million jobs—3.5 million jobs, he said—and ultimately that is how he will measure its success, on whether it created jobs. To reassure those of us who thought government couldn't be counted on to spend this kind of money wisely, he insisted that anyone who received it would be held strictly accountable.

Then he said something some people may have forgotten: He said the stimulus was just a first step. The primary purpose of the stimulus, he said, was to help the economy in the short term. But the only way to fully restore America's economic strength, he told us then, was through a 10-year budget that would reach into all areas of the economy that the stimulus did not.

Just like the stimulus, the unifying theme of the President's budget was more government. And once again, he felt in selling it that he needed to speak to the skeptics first. Here is what he said about that. The goal of the budget, he said, wasn't to replace private enterprise but to catalyze it, not to stifle business but to create the conditions for entrepreneurs and businesses to adapt and thrive. Well, how did that work out? As government continued to grow, the economy sputtered, and it is still sputtering. Yet the President wants to know why the people are

resistant to his economic proposals. He says they must be motivated by politics.

A stimulus bill aimed at creating jobs was followed by a period where we lost 1.7 million jobs. The inspector general who was appointed to oversee distribution of the stimulus funds reports that he received more than 7,000 complaints of wrongdoing. More than 1,500 of those complaints have triggered investigations. Just last week, one of the companies the President personally vouched for as a shining example of how stimulus dollars would work announced it was laying off more than 1,000 workers and filing for chapter 11 bankruptcy. And it wasn't the first. But still, according to the President, anyone who opposes this agenda is playing partisan games.

Well, the President can attempt to blame our economic problems all he wants on his political adversaries or his predecessors or natural disasters. But at the end of the day, he is the one, as he himself said, who is responsible for what happens on his watch, and that includes the epic failure of a bill he himself touted as the key to our recovery.

By any measure, including his own, the stimulus and the economic principles it was built on have been a failure, and that is the reason so many people are skeptical of the President's economic proposals. They don't work as advertised. Now, the President, of course, doesn't want to acknowledge it, and I understand that. It is hard to admit when you have been wrong. But in other, more subtle ways, the administration has acknowledged the fundamental flaws in its approach to the economy. The only reason the President agreed to keep taxes from going up last December, for instance, was that he knew it would lead to even more job loss. The only problem with this proposal and others like it, of course, is they are temporary, which only perpetuates the uncertainty that has kept so many businesses, large and small, from making investments in new products and new workers over the past few years. Businesses actually do not want shots in the arm or quick fixes. They want to know what the landscape will look like a few years down the road. And, until now, that is not something the President has been willing to do. He has not been able to bring himself to let go of government's grip—which brings me back to a different approach which some of us have been proposing for some time now, and which the White House continues to resist. Simply put, we think Washington should take a little break from the massive spending programs the President likes to refer to as ''bold'' solutions. Quite frankly, we are not very good at them, and anyone who thinks otherwise has not been paying very much attention to Washington over the past few years.

No one believes government doesn't have a role to play. Of course it does. But it is not the center of the universe and it should stop pretending to be the center of the universe. What we need is a shift in thinking when it comes to thinking about how government's role in the economy should work. We need to shift the center of gravity away from Washington and back to the innovators and entrepreneurs, the engineers and the shop floor managers who will be at the heart of our recovery. We need to be serious about it.

The President is forever eager to embrace big proposals whenever government is at the helm, but when it comes to doing the kinds of things job creators want, he is suddenly quite timid. He will agree to a tax cut as long as it is temporary. He will agree to reverse a job-killing regulation, but only if he knows he has gotten dozens of other doozies in the pipeline right behind it. We need to do a lot better than that. We need the President to be as bold about liberating job creators as he has been about shackling them. I mean, you do not lift a single regulation and suddenly claim to be Margaret Thatcher. The Environmental Protection Agency alone has dozens of other new rules in progress. The Labor Department has dozens of rules of its own in progress. The administration's proposed utility standards would increase costs for every family and business in America. One of these new standards, for boiler emissions, would endanger literally tens of thousands of jobs. New rules for cement plants would strike a blow right at the heart of our manufacturing and building sectors. New rules regulating coal ash would endanger thousands of jobs.

Then there is the ObamaCare bill, which has to be counted as one of the most far-reaching and comprehensive single sources of government regulation ever devised. Though this bill has still not yet taken effect, the myriad of rules that will be imposed on every American have been written as we speak, and so far those regulations already run to nearly 10,000 pages.

Republicans will spend the next weeks and months arguing in favor of a robust legislative agenda aimed at blocking or repealing some of the most pernicious rules and regulations so business can breathe again and begin to hire, and the American worker, not Washington, can help this economy get moving again.

Putting the American people back in charge of our economy also means reforming the Tax Code and that is why, over the next weeks and months, Republicans will continue to make the case that Washington should get out of the business of picking winners and losers. We should strive to become more competitive by lowering the tax rate on American job creators that right now ranks as the second highest in the developed world, and we should level the playing field with America's competitors overseas by approving the three free trade agreements with Colombia, Panama, and South Korea that have been languishing on the President's desk for nearly 3 years. The President himself acknowledges that these trade pacts will help create tens of thousands of jobs right here at home by vastly expanding the market for U.S. goods. He should send them to Congress today so we can finally ratify them.

Another thing we can do is reform the budget process. There is no good reason that nearly three-fourths of government spending is on auto pilot and that last year's spending levels should automatically carry over into the next, regardless of whether they are effective or affordable.

We need to continue to make the case for a balanced budget amendment. Budget reform is an essential part of getting Washington to live within its means. It needs to be a top priority.

None of these ideas are groundbreaking and they certainly should not be controversial. They are just common sense. Most importantly, they are rooted in a respect for the independence, the wisdom, and the power, as another U.S. President once put it, ''of a free people and the efficiency of free institutions.''

The President who spoke those words did so during another period of sluggish growth and high unemployment and the solution he proposed, not only for the sake of the domestic economy but also for the preservation of America's influence in the wider world, focused not unlike the one I have outlined here on alleviating the heavy burdens government had imposed on both individuals and businesses.

This is what he further said: ''The final and best means of strengthening demand among consumers and businesses is to reduce the burden on private income and the deterrents to private initiative which are imposed by [the] . . . tax system.''

''Such an approach,'' he continued, ''would lead to a new interest in taking risks, increasing productivity, and the creation of new jobs and new products for long-term economic growth.'' I would only add that the same approach President Kennedy outlined with these words in 1962 is worth trying again today.

We have tried President Obama's approach. It has failed. It is time for something new. The new approach we are suggesting is not aimed at pleasing any party or constituency. It is aimed at nothing more than giving back to the American people the tools they need to do the work Washington has not been able to do on its own. Once we do that, once we come together and agree to turn the keys of this economy back to the American men and women who actually drive it, I have no doubt that much of the acrimony that has marked our dealings here over the past several months will fade away.

Even more importantly, though, we will have done something good for the country and for the millions of Americans who are looking for Washington

not so much to do more but for the first time in a long time to do less so they can finally do what it takes to get this economy moving again.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak for as much time as I might consume.

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

AMERICA INVENTS ACT

Mr. KYL. Mr. President, I rise today to urge my colleagues to support H.R. 1249, the Leahy-Smith America Invents Act. Some other responsibilities may take me from the Senate floor during this coming week when we will be debating the act and therefore I wanted to lay out my views at this time, strongly urging my colleagues to support the bill.

Although the present bill originates in the House of Representatives, it is actually based on and is substantially identical to the bill that passed the Senate in March by a vote of 95 to 5. Also, before Chairman SMITH brought his bill to the House floor, he negotiated final changes to the bill with the lead supporters of the measure in the Senate Judiciary Committee. The House and Senate have now been working on patent reform for 6 years. The present bill is a good bill. It reflects a genuine compromise between the House and the Senate. It is a bill that will provide substantial benefits to the U.S. economy in the coming years, so I hope that, as I said, the Senate will adopt this legislation and be able to pass it on directly to the President for his signature.

The overarching purpose and effect of the present bill is to create a patent system that is clearer, fairer, more transparent, and more objective. It is a system that will ultimately reduce litigation costs and reduce the need to hire patent lawyers. The bill will make it simpler and easier to obtain valid patents and to enforce those patents, and it will cure some very clear litigation abuses that have arisen under the current rules, abuses that have done serious harm to American businesses.

By adopting the first-to-file system, for example, the bill creates a rule that is clear and easy to comply with and that avoids the need for expensive discovery and litigation over what a patent's priority date is. By adopting a simple definition of the term ''prior art,'' the bill will make it easier to assess whether a patent is valid and cheaper for an inventor to enforce his patent. By recognizing a limited prior user right, the bill creates a powerful incentive for manufacturers to build factories and create jobs in this country. By allowing post-grant review of patents, especially low quality, business method patents, the bill creates an inexpensive substitute for district court litigation and allows key issues to be addressed by experts in the field. By eliminating the recent surge of false-marking litigation, the bill effectively repeals what amounts to a litigation tax on American manufacturing.

Let me take a few moments to describe how the provisions of this bill will provide concrete benefits to American inventors, both large and small, and to the American manufacturing economy. First, prior commercial use defense.

A new provision of the present bill that was added by the House of Representatives will provide important advantages to U.S. manufacturers. Section 5 of the bill creates a new defense to patent infringement of prior commercial use. This new defense will ensure that the first inventor of a new process, or of a product used in a manufacturing process, can continue to use the invention in a commercial process even if a subsequent inventor later patents the idea. For many manufacturing processes the patent system presents a Catch-22. If the manufacturer patents the process, he effectively discloses it to the world. But patents for processes that are used in closed factories are difficult to police. It is all but impossible to know if someone in a factory in China, for example, is infringing such a patent. As a result, unscrupulous foreign and domestic inventors will simply use the invention in secret without paying licensing fees. Patenting such manufacturing processes effectively amounts to giving away the invention to foreign manufacturers.

On the other hand, if the U.S. manufacturer does not patent the process, a subsequent party may obtain a patent on it and the U.S. manufacturer will be forced to stop using a process that he was the first to invent and which he has been using for years.

The prior commercial use defense provides relief to U.S. manufacturers from this Catch-22, allowing them to continue to use a manufacturing process without having to give it away to competitors or running the risk that it will be patented out from under them. To establish a right to this defense, however, the America Invents Act requires the manufacturer to use the process in the United States. As a result, the AIA creates a powerful incentive for manufacturers to build their factories and plants in the United States. Currently, most foreign countries recognize some prior user rights that encourage manufacturers to build facilities in those countries. This bill corrects this imbalance and creates a strong incentive for businesses to create manufacturing jobs in this country.

Second, something called supplemental examination. A provision of this bill that will particularly benefit small and startup investors is section 12, which authorizes supplemental examination of patents. It is one of the reasons the bill has such strong support in the small business community. Currently, even minor and inadvertent errors in the patent application process can lead to expensive and very unpredictable and very inequitable conduct litigation. It is often the case that startup companies or university researchers cannot afford to hire the very best patent lawyers. Their patents are prosecuted by an in-house attorney who does a good enough job but who is unfamiliar with all of the sharp corners and pitfalls of the inequitable conduct doctrine, such as the need to present cumulative studies and prior art. Later, when more legally sophisticated investors evaluate the patent for potential investment or purchase, these minor flaws in prosecution can deter the investor from purchasing or funding the development of the invention. An investor would not risk spending hundreds of millions of dollars to develop a product if a potential inequitable conduct attack may wipe out the whole investment.

Parties on both sides of these exchanges report that investors routinely walk away from inventions because of their inability under current law to resolve uncertainties whether a flaw in prosecution was, in fact, inequitable conduct. These decisions not to invest in a new invention represent important new cures never tested and brought to market and other important inventions that are never developed.

The America Invents Act provides a solution to this problem by authorizing supplemental examination of patents. This new proceeding will allow inventors or patent purchasers to return to the Patent Office with additional material and have the Patent Office reevaluate the patent in light of that material. If the patent is invalid in light of the new material, the Patent Office will cancel the claims. But if the office finds that the patent is valid, the parties will have a patent that they can be legally certain will be upheld and enforced. The authorization of supplemental examination will result in path-breaking inventions being developed and brought to market that otherwise would have lingered on the shelf because of legal uncertainty over the patent. It will ensure that small and startup companies with important and valid patents will not be denied investment capital because of legal technicalities.

Let me talk about what I think is undoubtedly the most important among

the bill's changes to current law, and that is its transition to the first-to-file system. This long overdue reform will create a system for establishing a patent's priority date that is official, simple, transparent, and fair. Priority dates not only establish priorities between competing patent applications for the same invention but are also used to measure a patent against potentially invalidating prior art.

Currently, establishing a priority date requires expensive litigation and discovery into what the inventor's notebooks show and when they show it and whether the inventor diligently perfected his invention after he conceived of it.

Also, for businesses seeking legal certainty, our current system can be a nightmare. A company hoping to bring a new product to market in a particular field of technology has no way of knowing whether a competitor that belatedly sought the patent on its new product will succeed in securing a valid patent on the product. It all depends on the invention date the competitor will be able to prove relative to the company that the company developing the product can prove.

Given that both the product developer and competitor can rely on their own secret documents that the other side will not see until litigation over the patent commences, neither of these two parties can gain a clear picture of whether a patent is valid without years of litigation and millions of dollars of discovery and other litigation costs. Under first to file, by contrast, inventors will file informal and inexpensive provisional applications. These applications need only disclose what the invention is and how to make it, information the inventor already needs to have in his possession anyway in order to establish a priority date under the current system. Under first to file, once the inventor files this information with the Patent Office, he has a priority date that is both secure and public. The application is a government document. There is no need to litigate over its priority date. We know that.

Other industry participants will be able to easily determine the patent's priority date, allowing them to measure the patent against prior art and determine if it is valid. There will be no opportunity to fraudulently backdate the priority date. That date will depend on a government document, not privately held files.

Most U.S. businesses already effectively operate under the first-to-file system. They file applications promptly because it is difficult and risky to rely on proof of invention dates to defeat a competing application that was filed earlier. Also, because the rest of the world uses first to file, U.S. investors need to secure first-to-file priority if they want their patents to be valid anywhere outside of this country.

For many U.S. businesses the America Invents Act does not change the system under which they operate. Rather, it simply allows American businesses to comply with just one set of rules rather than being forced to operate under two different systems.

Another one of the bill's clear improvements over current law is its streamlined definition of the term ''prior art.'' Public uses and sales of an invention will remain prior art, but only if they make the invention available to the public. An inventor's confidential sale of his invention, his demonstration of its use to a private group, or a third party's unrestricted but private use of the invention will no longer constitute private art. Only the sale or offer for sale of the invention to the relevant public or its use in a way that makes it publicly accessible will constitute prior art.

The main benefit of the AIA public availability standard of prior art is that it is relatively inexpensive to establish the existence of events that make an invention available to the public. Under current law, depositions and litigation discovery are required in order to identify all of the inventor's private dealings with third parties and determine whether those dealings constitute a secret offer for sale or third party use that invalidates the patent under the current law's forfeiture doctrines. The need for such discovery is eliminated once the definition of ''prior art'' is limited to those activities that make the intention accessible to the public. This will greatly reduce the time and cost of patent litigation and allow the courts and the PTO to operate much more efficiently.

Both of these last two changes—the first to file and the new definition of ''prior art''—will also protect American inventors against theft of their invention both at home and abroad. Under current law, if an American inventor sells or otherwise discloses his invention, there is a risk that an unscrupulous third party will steal the idea and file a U.S. patent for it. If the thief claims he himself made the invention before the U.S. inventor, then the U.S. inventor will need to prove the invention was stolen from him. Current law even allows activities that occur in a foreign country to establish a priority date for a U.S. patent. Thus, if a U.S. inventor who has been a victim of theft is unable to prove that activities alleged to have occurred in China or India, say, never actually took place, he not only loses his patent but the foreign thief can obtain a U.S. patent and block the U.S. inventor from practicing his own invention.

Finally, under current law, even if the U.S. inventor files a patent application right away, his rights still are not secure. Under current law, an early filing date can be defeated by another applicant's claim that he conceived of the invention earlier. Thus a foreign thief can claim he came up with the idea in his overseas laboratory, and the U.S. inventor would bear the burden of proving that a fraud had been perpetrated in a foreign country.

Under the America Invents Act, by contrast it will be much harder for thieves, both foreign and domestic, to steal a U.S. inventor's invention. Under this bill, if a U.S. inventor publicly discloses his invention, no third party's application filed after that date can be valid because the filing date is what will determine priority, not a purported date of conception. Nor can a third party easily contrive fake prior art to defeat the patent. Under the AIA, only those actions that made the invention publicly available will constitute prior art, and these are much harder to fake than are claims of having secretly made the invention in a private laboratory, again, say, in China. Under new section 102(b)(1)(B), once the U.S. inventor discloses his invention, no subsequent prior art can defeat the invention. The U.S. inventor does not need to prove that the third party disclosures following his own disclosures are derived from him. He can thus take full advantage of the grace period and disclose his invention in academic papers and at trade shows without worrying that such disclosures will lead to theft or fraudulent invalidation of his patent.

Similarly, under the America Invents Act, once the U.S. inventor files even a provisional application, his rights will be secured. Under this bill, no one can file a later application but claim an earlier priority date because the priority date is set by the filing date. The provisional application also constitutes section 103 prior art as of its filing date. As a result, a third party's patent for a trivial or obvious variation of the patent will be invalid and will not crowd out the original inventor's patent rights.

Finally, validating prior art will depend on publicly accessible information, not private activities that take place, for example, in a foreign land. As a result, it will be impossible for a third party who derived the invention from a U.S. inventor's public disclosure or patent application to steal the invention or sabotage the U.S. inventor's patent. The only way to obtain priority or invalidate the invention would be to file or publicly disclose the invention before the U.S. inventor has done so—something that will obviously be impossible for the deriver to do.

Finally, I would like to talk about false marking for a moment. I would like to describe the bill's important reforms to the false marking statute. The America Invents Act reins in abuses that are reflected in a recent surge in false marking litigation. It allows such suits to be brought only by those parties who have actually suffered a competitive injury as a result of false marking.

Currently, such suits are often brought by parties asserting no actual competitive injury from the marking—or who do not even patent or manufacture anything in a relevant industry. Many cases have been brought by patent lawyers themselves claiming the right to enforce a fine of $500 for every marked product. One manufacturer of plastic cups who stamped his patent number on his cups was recently sued by a lawyer for $500 for each disposable

cup that was sold, for a gargantuan total of $9 trillion.

In reality, the bulk of these suits settle for their nuisance value, the costs of continuing to litigate. They represent a tax that patent lawyers are imposing on domestic manufacturing—a shift in wealth to lawyers that comes at the expense of manufacturing jobs. Well, this bill prevents such abuses by repealing the statute's qui tam action while still allowing parties who have separate actual injury from false marking to sue and allowing the United States to enforce a $500-per-product fine where appropriate. Qui tam statues are a relic of the 19th century and generally produce far more litigation than is in the public interest. Almost all of these statutes have been repealed.

The America Invents Act continues this trend. By repealing the false marking qui tam statute, the AIA will allow American companies to spend money hiring new workers rather than fighting off frivolous false marking suits.

In conclusion, the America Invents Act will provide important benefits to U.S. inventors of all sizes, to startup companies, to domestic manufacturing, and to the U.S. economy generally. I look forward to its passage by the Senate and its enactment into law.

As the majority leader stated in his remarks in leader time, I hope those who may have amendments will immediately file those amendments so the Senate can take them up in good order, have plenty of time to debate them, and dispose of them in the appropriate way. It would be my hope the Senate will end up passing the bill adopted by the House of Representatives so our action can result in sending the bill directly to the President for his signature. That is an accomplishment that could be achieved with cooperation between the House and the Senate, between Democrats and Republicans, between the legislative and executive branches, and I think it would certainly begin to mark the time when the American people could see their legislative representatives begin to work together on their behalf.

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

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

The legislative clerk proceeded to call the roll.

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

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

CARSON CITY SHOOTING

Mr. REID. Mr. President, I was saddened to hear just a few minutes ago of a senseless act of violence committed in our capital, Carson City, NV. It happened at a restaurant. There are few details of what happened and what led to this tragedy that occurred just a few minutes ago, but according to early reports three people are now dead and six others have been wounded by a single gunman.

So I extend my deepest sympathies to all of those who have been affected. The victims and their families are in my thoughts and will be every day, and certainly they have been during the last several minutes. I am disturbed to hear that two of the victims were serving this Nation proudly as part of the Nevada National Guard.

I commend the brave first responders who rushed to the scene for their professionalism.

Carson City is a wonderful place. I have spent time there through three legislative sessions. There are the beautiful Sierra, NV, mountains. It is a peaceful, quiet place; and to have something such as this happen is very difficult to accept.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HURRICANE IRENE

Mr. SANDERS. Madam President, as I suspect you know, Vermont has been hit very hard by Hurricane Irene. The storm caused widespread flooding, resulting in a number of deaths, the loss of many homes and businesses, and hundreds of millions of dollars in damage to property and infrastructure.

I have visited many of the most hard-hit towns in the past week, including Ludlow, Wilmington, Brattleboro, Berlin, Moretown, and Waterbury. I was shocked and moved by the extent of the damage I saw. Many towns still have very limited access because the roads and bridges that link them to the world have been destroyed. This disaster will go down in history as one of the very worst natural disasters in the history of the State of Vermont.

Let me take this opportunity to personally thank the emergency rescue teams and all those aiding the victims of the floods for their outstanding work. Local crews, along with the Vermont National Guard, and Guard units from other States, such as New Hampshire, Maine, and Illinois, have airline-lifted food, water, blankets, and medicine to the worst hit towns. Police, fire, and local officials have also done an extraordinary job.

We still don't know the cost of this disaster—it probably will not be tabulated for a while—but let me share a few figures in terms of what we have experienced. Just days after the declaration of a major disaster by the President, more than 2,000 Vermonters had already registered with FEMA—2,000. To date, there have been more than 700 homes confirmed as severely damaged or destroyed.

I had the opportunity to go to some trailer parks in Berlin, in central Vermont, and I was down in the southern part of the State in Brattleboro and it is an incredibly sad sight to see. Mobile homes, where senior citizens were living, have been destroyed. They are now forced to relocate. It was a very tragic circumstance.

Further, the storm has knocked out 135 segments of the State highway system, as well as 35 State bridges, completely isolating 13 communities for several days. An unknown number of farms and businesses have been destroyed.

I was down in Wilmington, a beautiful town in the southern part of the State on Route 9. Virtually their entire downtown business community has been severely damaged, and that is clearly undermining the fabric not only of the economy of that town but of towns throughout the State.

Our Amtrak and freight rail services were completely suspended as tracks literally washed into rivers. So we had tracks underwater. The State's largest office complex is located in Waterbury, VT, a few miles from our capital, Montpelier, and I visited that facility. It had been completely flooded. There are 1,700 people who work there. For a small State, that is a lot of people—1,700 people—who work in our major office complex in Waterbury. That has now been shut down for an indefinite period of time. That impacts, obviously, the State's ability to provide services to the people of Vermont.

At least 65 public schools were impacted and could not open on time. School is just beginning, with 65 public schools not able to open on time. This is just a short list of some of the devastation that is going on in the State.

I also want to call to the attention of the Senate another extraordinary tragedy in our State, and that is the death of a gentleman named Michael Garafano. Mr. Garafano was an employee of the city of Rutland, and Rutland was very hard hit by this disaster. He and his son went up to a local dam to inspect the condition of the dam. They were hit by a flash flood and both of them lost their lives. So here we have an extraordinary public servant, trying to protect the well-being of the people of Rutland, and he gave his life in that effort. Mr. Garafano's effort will never be forgotten.

As we go forward—not just for Vermont but for New Jersey, for North Carolina, and we know upstate New York was also hard hit—I have every confidence the Senate and the House will do for Hurricane Irene as we have done for other natural disasters that have impacted different parts of our country, and I look forward to working with my colleagues to make sure, as Americans, we rebuild the communities in Vermont and in other sections of the country that were devastated by this terrible flood.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

DONALD NOMINATION

Mr. ALEXANDER. Madam President, later today the Senate will consider the nomination by the President of Judge Bernice Donald for the Sixth Circuit Court of Appeals. Judge Donald is from Memphis, TN. I know her well. I am here today to introduce her to my colleagues and to encourage them to support her confirmation.

Judge Donald has been before the Senate before. She has been a Federal district judge since 1995. Our Judiciary Committee in the Senate has looked over her qualifications again and has recommended her to us without dissent. The American Bar Association has reviewed her credentials and said she is either qualified or well qualified.

I think there is not much doubt about her fitness to serve on the court of appeals, so in my remarks I would like to talk more about Judge Donald's role in the community and her role as a pioneer in our country during her lifetime. She is the sixth of 10 children. Her parents were a domestic worker and a self-taught mechanic in DeSoto County, MS, which is just south of Memphis. As a young person, she was among the first African Americans to integrate in her high school during the period of desegregation. She obtained a bachelor's degree from the University of Memphis and graduated from its law school. She focused her career at the beginning working among the most vulnerable citizens in Memphis in the Office of Legal Defender.

Here is where the pioneer story continues, not just in desegregating her high school or working with vulnerable citizens, but only 3 years after she left law school, she began a judicial career that has spanned nearly three decades. She became the first African-American female judge in the history of our State in 1982. Six years later, the Sixth Circuit Court of Appeals, upon which she has been nominated to serve by the President, appointed her to serve as U.S. bankruptcy judge for the Western District of Tennessee. Again she made history—an African-American female judge had been appointed as a bankruptcy judge in the United States. Then, in 1995, as I mentioned earlier, President Clinton nominated her to be a Federal district judge. On December 22 of that year the Senate confirmed her by unanimous voice vote, and she became the first African-American female district court judge in the history of Tennessee. She served in that capacity for 15 years.

She has flourished in her career, not just on the court but in her profession. She has just concluded a 3-year term as Secretary of the American Bar Association, and she has previously served on its Committee on Governance and on its Board of Governors. She has been equally active in the local and Tennessee bar associations. She gives a good deal of her time to community organizations: the Memphis Literacy Council, the University of Memphis alumni board, Big Brothers, Big Sisters, Calvary Street Ministry, the YWCA, and others.

It is coincidental, but I think it is fitting that Judge Bernice Donald, a pioneer in so many ways in our State's history, will be the first nomination for the Federal bench that this body will consider after the opening of the Martin Luther King Memorial in the Nation's Capital. Her life, which is full of education and service and achievement, is a testimonial to the success of Dr. King's movement and the kind of leadership he inspired.

I commend her on all that she has accomplished both in her profession and in our State and in her community. I know Memphis is proud of her. I look forward to voting in favor of her confirmation this afternoon, and I hope my colleagues will do so as well.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, is there a nominee to report?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF BERNICE BOUIE DONALD TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

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

The bill clerk read the nomination of Bernice Bouie Donald, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided, in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to speak in support of the nomination of Bernice Bouie Donald as a U.S. Circuit Judge for the Sixth Circuit. With today's vote, we will have confirmed 34 article III judicial nominees during this Congress.

We continue to make great progress in processing President Obama's judicial nominees. We have taken positive action on 78 percent of the judicial nominations submitted during this Congress. The Senate has confirmed 63 percent of President Obama's nominees since the beginning of his Presidency, including two Supreme Court Justices, which everyone may recall was a lengthy process.

Despite our productive efforts, we continue to hear unsubstantiated and unfounded charges of delays and obstruction on the part of the minority party of the Senate. Over the August recess, opinion writers and bloggers parroted one another in churning out this message of obstruction on the part of the Republicans. I am not surprised to see this from outside groups. However, I was very disappointed the White House joined in publishing a distorted record on judicial nominations. I had a meeting this year with the White House Counsel's Office, and at that meeting I expressed my intent to move forward as the Republican leader of the Judiciary Committee Republicans on consensus nominees. I thought we had cooperative and productive conversations with the White House. Furthermore, I have demonstrated a record, on the part of the Republicans on the Judiciary Committee, of cooperation and action regarding judicial nominees.

But in a White House blog that was titled ''Record Judicial Diversity, Record Judicial Delays'' the White House characterized ''the delays these nominees are encountering'' as unprecedented. The White House has a short memory or a very limited definition to characterize the nominations process as ''unprecedented.''

To illustrate, the blog cites a statistic on the average wait time between the Judiciary Committee reporting out a nominee and confirmation on the Senate floor as evidence of an unprecedented delay. For example, it indicates circuit nominees of President Bush only waited 29 days, while President Obama's circuit nominees waited 151 days.

The nominations process, as everyone knows but maybe the White House needs to be informed about, is more than Senate floor action. It starts with the President actually nominating somebody. I have previously commented on the White House delay in sending nominations and have criticized some of the qualities of the nominees the White House has submitted. I will not elaborate on that today. But after a nomination is received, there is a process for hearing, for questions, and for committee debate prior to our committee vote. For whatever reason,

the White House blog fact sheet ignored the bulk of the process.

The record shows, then, that we are moving nominees through committee much faster than President Bush's nominees. For instance, President Obama's circuit court nominees have only waited, on average, 68 days for a hearing. President Bush's circuit court nominees were forced to wait over 247 days. President Obama's district court nominees have been afforded a hearing in just 78 days. President Bush's district court nominees, on the other hand, had to wait close to 120 days. So we can see how wrong the White House blog is when they just cite the waiting period between the committee reporting out and actually voting on it.

Not only are President Obama's judicial nominees receiving hearings quicker than those of President Bush, they are also being reported out of committee more quickly. Circuit court nominees have been reported to the Senate floor in just 118 days, while President Bush's circuit court nominees were held for 369 days before they saw a vote in committee. The same is true for district court nominees. President Obama's nominees have been reported in just 129 days, while President Bush's district court nominees waited 148 days. Despite the so-called obstruction, we are confirming President Obama's circuit court nominees faster than those nominated by President Bush. That is the cooperation I promised. Thus far, circuit court nominees have been confirmed, on average, in 259 days. President Bush's circuit court nominees waited, on average, 350 days.

The White House blog also stated that 21 months is the ''[l]ongest wait for one of President Obama's judicial confirmations.'' This is neither unprecedented nor uncommon. The Democrats should know; they held President Bush's circuit court nominee Raymond Kethledge for 23 months before he was confirmed by the Senate, and then when he was confirmed, he was confirmed on a consensus voice vote basis. In addition, the record will show district nominees who waited well over 1 year for confirmation, one of them as long as 441 days.

After today's vote, there will be 19 judicial nominees on the Executive Calendar. If you listened to my colleagues on the other side of the aisle, you would conclude that this, too, is ''unprecedented.'' But again, the record demonstrates otherwise.

Colleagues may recall a period in the 108th Congress when the Democrats—in the minority at that time—completely shut down the judicial nominations process. Not only were there numerous filibusters conducted by my friends on the other side of the aisle, but they would allow no votes on judicial nominees. As a result, in April and May of 2004, when George W. Bush was President, 32 highly qualified judicial nominees awaited final votes while on the Executive Calendar. Only after a compromise was reached did judicial nomination votes resume on those who were on the Executive Calendar.

I could continue to rebut this outrageous assertion that Senate Republicans are somehow paving new ground, according to the White House blog. The facts demonstrate that the current status of nominations is not—not—unprecedented. It is unfortunate that the media, the bloggers, and even this administration continue to distort the facts. I would rather use my time to speak on positive actions, such as the nominee we are about to confirm. But if my colleagues on the other side of the aisle wish to continue to live in the past, then I feel, as leader of the Republicans on the Judiciary Committee, the need to correct the record.

I support the nomination before us today, and I congratulate Judge Donald. I wish to say a few words about her before we vote.

Bernice Donald is nominated to be U.S. Circuit Judge for the Sixth Circuit. Judge Donald received her undergraduate degree and law degree from the University of Memphis. After graduating from law school, Judge Donald worked for a few months as a sole practitioner. In April of 1980, she began work as a staff attorney for the Memphis Area Legal Services Clinic. In November of 1980, she began working as an assistant public defender at the Shelby County Public Defender's Office.

In 1982, Judge Donald was elected to serve as a judge on the Court of General Sessions in Shelby County. As a general sessions judge, Judge Donald presided over trials of State misdemeanor offenses, and the preliminary hearings of State felony cases involving alleged crimes against persons as well as property.

In 1988, the U.S. Court of Appeals for the Sixth Circuit appointed Judge Donald to a 14-year term on the Bankruptcy Court.

In 1996, Judge Donald was confirmed by the Senate and appointed by President Clinton as United States District Judge for the Western District of Tennessee. She has served as a Federal judge for the past 15 years.

The American Bar Association's Standing Committee on the Federal Judiciary has given Judge Donald a rating of substantial majority ''well-qualified''; minority ''qualified.''

Mr. President, if I could, I wish to take 2 minutes to speak about the second vote we are having today.

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

LEAHY-SMITH AMERICA INVENTS ACT

Mr. GRASSLEY. Mr. President, I urge my colleagues to support cloture on the motion to proceed to H.R. 1249, the Leahy-Smith America Invents Act. This bipartisan legislation will make our patent system more effective and more efficient. It will enhance transparency and patent quality and improve certainty in the patent process. It will also enhance the ability of the Patent and Trademark Office to cut its backlog and process patent applications in a more expeditious manner. Ultimately, this bill will help promote innovation and technological advancements and will provide a stimulus for American businesses and, obviously, will help generate new jobs.

My colleagues will recall the Senate passed the bill we entitled the America Invents Act earlier this year by a margin of 95 to 5. The House bill is very similar to our Senate bill, so Senators should not have a problem supporting it. In addition, the Leahy-Smith America Invents Act enjoys the widespread support of a large number of industries and other stakeholders from within the United States patent community.

I am pleased to support the Leahy-Smith America Invents Act, and I urge my colleagues to vote for cloture on the motion to proceed so we can get this bill done as soon as possible.

NATURAL DISASTER IN VERMONT

Mr. President, I am happy to yield the floor, but before I do, I wish to say to Senator LEAHY we are all sorry for the natural disasters that have happened in his State, wish him well and his State well, and, obviously, there will be some congressional action to help not only that natural disaster but the rest of the natural disaster that occurred as a result of Irene.

Mr. LEAHY. Mr. President, if the Senator would yield on that point, I would tell my good friend from Iowa how touched I was when I received his e-mail saying how the people of Iowa have stood with the people of Vermont, as we did with the people of Iowa when they faced a disaster. When I received the e-mail, the Governor of our State, Governor Shumlin, and I and the head of our Vermont National Guard, General Dubie, had just helicoptered into one of our prettiest towns, but it was totally cut off. The only way we could reach it was by helicopter. I saw people working together. Nobody knew whether they were Republicans or Democrats or cared. They were all working together to help each other.

I will tell my friend from Iowa, I took the liberty of showing his very meaningful, very heartfelt e-mail—similar, also, to ones I got from other Senators—and I thought how much that meant. If I might address the Senator from Iowa directly, I will tell you, the people of Vermont appreciate it because I know how heartfelt it was. It meant a great deal.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are on the question of the flooding in Vermont. I was born in Vermont. I have lived there all of my life. We live on a dirt road in a small town, Middlesex, up about 1,000 feet, in an 1850s farmhouse. It means a lot to us. It is a place my wife Marcelle and I spent part of our honeymoon 49 years ago. But I saw something I had never seen before in Vermont. Ten days ago, Vermont bore the full brunt of then-Tropical

Storm Irene as it dumped more than 6 inches of rain across the State in just a few hours. You have to understand, in our small State—with the Green Mountains running down the spine of it, north to south—the narrow valleys of the Green Mountains, where towns, roads, and rivers are historically intertwined, were particularly hard hit as gentle rivers and streams became rushing torrents of destruction. Whole towns were cut off from the outside world for days. You would fly over, and you could see a town completely marooned—every road going into it, every bridge going into it gone. Homes, businesses, water systems, and miles of roads were swept away. Even worse, some Vermonters lost their lives in these devastating floods.

In our State, we have had an unprecedented wave of flooding this year. We had two spring events previously declared as major disasters. Vermonters have shouldered these great burdens. We have pulled together from all parts of the State, all walks of life. We are meeting this new crisis with the same courage, cooperation, and resilience we Vermonters have always shown.

I applaud the brave first responders—the police departments, the fire departments, the EMS, and others—the National Guard members who have worked around the clock. Our National Guard in Vermont has been joined by the National Guard from Illinois and Maine, and we have had offers from our other adjoining States. I also applaud the power crews and road crews. I remember how impressed I was looking down there from the helicopter and seeing this long line of power trucks coming down the road and knowing they are going to be working around the clock. I also applaud the many others who have helped in the recovery and rebuilding process—our local Red Cross and other service organizations.

But our small State—it is only 660,000 people—is stretched to the limit right now, and we need both immediate and ongoing assistance in recovering from these enormous setbacks. Winter is fast approaching. In Vermont, snow will be flying in a matter of weeks, certainly in a matter of a couple months. We must move quickly to secure our homes and businesses, restore our roads, our bridges, our water systems, our schools, and our medical facilities. With just weeks to accomplish so much, we need the full and immediate support of FEMA and so many of our Federal agencies.

I appreciate President Obama's swift approval of Governor Shumlin's request to declare most of Vermont a Federal disaster area—something all of us in the Vermont delegation joined him in. But I am greatly concerned FEMA may not have adequate resources to meet the immediate assistance needs of the Irene victims in Vermont and all the other States. We do not consider ourselves an island here. We know a whole lot of other States were badly hurt by Irene. FEMA has less than $600 million in its disaster account for the rest of fiscal year 2011. OMB said today that FEMA needs at least $1.5 billion for recovery assistance in States affected by Hurricane Irene.

We need to act quickly to find a solution to this pressing problem. I do not think any of us wants to get into a situation where we underfund FEMA at this critical juncture, and then have FEMA run out of resources next spring, just as rebuilding efforts get going on the East Coast.

Given the breadth and depth of Irene's destruction, on top of the ongoing disasters already declared in all 50 States, I am going to continue to work with the Democratic leader, the Republican leader, the Appropriations Committee, and all of my colleagues to ensure that FEMA has the resources they need to help all of our citizens at this time of disaster—not just in Vermont but in all of our States.

IRAQ

Mr. President, as many Members know, I opposed the war in Iraq, believing it had nothing to do with 9/11. It turned out it had nothing to do with 9/11. I thought there were no weapons of mass destruction. It turned out there were no weapons of mass destruction. Iraq is a country that bore no threat to the United States. It did to Iran but not to the United States.

We have spent hundreds of billions, ultimately well over a trillion dollars, in Iraq. Year after year that money is just sent—no offset; it is put on the credit card. It is time to get out of Iraq and start thinking about people in America. It is time to take care of Americans. The needs of Americans are not just in a disaster but in the needs of Americans in their education, their medical care, our scientific research to find cures for cancer and Alzheimer's, to take care of the housing needs of America, to take care of our rivers and bridges. It is time to start worrying about this great country of ours. It is time to start paying for that which can give benefits immediately to Americans and make sure we have enough to care for the families and our returning soldiers who so bravely answered the call. Let's start thinking about the needs of 325 million Americans. Let's come home to the things we need. Because if we do that, we can then still be the force for good throughout the world. We can still fulfill commitments, legitimate commitments we have around the world. We can still be the humanitarian nation we have always been when there have been disasters in Haiti, in Indonesia, in Africa, or elsewhere. But we have neglected America too long.

Mr. President, I understand I have some time.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. LEAHY. How much?

The PRESIDING OFFICER. Eight minutes remaining.

Mr. LEAHY. I thank the Presiding Officer.

Mr. President, I was disappointed that before the August recess, the Senate was not allowed to take greater steps to address the serious judicial vacancies crisis on Federal courts around the country. As we resume consideration of pending judicial nominations, there are 20 nominees fully considered by the Senate Judiciary Committee and ready for final Senate action. Of those, 16 were approved by the Judiciary Committee unanimously, without a single Republican or Democratic Senator in opposition.

The nomination of Judge Bernice Donald of Tennessee is one such nomination. This is a nomination that has been waiting for Senate consideration, despite the support of her Republican home State Senators, since May 9. Nearly 4 months ago, the Judiciary Committee favorably reported her nomination without opposition. This is reminiscent of the nomination of Jane Stranch of Tennessee. She, too, had the support of her Republican home State Senators, but her confirmation was nonetheless stalled—inexplicably—by Senate Republicans. Judge Stranch was finally confirmed in September 2010, after an extended and unnecessary 10-month delay. These Tennessee nominations were the subject of a column by Professor Carl Tobias in early August, which I inserted in the RECORD on August 2. I, too, had hoped the Senate would be allowed to vote on this nomination last month. I am glad that we finally have agreement for a vote tonight.

At this point in the Presidency of George W. Bush, 144 Federal circuit and district court judges had been confirmed. On September 6 of the third year of President Clinton's administration, 162 Federal circuit and district court judges had been confirmed. By comparison, although there are 20 judicial nominees stalled and awaiting final consideration by the Senate—many of them stalled since May and June—even after the confirmation of Judge Donald, the total confirmations of Federal circuit and district court judges confirmed during the first 3 years of the Obama administration will only be 96.

In the 17 months I chaired the Judiciary Committee during President Bush's first term, the Senate confirmed 100 Federal circuit and district judges. By contrast, President Obama is approaching his 32nd month in office and we have yet to reach that total. The Senate has a long way to go before the end of next year to match the 205 confirmations of President Bush's judicial nominees during his first term.

To understand the strain on the Federal judiciary and the American people, it is important to note another set of comparisons. The number of judicial vacancies was reduced during the first years of the Bush and Clinton administration. The vacancies in early September in the third year of the Bush administration had been reduced to 54. The vacancies in early September in

the third year of the Clinton administration had been reduced to 55. By contrast, the judicial vacancies now in September of the third year of the Obama administration stand at 93. As the Congressional Research Service confirmed in a recent report, this is a historically high level of vacancies and this is now the longest period of historically high vacancy rates on the Federal judiciary in the last 35 years.

Even though Federal judicial vacancies have remained near or above 90 for more than 2 years, the Senate's Republican leadership continues to delay votes on many qualified, consensus nominations. After tonight, there will remain 15 unanimously reported nominees stalled on the calendar. This is not the way to make real progress. In the past, we were able to confirm consensus nominees more promptly, often within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait more weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

It is not accurate to pretend that real progress is being made in these circumstances. Vacancies are being kept high, consensus nominees are being delayed, and it is the American people and the Federal courts that are being made to suffer. This is another area in which we must come together for the American people. There is no reason Senators cannot join together to finally bring down the excessive number of vacancies that have persisted on Federal courts throughout the Nation for far too long.

At a time when judicial vacancies remain near or above 90, these needless delays perpetuate the judicial vacancies crisis that Chief Justice Roberts wrote of last December and that the President, the Attorney General, bar associations, and chief judges around the country have urged us to join together to end. The Senate can and should be doing a better job working to ensure the ability of our Federal courts to provide justice to Americans across the country.

We were able to lower vacancies dramatically during President Bush's years in office, cutting them in half during his first term. The Senate has reversed course during the Obama administration, and with Republican objections slowing the pace of confirmations, judicial vacancies have been at crisis levels for over 2 years. As a recent report by the Constitutional Accountability Center noted, ''Never before has the number of vacancies risen so sharply and remained so high for so long during a President's term.'' I ask unanimous consent that an August 5 letter to the editor of the Washington Post from Wade Henderson, entitled ''Remiss in confirming judges,'' and an August 4 article in Politico from Andrew Blotky and Doug Kendall entitled ''It's Senate's duty to confirm judges,'' be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (see Exhibit 1.)

Mr. LEAHY. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. The vacancy rate—which we reduced from 10 percent to 6 percent by this date in President Bush's third year, and ultimately to less than 4 percent in 2008—is back above 10 percent. Federal judicial vacancies now stand at 93.

Time and time again over the last 2½ years, I have urged the Senate to come together and work to address this crisis. At the beginning of this year, I called for a return to regular order in the consideration of nominations. We have seen that approach work on the Judiciary Committee. I have thanked the Judiciary Committee's ranking member, Senator GRASSLEY, many times for his cooperation with me to make sure that the committee continues to make progress in the consideration of nominations. His approach has been the right approach. Regrettably, it has not been matched on the floor, where the refusal by Republican leadership to come to regular time agreements to consider nominations has put our progress—our positive action—at risk.

I expect the committee in the weeks ahead to continue to make progress and favorably report superbly qualified, consensus judicial nominations to fill vacancies in States throughout the country, in States with Democratic and Republican Senators. Most of these nominations will, I expect, join the 15 on the calendar after tonight's vote that were reported unanimously. I hope that the Americans in those districts will not have to wait for months for the Senate to act to fill the vacancies and ensure that the Federal courts in their States have the judges they need.

Republican obstruction has led to a backlog of dozens of judicial nominations pending on the Senate's Executive Calendar. Half of the judicial nominations on the calendar would fill judicial emergency vacancies. Many were ready for final consideration and confirmation in May and June.

Republican leadership should explain to the people and Senators from South Carolina, Missouri, Louisiana, Maine, New York, Texas, Connecticut, Pennsylvania, and Florida why there continue to be vacancies on the Federal courts in their States that could easily be filled if the Senate would vote on the President's qualified, consensus nominees. Yet those nominees still wait for months on the Senate's calendar. These damaging delays leave the people of these States to bear the brunt of having too few judges available to do the work of the Federal courts.

All 20 of the judicial nominations on the calendar today have been favorably reported by the Judiciary Committee after a fair but thorough process. We review extensive background material on each nominee. All Senators on the committee, Democratic and Republican, have the opportunity to ask the nominees questions at a live hearing. Senators also have the opportunity to ask questions in writing following the hearing and to meet with the nominees. All of these nominees have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. They should not be delayed for weeks and months needlessly after being so thoroughly and fairly considered by the Judiciary Committee.

I continue to urge the Senate to join together to end the judicial vacancies crisis that concerns Chief Justice Roberts, the President, the Attorney General, bar associations, and chief judges around the country. I hope that this month Senators will finally join together to begin to bring down the excessive number of vacancies that have persisted on Federal courts throughout the Nation for far too long. We can and must do better. Vacancies are being kept high, consensus nominees are being delayed, and it is the American people and the Federal courts that are being made to suffer.

EXHIBIT 1

[From the Washington Post, Aug. 5, 2011]

REMISS IN CONFIRMING JUDGES

(By Wade Henderson)

In Ben Pershing's close-to-complete Aug. 2 Fed Page roundup of the most important stories overshadowed by the debt-ceiling debate [''Debt debate isn't only story on Capitol Hill,'' In Session], one story that failed to make the cut was how the Senate's refusal to vote on 20 judicial nominees before recess has led to almost as many vacancies on the federal bench—111—as there were in January.

During the past two months, the Senate Judiciary Committee has steadily processed nominations, yet the Senate has voted on a mere nine judges. There is no reason to delay confirming every one of the nominees pending before the full Senate. All but one enjoyed strong bipartisan support in committee. In fact, 17 of the 20 were approved without recorded opposition.

Many of these seats have been designated as ''judicial emergencies'' by the Administrative Office of the U.S. Courts, meaning there are simply not enough judges to get the work done. More and more people seeking to protect their rights in a court of law are forced to wait, and justice delayed is all too often justice denied.

[From Politico, Aug. 3, 2011]

IT'S SENATE'S DUTY TO CONFIRM JUDGES

(By Andrew Blotky and Doug Kendall)

While Washington has been consumed by the debt ceiling crisis, another serious crisis demands the attention of President Barack Obama and the Senate: the threat to justice by our overworked federal judiciary.

There aren't enough judges to hear the cases piling up in federal courtrooms across the country—which for countless Americans means justice significantly delayed and denied.

Our federal courts, which hear cases brought by ordinary Americans to vindicate rights guaranteed by the Constitution, are overworked and understaffed. Today's federal judiciary resembles our armed forces—

stretched thin and deployed on multiple tours of duty.

There are now almost 90 empty seats on the federal bench, with 22 more retirements on the way.

Make no mistake, judges now on the bench are doing their part—and then some. Last month, federal Judge Malcolm Muir died in his chambers at age 96, while working on Social Security appeals. Muir had continued to work literally until his last breath, to reduce the case backlog caused by a judge shortage. He was the fourth oldest judge on the federal bench when he died. Last December, U.S. District Judge James F. McClure Jr. died at age 79—also while working at the courthouse.

With fewer new judges being confirmed, the third branch of government is increasingly run by judges working well into their 80s, 90s and even 100s.

''The way we are going,'' 7th U.S. Circuit Court of Appeals Judge Richard Cudahy, age 84, said, ''it looks to me as if most of the judicial work is going to be done by 80- and 90-year-olds like me . . . since they will be the only ones left to do anything.''

There have been at least 80 vacancies on the federal courts for the past 760 straight days and counting, according to a recent Constitutional Accountability Center study. At the same time, only 35 new permanent judgeships have been authorized by Congress in the past 20 years—even as the overall federal caseload has expanded by fully a third.

The third branch is deteriorating largely because of unprecedented Republican obstruction. Senate Republicans refuse to agree to votes for well-qualified nominees, who enjoy the unanimous support of their Republican and Democratic colleagues on the Senate Judiciary Committee. Today, 16 such nominees are waiting for a vote by the Senate, with four more qualified nominees approved by the Judiciary Committee, and new nominations being added regularly to the Senate calendar.

Some Republican senators are blocking—or placing holds—on judicial nominations for reasons unrelated to justice, to serve their own political interests. Republican senators are also delaying or blocking nominees who would fill seats in courtrooms so overwhelmed with cases that they are deemed by the Administrative Office of the United States Courts to be ''judicial emergencies.'' It is a level of obstruction not seen under any previous president in U.S. history.

Again, numbers tell the story. The glacial pace of judicial confirmations has seen the number of judicial vacancies explode from 55, when Obama took office, to 88 today. By this time in the Bush administration, the Senate had confirmed 40 percent more judges than it has during the Obama administration.

Astonishingly, in the past two months, the Senate has voted on just 11 nominations. The chamber could have easily confirmed judges while awaiting a final debt ceiling deal. Instead Republicans blocked, stalled and delayed.

The Senate has now recessed for a month, yet the work of the courts continues.

When judicial vacancies remain at such record levels, needless delays create a crisis that has drawn concern from all corners—including Chief Justice John Roberts, Attorney General Eric Holder, federal judges around the country and bar associations.

The Senate is failing in one of its key constitutional duties. It is preventing the third branch of government from doing its job—and making it impossible for Americans to have their cases heard in a timely fashion.

The solution is simple. With no Supreme Court nomination battle consuming Washington this fall, there are no excuses. The Senate should vote on these waiting nominees at the earliest possible moment when it returns from its August recess.

It is time for the Senate to do what the Constitution commands—advise and consent to the nomination of qualified judges. The long-term health of the third branch of government depends on it—and so do the American people.

Mr. LEAHY. I have outlined where we stand in comparison to the progress we made when the Senate moved to confirm 205 Federal circuit and district judges during President Bush's first term. Three years into President Obama's administration, we have yet to confirm 100 judges. We are going to have to move pretty quickly to catch up, especially to what a Democratic-controlled Senate did for President Bush. I wish to be able to do the same for President Obama.

AMERICA INVENTS ACT

Mr. LEAHY. Mr. President, I ask unanimous consent that I use my remaining time to speak as in morning business about the America Invents Act and the cloture vote that will be taken tonight on proceeding to that important measure.

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

Mr. LEAHY. The Senate is today turning its attention back to the America Invents Act—a measure that will help create jobs, energize the economy and promote innovation without adding a penny to the deficit. This legislation is a key component of both Democratic and Republican jobs agendas, and is a priority of the Obama administration.

Too often in recent years, good legislation has failed in the Senate because bills have become politicized. That should not be the case with patent reform. Innovation and economic development are not uniquely Democratic or Republican objectives—they are American goals. That is why so many Democratic and Republican Senators have worked closely on this legislation for years, along with a similar bipartisan coalition of House Members.

And that is why a Democratic chairman of the Senate Judiciary Committee can stand on the floor of the Senate and advocate, as I do today, that the Senate pass a House bill, H.R. 1249, sponsored by the Republican chairman of the House Judiciary Committee, LAMAR SMITH of Texas. As Chairman SMITH and I wrote earlier this year in a joint editorial, ''Patent reform unleashes American innovation, allowing patent holders to capitalize on their inventions and create products and jobs.''

This bill, which passed the House with more than 300 votes, will make crucial improvements to our outdated patent system. These improvements can be divided into three important categories that are particularly noteworthy.

First, the bill will speed the time it takes for applications on true inventions to issue as high quality patents, which can then be commercialized and used to create jobs. There are nearly 700,000 applications pending at the Patent and Trademark Office (PTO) that have yet to receive any action by the PTO. The Director of the PTO often says that the next great invention that will drive our economic growth is likely sitting in that backlog of applications.

The America Invents Act will ensure that the PTO has the resources it needs to work through its backlog of applications more quickly. The bill accomplishes this objective by authorizing the PTO to set its fees and creates a PTO reserve fund for any fees collected above the appropriated amounts in a given year—so that only the PTO will have access to these fees.

Importantly, the bill also provides immediate tools the PTO needs to fast track applications, and continues discounts for fast tracked applications requested by small business, as well as for applications involving technologies important to the Nation's economy or national competitiveness, thanks to amendments offered in the Senate by Senators BENNET AND MENENDEZ.

Second, the America Invents Act will improve the quality of both new patents issued by the PTO, as well as existing patents. High quality patents incentivize inventors and entrepreneurs by providing a limited monopoly over the invention. Low quality patents, conversely, can impede innovation if the product or process already exists.

The bill makes commonsense improvements to the system by allowing, for example, third parties to comment on pending applications so that patent examiners will have more and better information readily available. The bill also implements a National Academy of Sciences recommendation by creating a postgrant review process to weed out recently issued patents that should not have been issued in the first place.

The bill will also improve upon the current system for challenging the validity of a patent at the PTO. The current inter partes reexamination process has been criticized for being too easy to initiate and used to harass legitimate patent owners, while being too lengthy and unwieldy to actually serve as an alternative to litigation when users are confronted with patents of dubious validity.

Third, the America Invents Act will transition our patent filing system from a first-to-invent system to the more objective first-inventor-to-file system, used throughout the rest of the world, while retaining the important grace period that will protect universities and small inventors, in particular. As business competition has gone global, and inventors are increasingly filing applications in the United States and other countries for protection of their inventions, our current system puts American inventors and businesses at a disadvantage.

The differences cause confusion and inefficiencies for American companies

and innovators. These problems exist both in the application process and in determining what counts as ''prior art'' in litigation. We debated this change at some length in connection with the Feinstein amendment in March. That amendment was rejected by the Senate by a vote of 87 to 13. The Senate has come down firmly and decisively in favor or modernizing and harmonizing the American patent system with the rest of the world.

The House, to its credit, improved on the Senate bill in this area by including an expanded prior user right with the transition to a first-inventor-to-file system. Prior user rights are important for American manufacturing, in particular.

There is widespread support for the America Invents Act, and with good reason. In March, just before the Senate voted 95–5 to pass the America Invents Act, The New York Times editorialized that the America Invents Act will move America ''toward a more effective and transparent patent protection system'' that will ''encourage investment in inventions'' and ''should benefit the little guy'' by transitioning to a first-inventor-to-file system.

A few weeks ago, the Washington Post editorial board added that ''[i]n the six decades since its last overhaul, the patent system has become creaky,'' but the patent bill ''poised for final approval in the Senate would go a long way toward curing [the] problems.''

The Obama administration issued a Statement of Administration Policy in connection with the House bill, in which it argued that ''[t]he bill's much-needed reforms to the Nation's patent system will speed deployment of innovative products to market and promote job creation, economic growth, and U.S. economic competitiveness all at no cost to American taxpayers.''

The House bill is not the exact bill I would have written. It contains provisions that were not in the Senate bill, and it omits or changes other provisions from the Senate bill that I supported. But that is the legislative process, and the core elements of the House bill are identical or nearly identical to the core elements of the Senate bill. In addition, the House bill retains amendments adopted during Senate consideration of S. 23, including amendments offered by Senator BENNET, Senator MENENDEZ, Senator KIRK, Senator STABENOW, Senator BINGAMAN, and Senator REID, among others.

The America Invents Act, as passed by the House, will not only implement an improved patent system that will grow the economy and create jobs, but it is the product of a process of which we should all be proud. Democrats and Republicans in the House and Senate have worked together with the administration and all interested stakeholders large and small to craft legislation that has near unanimous support.

I thank Senator KYL, the minority whip, for his comments early today. I agree with him that sending this House-passed bill directly to the President will begin the process of demonstrating to the American people that we can work together, Democrats and Republicans, House and Senate, on their behalf.

Those now advocating for enactment of the America Invents Act without further amendment include the United States Chamber of Commerce, the United Steelworkers, the National Association of Manufacturers, the Association of American Universities, BIO and PhRMA, Community Bankers, the Coalition for 21st Century Patent Reform, the Coalition for Patent Fairness, the Small Business & Entrepreneurship Council, and businesses representing virtually every sector of our economy.

In a recent letter from Louis Foreman, a well known independent inventor, he wrote of his support for the America Invents Act saying:

> The independent inventor has been well represented throughout this process and we are in a unique situation where there is overwhelming support for this legislation. . . . H.R. 1249 is the catalyst necessary to incentivize inventors and entrepreneurs to create the companies that will get our country back on the right path and generate the jobs we sorely need.

American ingenuity and innovation have been a cornerstone of the American economy from the time Thomas Jefferson examined the first patent application to today. A recent Department of Commerce report attributes three-quarters of America's post-World War II economic growth to innovation. It is the patent system that incentivizes that innovation when it holds true to the constitutional imperative to ''promote the progress of science and useful arts, by securing for limited times to . . . inventors the exclusive right to their respective . . . discoveries.''

The Founders recognized the importance of promoting innovation. A number were themselves inventors. The Constitution explicitly grants Congress the power to ''promote the progress of science and useful arts, by securing for limited times to . . . inventors the exclusive right to their respective . . . discoveries.'' The time for Congress to undertake this responsibility and enact patent reform legislation into law is now.

The discoveries made by American inventors and research institutions, commercialized by American companies, and protected and promoted by American patent laws have made our system the envy of the world. But we cannot stand on a 1950s patent system and expect our innovators to flourish in a 21st century world.

The America Invents Act will keep America in its longstanding position at the pinnacle of innovation. This bill will establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs, while making sure no party's access to court is denied.

The President recently called on Congress to pass patent reform as soon as it returned from recess because it will create jobs and improve the economy without adding to the deficit. This bill is bipartisan, it is the product of years of thoughtful bicameral discussions, and it should be sent to the President's desk this week. There is no reason for delay.

When we proceeded to the Senate version of this legislation last February, we did so by unanimous consent. The Senate proceeded to approve patent reform legislation with 95 votes. It is disappointing that we are being delayed from completing this important legislation. Further delay does nothing for American inventors, the American economy or the creation of American jobs. It is time, time to take final action on the America Invents Act.

I see the time has arrived. Is the rollcall automatic?

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Is all time yielded back?

Mr. LEAHY. I yield back.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Bernice Bouie Donald, of Tennessee, to be United States Circuit Judge for the Sixth Circuit?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 124 Ex.]

YEAS—96

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

Udall (NM)	Webb	Wicker
Warner	Whitehouse	Wyden

NAYS—2

DeMint	Vitter

NOT VOTING—2

Rockefeller	Rubio

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

LEAHY-SMITH AMERICA INVENTS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 87, H.R. 1249, the Leahy-Smith America Invents Act:

Harry Reid, Patrick J. Leahy, Thomas R. Carper, Joseph I. Lieberman, Richard Blumenthal, Charles E. Schumer, Amy Klobuchar, Robert Menendez, Jeanne Shaheen, John F. Kerry, Mark Udall, Mark R. Warner, Ben Nelson, Jeff Bingaman, Max Baucus, Mark Begich, Robert P. Casey, Jr.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1249, an act to amend title 35, United States Code, to provide for patent reform, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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

The yeas and nays resulted—yeas 93, nays 5, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—93

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

NAYS—5

Coburn	Johnson (WI)	Paul
DeMint	Lee	

NOT VOTING—2

Rockefeller	Rubio

The PRESIDING OFFICER. On this vote, the yeas are 93, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Ohio.

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

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

THE ECONOMY

Mr. BROWN of Ohio. Mr. President, yesterday I was in Cincinnati, OH. Terralift has the largest Labor Day gathering in the United States of America by 15,000, 20,000, around Coney Island and just southeast of Cincinnati, not far from the Ohio River. They have a picnic every year celebrating workers, not just organized workers but workers generally.

I met a woman there by the name of Lillian Brayhound, and Ms. Brayhound was wearing a t-shirt that said ''Service Employees International Union.'' I asked her where she works, and she said she is a custodian in downtown Cincinnati. And I remember that 3 or 4 years ago I was at a dinner, and there was a group of workers, all middle-aged women, mostly minorities, mostly African American, a couple Latino women, and they had just signed their first union contract to represent the custodians in downtown Cincinnati office buildings.

I sat down at this table, and I said: What does this new union contract mean to you, to the workers there?

A 50-year-old woman turned to me and she said: This is the first time in my life I have ever had a paid week vacation.

Think about that: This is the first time in my life I have ever had a paid week vacation. That was because those workers, each of them working separately before for a building owner in a downtown Cincinnati office building, had gotten together, had voted to join a union, had the right to organize and bargain collectively. They still weren't getting rich. They still weren't making more than, I believe, if I recall, $10 or $11 an hour. But now they had a bit of a pension, now they had health care, and now they had a chance to actually earn a 1-week vacation, something many, many workers in America don't have the opportunity for. And when I hear people say: Well, unions meant something in the past, but they have outlived their usefulness, that really tells you what that is all about.

We celebrate that on Labor Day, but we also know the union movement is under attack. We look at what has happened in the Ohio Statehouse, where legislators in Columbus, most of whom were elected by talking about lost jobs in large part because of what happened in the Bush administration and the 8 years previously, but people who were very unhappy, as they have a right to be, as they should be, because of lost jobs, but what they have done is, after getting elected, they have gone after collective bargaining rights, worker rights. They have attacked voter rights. They have attacked in far too many cases women's rights.

Let's be clear. It is not teachers and firefighters and police officers who caused Ohio's budget deficit. It is not teachers and firefighters and police officers who caused this financial implosion our Nation has. Look at the history. It has been tax cuts for the wealthy; it has been reckless spending, overspending on corporate welfare, overspending on all kinds of things; it has been regulatory sleepwalking that has left our economy in ruins. As a result, we have a widening income gap, with wages generally stagnant for the last decade for middle-class and working-class voter citizens, wages stagnating or declining for most of the workforce but salaries and bonuses going up for people who are the most privileged, the bankers and wealthy executives and CEOs.

Robert Reich recently pointed out that the 5 percent of Americans with the highest incomes now account for 37 percent of all consumption. Reich points out that when income is concentrated at the top, the middle class doesn't have enough purchasing power to pull themselves out of this recession our economy suffers. The wealthiest people can only spend so much. If the middle class has their wages stagnant or actually decline, there simply isn't the purchasing power we need to create the demand to grow our economy. Our economy has been most prosperous when the middle class is thriving rather than when we have these huge gaps in income.

Today we have lost the consensus that our Nation's prosperity was tied to a thriving middle class, where opportunity was afforded to those seeking to join it.

We used to see that consensus on manufacturing, where an economy built wealth and built strong communities for millions of Americans around production. You only create wealth by mining, by agriculture—growing something—and by manufacturing. Yet we

have seen what has happened to manufacturing jobs in Ohio. Ohio is still the largest manufacturing State in the country, below only Texas, twice our size, and California, three times our size. We still put out a lot of production. There is a lot of productive capacity in Ohio and a lot of production. But 30 years ago, 26, 27 percent of our GDP was manufacturing and about 10 percent was financial services. Those manufacturing jobs created wealth for a lot of middle-class families. Kids could go to college, they could buy a home or a car or two in so many cases. Today what used to be more than a quarter of our GDP in manufacturing and only 10 percent in financial services has flipped so today only about 10 percent of our GDP is manufacturing.

We know what that has done. Yet some of my Senate colleagues do not want to extend the payroll tax. In many ways, it seems they will essentially will go on strike to prevent the wealthiest in America from paying a penny more. I hope that changes now that we are back from the August break and we are listening to what voters, what citizens at home are talking about.

Mr. President, let me share a couple of letters from people in Ohio, a couple of stories. Then I know Senator DURBIN wants to address the Senate.

Last April, I met with workers at Navistar in Springfield, OH, who are building next-generation military and commercial vehicles. The plant's production is up because a company and a community came together, forging compromise between the union and employer to keep jobs and increase production. We see it across Ohio. At the other end of our State, at Arcelor Mittal's plant—a big steel maker near Cleveland—for every 1 person-hour, 1 ton of steel is produced. To my understanding, we have never seen that kind of productivity anywhere else in the world. They are the most productive steelworkers in the world, able to produce 1 ton of steel for 1 man-hour, 1 woman-hour invested. We see it at the Lima Tank Plant and at the GE Aviation Plant in Evendale. It is a story we see down in Piketon. We see it in towns across Ohio, where the ''Made in Ohio'' or ''Made in America'' is stamped on everything from airplanes to auto parts.

I got a letter from David from Akron. He said:

> I am a firefighter/paramedic for the city of Akron. For 11 years I have put the safety and well-being of my community above mine.
>
> I am a proud member of my local union, I am married to a high school English teacher. When I took the job I was told my life expectancy would be 10 years less than that of the average man. As a paramedic I do my job all hours of the night, all days of the week, 24 hours at a time. I miss birthdays, holidays, celebrations and much more. I have never complained until now.
>
> As our country tries to recover from very hard times, I understand there is a need for reform. It is easy to think about what someone else has and how it is not fair. My wife and I worked hard to get where we are. No one has handed it to us. That is what I love about our country, if you are willing to work for something then you can be successful.

Public employees are once again asked to make sacrifices.

He is not arguing he will not make sacrifices. But to attack public employees with all that has happened in Ohio, to imply that they are not doing their jobs, they are all slackers, is too much for people who have given so much of their lives serving the public.

This last letter I will read is from Anestis from Canton, OH, a teacher.

> My father was a teacher in Canton City schools from 1953 to 1989. He and my mother raised 6 children, of whom I am the youngest. He taught and coached three sports from the time he received his job until he retired. He went to school on the GI bill after World War II. He could have earned a degree in anything, but he chose teaching because he sincerely wanted to earn a living through the hard, honest work of teaching and helping children.
>
> Both of my grandparents were Greek immigrants who came to this country in 1913 and 1920 through Ellis Island to escape the suppression in their counties and better their lives. My grandfathers worked in the factories in Canton so their children could have an education and better their lives.
>
> I have been teaching for 17 years. My father went on strike in the 1970's so we can now have collective bargaining, and I wouldn't be here today [if it were not for that]. Their work ethic and values of fair play helped my parents raise their children on a teacher's salary. If our rights are taken away, I cannot raise my own family—or educate our children.

Going the next step, a number of teachers and a number of college students have told me they are watching some young teachers, they are watching some of their classmates who planned to become teachers or just started their careers in the classroom and they are having second thoughts when they see conservative elected officials attack their profession of public schoolteachers or attack the profession of firefighters or police officers, all because they have a radical political agenda that wants to end the practice of organizing and bargaining collectively. It is a disservice to our country. We know we have a middle class because large numbers of workers—mostly private sector, some public sector—have had the ability under law to organize and bargain collectively. That is what built the middle class. It is not something we should give up lightly.

That is what I heard all over Ohio in the last couple of months. I assume I will hear it for the next couple of months. It is so important to our country that the focus here be on jobs, the focus here be on living-wage jobs, the focus here be on giving opportunities so Americans can stay in the middle class or have the opportunity to join the middle class.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

NO POLITICS ZONE

Mr. DURBIN. Mr. President, I thank my colleague from Ohio for highlighting what has to be our focal point as we return to the Senate, and that is the unemployment picture across America and the desperate situation many families are facing. As I visited my home State of Illinois, I found what the Senator did in Ohio, that many people have been desperately trying to find jobs for a long time and it is becoming increasingly difficult. The longer it goes on, the more difficult it becomes. It turns out the national statistics, which I read over the weekend, suggest that it is primarily males who are out of work—not exclusively, but 60 percent males, 40 percent females—and more and more not in minority populations. They are having a difficult time. I am glad the Senator from Ohio focused on getting us back on track as we should be on this issue.

I read with interest when Republican Leader MCCONNELL wrote an opinion article in the Washington Post yesterday. One line in that article struck me particularly and I wish to read it. Senator MCCONNELL said, ''Job creation should be a no-politics zone.''

I would like that to become our slogan for the month of September. I hope both parties will live by it. If we do, I think we can achieve some things and surprise the American people who have just about given up on us. Take a look at the numbers across the board. They say 12 or 13 percent of the American people think favorably of Congress. As I said on the ''Jon Stewart Daily Show,'' I don't think we have that many relatives so I question the number. I think it has reached the point that most people do not have a positive view of what we are doing here, and we need to change it. The only people who can change it are those of us who serve in this Chamber.

Unfortunately, the Republican leader came to the floor of the Senate today and said a little different thing, which I hope I am not overreading, but he said:

> Mr. President, there is a much simpler reason for opposing your economic proposals that has nothing whatsoever to do with politics, and it's this: They don't work.

I think that could be read to suggest that whatever the President has to say, he is going to run into opposition. I hope the joint session of Congress is productive. I spoke to the President this afternoon. He called a number of Members. He didn't give me any inside story on what he is about to say, but my guess is he is going to make proposals and then say to the Republicans: Now come up with your proposals and let's sit down together and work them out between us. That is the right way to do it in a divided government and that is the way we should approach it.

I recall when President George W. Bush in 2008 felt we needed an economic stimulus. At that time unemployment was 4.8 percent. Senator MCCONNELL supported an economic stimulus by President George W. Bush when our unemployment rate was 4.8 percent. He actually said on the floor

today that, ''Businesses actually don't want shots in the arm or quick fixes.'' But when he was supporting President Bush's economic stimulus in 2008, it was called ''a booster shot for our economy.'' I think sometimes that kind of booster shot can make a difference.

I think there are two vital elements in our economy that challenge us. I don't know how much we can change them or how quickly we change them. As I visited in my home State with community bankers who actually loan mortgages in their communities, time and again they said to me the biggest single problem is we don't know where the bottom is. We don't know where fair market value is on real estate so as a result it is very tough to close a deal and very tough to get agencies such as Fannie and Freddie to go along with it because of disputes over appraisals.

The second issue was one highlighted this morning in today's Chicago Sun-Times and that is the spending and saving habits of the American family, and they are changing pretty substantially. The rate of savings is up from 1 percent to 5 percent. People have decided putting some money in the bank is not a bad idea and they are borrowing less on their credit cards and other things and making fewer purchases. That is the right thing for a family to do in an uncertain economy. It is not the best thing for an economic recession. In fact, just the opposite is true. But you can understand, people were burned in 2007; burned again in the stock market a few weeks ago. They don't want to see it happen again and they don't want to be victimized by it, so those two things haunt us.

More than anything, I hope in the month of September this does not become a month of confrontation on the floor of the Senate and the House. The American people are fed up with it. If we have a confrontation over extending the Federal Aviation Administration or extending the Federal highway bill, they will rightly be angry that we are back to our old tricks of staring one another down and not accomplishing what needs to be done for this Nation and this economy.

I urge my colleagues, I hope I can join in this, to look for what the Republican leader called job creation as a ''no-politics zone'' in the weeks ahead.

In August, the American economy added zero net new jobs. That was painful. The private sector added just 17,000 jobs. Unemployment is at 9.1 percent. Fourteen million Americans are unemployed and millions more are underemployed. GDP growth was just 1 percent in the second quarter of this year.

Year-over-year real GDP growth is now at 1.5 percent. Since 1948, every time the four-quarter change in GDP has fallen below 2 percent, the economy has entered a recession. These figures are stunning and worrying. Now is not the time for us to shrink from our responsibilities on a bipartisan basis. The President is going to lay out a job creation proposal this week. He will offer a plan that should have broad bipartisan support, as these initiatives have had in the past when suggested by other Presidents. I hope this President will call for investments in America, in physical, human, and intellectual capital to provide the seed money for long-term growth. Among other things, that means investing in our infrastructure.

Mr. President, you know what is going on in China today. We have seen it. The infrastructure construction in China is mind boggling. They are preparing for the 21st century. America is not, and we need to change that. The American Society of Civil Engineers estimates our country's infrastructure needs at least $1 trillion. Our infrastructure is rapidly aging, whether bridges falling down in Minnesota or planes being diverted from airports because they are not up to where they ought to be. This is what ought to challenge all of us. Dozens of bipartisan commissions have told us to invest in infrastructure. We also need to invest in human and intellectual capital. That means jobs for teachers and job trainers, and research jobs which will create good jobs across the whole economy.

Congress must invest now because the private sector remains skittish. Here is what Bill Gross, a Republican and chief investment officer of the giant bond fund PIMCO, said:

> Capitalism in its raw form can't pull us out of this hole.

That is an important message from a man in the private sector, in the financial community. In the near term, the private sector is not uneasy because of high taxes or government debt or the Environmental Protection Agency or even health care reform or Wall Street reform. These things all exist. But corporations are doing better than ever. A recent report found that of the last year's 100 highest paid corporate executives in the United States, 25 of the 100 highest paid CEOs in America earned more in income than their company paid in taxes to the Federal Government. Corporate profits grew 8.3 percent year over year in the second quarter. That growth is far better than the overall growth of our economy in the same timeframe.

As of March 31, the blue-chip companies and Standard and Poor's 500 index are sitting on nearly $1 trillion in cash. It is not government debt, it is not the EPA, it is not health care reform, it is not Wall Street reform. No, the private sector in America is still on the sidelines because it is still recovering from the wounds of the deepest global crisis in over 75 years. While the private sector is licking its wounds, the government can promote job creation and reduce uncertainty. It is a false choice to say government can either create jobs or reduce debt. The truth is, creating jobs will reduce debt, and the argument can be made with 14 million Americans out of work you will never balance the budget. Creating jobs will bring more people into the tax base, increasing our revenues and take people off of the safety net programs such as unemployment insurance and food stamps. We need more jobs and less debt. One begets the other. It is possible. I know many pundits listening now will say: Impossible. We can't get bipartisan agreement on job measures now. But short-term spending coupled with long-term spending had bipartisan support less than a year ago. That is when I was a member of the Simpson-Bowles Commission, voted for their findings, and that is what they recommended. The Commission said: Don't cut back on spending for 2 years, until we get out of the recession, and then make a serious commitment to deficit reduction. I think they had it right then. They still do.

The Commission explicitly called for near-term spending, a payroll tax credit in concert with long-term deficit reduction. Mr. President, 11 of the 18 members of that Commission, myself included, voted for it: 5 Democrats, 5 Republicans, 1 Independent. By supporting progrowth policies and locking in deficit reduction in the outyears, we can turn this economy around, provide certainty in the marketplace, and create good-paying jobs right here in America.

One last point I would like to make. Illinois was largely spared from the disasters of the last several weeks. We had our problems with flooding earlier this year. But 2011 is shaping up to be a record year with regard to disasters. Hurricane Irene could cost us at least $1 billion, maybe $1.5 billion. People in Illinois have been recovering from two federally declared disasters over the long term—one, a blizzard in February, and the other, major flooding in the spring.

Out of the $130 billion provided in FEMA disaster funds in the past decade, some $110 billion has been provided as emergency funding. We cannot budget for these disasters.

At a hearing before we left—and I knew government experts would be suspect to some, so I brought in experts from the insurance industry, the people who write property and casualty insurance. They said: Be prepared—more disasters and higher costs in loss than ever before. That was before Hurricane Irene.

According to NOAA's National Climate Data Center, the United States has already experienced 10 natural disasters with damages totaling more than $1 billion. The previous record for weather-related disasters of this magnitude was nine in 1 year. We have already broken it, and there are more hurricanes to follow, I am afraid to say. The United States has sustained 109 weather-related disasters over the past 31 years in which overall damage or costs exceeded $1 billion. The total normalized losses for the 109 events exceeded $750 billion.

In 2011 alone, over $35 billion in damages has been caused by catastrophic

events. I make that point because some Members of Congress—one, a Congressman from Virginia—suggest we can take the need for disaster funds out of the regular budget of the United States. I will tell you, it is virtually impossible, and we don't know what the final cost will be. At this point we expect it to be much more. We have to deal with these disasters and come to the aid of families and businesses, communities and States, as our State has been aided and almost every State has in the past.

A provision in the Budget Control Act allows Congress several billion dollars in emergency spending for additional FEMA aid without budget cuts elsewhere. We are going to have to get together on a bipartisan basis to deal with this. FEMA estimates that the request leaves the disaster fund short by $2 billion to $4.8 billion in the upcoming year. These figures do not take into account the most recent damage from Hurricane Irene, particularly in the State of Vermont and many other places. We need to work on a bipartisan basis to meet these needs for the disaster assistance all across America and put America back to work.

At this point I would like to yield the floor to my former remarks and engage in the closing script.

MORNING BUSINESS

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

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

HONORING OUR ARMED FORCES

PETTY OFFICER TUMILSON

Mr. GRASSLEY. Mr. President, as an Iowan, it is with great sadness but also a sense of pride that I rise to pay tribute to Navy SEAL Jon T. Tumilson who gave his life for his country along with 29 other American heroes as the result of a helicopter crash in Afghanistan on August 6. He worked hard to get where he did and was extremely proud to have become a Navy SEAL. The people of the State of Iowa, and particularly his hometown of Rockford, are extremely proud to call him a native son.

Petty Officer Tumilson is described as someone who committed fully to everything he did and he applied that intense dedication to serving his country. We as a nation must be grateful that we have brave and selfless Americans like Jon Tumilson who are willing to undertake the incredible training necessary to become a Navy SEAL so that they can then put their lives on the line repeatedly in some of the most dangerous missions imaginable. Our country has lost a powerful force for good, and his fellow sailors have lost a brother in arms. Of course, his loss will be felt particularly deeply by his family, friends, and neighbors. My prayers go out to Jon's parents, George and Kathy, and all those who are grieving. Nothing can compensate for his loss, but I hope they can take comfort in knowing that he died a true American hero. Jon Tumilson's memory will now join the honored ranks of those patriots who, since the Revolutionary War, have fought to defend American liberty.

CHIEF PETTY OFFICER ROBERT REEVES

Mr. VITTER. Mr. President, I rise today to honor a true American hero. On August 5, 2011, our State and Nation lost a great patriot when Navy SEAL CPO Robert Reeves, aged 32, died in Afghanistan during combat operations in support of Operation Enduring Freedom.

Chief Reeves was raised in Louisiana by his loving parents Jo and James Reeves, and he graduated from Caddo Magnet High School in Shreveport, LA, where he played both soccer and lacrosse.

After 1 year at LSU, Chief Reeves enlisted in the U.S. Navy and joined the SEALs in 1999. Since that time, he has been assigned to various SEAL teams where he made several combat deployments in support of the global war on terror, distinguishing himself in combat operations during 13 years of service in the U.S. Navy.

A decorated soldier, he served as a member of the Naval Special Warfare Development Group, or SEAL Team Six as it is more commonly known, and was the recipient of four Bronze Stars—earned for his bravery and meritorious service. He carried out his duties with pride and without reservation and each of us owes him our gratitude for his selfless sacrifice.

There is no doubt that this tragic loss will not only be felt within the Reeves family but also the Navy and the entire Nation. My deepest thoughts and prayers are with his family during this extraordinarily difficult time. Our Nation is safer and stronger because of brave heroes like Chief Reeves. Today, I ask my colleagues to join me as we honor the life of Navy SEAL CPO Robert Reeves and his legacy, as well as all the other brave men and women in our Armed Forces who have given the ultimate sacrifice in service to our great Nation.

CORDRAY NOMINATION

Mr. BLUMENTHAL. Mr. President, I rise to speak in favor of Rich Cordray's nomination as Director of the Consumer Financial Protection Bureau and to urge a vote on his nomination.

The enactment of the Dodd-Frank law last Congress is a triumph for consumers. This landmark law reins in the abusive and predatory practices of bad actors in the financial industry and protects consumers through the creation of the Consumer Financial Protection Bureau.

The CFPB will empower consumers by giving them the knowledge and tools they need to make responsible financial decisions and will level the playing field by policing and curtailing the unfair practices of some unscrupulous banks and financial institutions. I applauded the creation of the CFPB and have heard from Connecticut residents who want the consumer protections that the CFPB will provide.

Last month, President Obama nominated former Ohio attorney general Rich Cordray to serve as the Director of the CFPB. This is an inspired choice. Rich has dedicated his career to protecting and educating consumers: he has vigorously pursued lenders that employed abusive and fraudulent foreclosure practices like robo-signing and he has repeatedly gone after financial institutions that weakened employees' pension funds by concealing material information from investors.

Recognizing that informed consumers are empowered consumers, Rich has also sought to improve financial literacy among Ohio residents by working to include personal finance education in Ohio schools.

Rich's nomination has been widely praised, even by those he has clashed with. Former Senator Mike DeWine, who ran against Rich for State attorney general last year, called Rich ''very well-qualified for this job.''

As Connecticut's attorney general, I worked alongside Rich, and I know he is a true consumer advocate and an outstanding nominee to lead this critical new agency.

Despite Rich's impressive background and qualifications, some of my colleagues are refusing to allow a confirmation vote on his nomination. They do this not because they doubt Rich's qualifications, but because they resent the agency he has been nominated to lead. Earlier this year, 44 Senators wrote President Obama and threatened to block any nominee for the CFPB until the agency's structure and authority was gutted. Now, they are following through on that threat.

This is a bad precedent. The CFPB was created by the Dodd-Frank law passed by the previous Congress and signed by President Obama. This legislation was not rushed through; it was debated for months and months, with members given plenty of time to criticize the bill, offer amendments, or vote no on the legislation. Eventually, the bill passed. Sixty Senators voted for it, including several who are now seeking to block the nominee for an agency they voted to create.

Some of my colleagues may not like the law or the CFPB. I respect that. But their course of action should be to introduce legislation to change the law, not to shirk their constitutional duty by refusing to allow a confirmation vote.

REMEMBERING DR. BERNADINE PATRICIA HEALY

Mr. PORTMAN. Mr. President, I rise today to honor the life of Dr. Bernadine Patricia Healy. Dr. Healy was a cardiologist and a pioneer in the

field of medical research. Among her many impressive accomplishments, Dr. Healy served as the first female director of the National Institutes of Health, dean of the College of Medicine and Public Health at the Ohio State University, president of the American Red Cross, and president of the American Heart Association.

A brilliant scientist, an innovator, and a strong leader who could effectively communicate technical information, Dr. Healy was also a valued Presidential adviser. Dr. Healy selflessly answered the call to public service from Presidents Ronald Reagan, George H.W. Bush, and George W. Bush.

Dr. Healy was a courageous champion of women in science and medicine. While serving as the director of the National Institutes of Health, Dr. Healy introduced a number of initiatives, including the Women's Health Initiative, which resulted in monumental advances in understanding the causes and researching the cures of diseases that affect women. Dr. Bernadine Healy was truly a source of inspiration who touched the lives of so many of us in Ohio and around the world, and her extraordinary legacy lives on. She will not be forgotten.

ADDITIONAL STATEMENTS

TRIBUTE TO PETER DOUGLAS

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the achievements and legacy of Peter Douglas, executive director of the California Coastal Commission, who will be retiring this November. Peter is truly a giant among California conservationists, and our State is a much better and more beautiful place as a result of his life's work.

Established by voter initiative in 1972, the Coastal Commission was created by the people of California and is sustained by their support and active participation. For nearly four decades, the California Coastal Commission has worked to protect, conserve, restore, and enhance the resources of the California coast and ocean for current and future generations.

Peter Douglas was there at the creation of the commission, and he has shaped and guided its work every step of the way. As a legislative aide in the early 1970s, he helped draft the 1972 Coastal Initiative and the California Coastal Act of 1976, which made the commission a permanent public institution. After 7 years as the commission's chief deputy director, he was named executive director in 1985 and has served ever since.

Along with its stewardship of responsible development along the coast, the Coastal Commission has led the way in preserving public access to our State's coastline and beaches. From the beginning, Peter Douglas believed that protecting public access went hand in hand with protecting California's natural heritage, because the public would work to protect a resource that they could enjoy. Under Peter's leadership, the commission worked to create public parks in some key areas that might otherwise have been developed, including Crystal Cove, Malibu Bluffs, and Tomales Bay State Park.

Here is what Peter Douglas himself says about coastal conservation: ''The coast is what it is because a lot of people worked really hard and sacrificed to protect it. And if we want it to be there for our children, we have to keep fighting to protect it. In that way, the coast is never saved—it is always being saved.''

When asked if he had any idea when he started out 40 years ago what his legacy would be, Peter Douglas replied, ''Absolutely not. I never thought about it. I just thought it was noble work, and I wanted to make a difference.''

Peter Douglas has made a tremendous difference. From the bottom of my heart, I offer him my profound thanks and best wishes.•

REMEMBERING JEREMY HENWOOD

• Mrs. BOXER. Mr. President, today I am honored to pay tribute to San Diego Police Officer Jeremy Henwood, who recently died in the line of duty at the age of 36. On August 6, 2011, Officer Henwood was shot by a suspect who pulled alongside his patrol car. He passed away several hours later.

In his 4-year career with the San Diego Police Department's Mid-City Division, Officer Henwood earned a reputation as a caring, dedicated officer, and committed leader. Everyday, he selflessly put his life on the line to protect the city he loved.

A strong believer in public service, Jeremy Henwood served in the U.S. Marine Corps for 15 years, first on active duty and later as Reservist. Major Henwood did two tours of duty in Iraq and one in Afghanistan. He recently returned from deployment in Helmand Province, Afghanistan, where he commanded a Marine logistics company.

Police Chief William Lansdowne has stated that Officer Henwood ''believed he was a protector and his job was to save others.'' One of his colleagues called him ''a true hero who not only served this country, but served this city.'' A generous and courageous man in life, Officer Henwood's organs were donated to save other lives.

Officer Henwood is survived by his mother Beverly, his father Robbie, and younger siblings Robbie Junior and Emily. My thoughts and prayers are with them during this tragic time. I also send my deepest condolences to Officer Henwood's colleagues in the San Diego Police Department, who continue to serve our community and protect our people.•

NEW HOPE MISSIONARY BAPTIST CHURCH

• Mrs. BOXER. Mr. President, I am honored to recognize the 100th anniversary of the founding of New Hope Missionary Baptist Church, the oldest African American church in San Bernardino, CA.

In 1911, New Hope Missionary Baptist Church opened its doors under the leadership of Minister James Hart.

It all began in response to African-American migrants who wanted a place of worship. In 100 years, New Hope Missionary Baptist Church never lost sight of its responsibility to creatively meet the ever-changing needs of the community it serves.

During the pastorate of Dr. David E. Campbell from 1950–1978, New Hope built a new building and became the first Black Baptist congregation in southern California to elect women to the board of trustees. Under Dr. LeMar Foster from 1984–1997, the congregation established numerous organizations, fellowships, and outreach programs. The church's current pastor, Dr. Robert E. Fairley who has served from 1978–1983 and from 1997-present, has introduced worship services to accommodate overflow crowds, added a van to support the new transportation ministry, and established new programs for hospitality, premarital, and marital counseling.

The year 2011 marks a significant milestone in the life of New Hope Missionary Baptist Church, which was ''Founded on Hope, Built in Love, and Sustained by Faith.'' I congratulate New Hope Missionary Baptist Church on this significant anniversary and 100 years of extraordinary service to the community.•

OCEAN VIEW LITTLE LEAGUE WORLD CHAMPIONS

• Mrs. BOXER. Mr. President, I am very pleased to extend my best wishes and congratulations to the Ocean View Little League team from Huntington Beach, CA. On August 28, this team of 11- and 12-year-olds defeated Japan to win the Little League World Series championship in Williamsport, PA.

It was a dramatic victory. With two outs and the bases loaded in the bottom of the sixth and final inning, first baseman Nick Pratto delivered a sharp single to center to score the winning run for Ocean View.

Nothing could stop this team. Not their friendly rivals from Billings, MT, who pushed Ocean View to the brink of elimination by winning an extra-inning thriller earlier in the Little League World Series. And not Hurricane Irene, which brought rain to Williamsport and pushed back the final game by more than 3 hours. Ocean View defeated Billings on August 27 to win the U.S. championship and then outlasted a tough Japanese team 2–1 to win the final.

Orange County, CA, has produced scores of major league baseball players, the 2002 World Champion Angels, and the Cal State Fullerton Titans, four-time winners of the College World Series. Now, for the first time, Orange

County has a Little League World Series champion.

This was a great victory for Ocean View's players and coaches as well as their families and the Huntington Beach community that supported their long march to the championship.●

CHARLES TOWN, WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, today I celebrate the 225th anniversary of the incorporation of the city of Charles Town, WV. Charles Town has a rich history and heritage of great significance not only to West Virginia but to the entire nation.

Charles Town was originally founded in 1786 in what was then Virginia. The city was named after Charles Washington, the brother of our first President, George Washington. Charles Washington moved to the lower Shenandoah Valley in 1780 and there he began building his home known as ''Happy Retreat.'' In 1786, he asked the Virginia State Legislature for permission to incorporate a town there, which he named ''Charles Town.'' After Charles Washington's death, Charles Town became the county seat of newly formed Jefferson County.

Our Nation's focus turned to Charles Town in 1859 with the trial and execution of abolitionist John Brown and his followers after their historic raid on Harper's Ferry. The trial proceedings, and the words uttered by John Brown in Charles Town on the institution that held millions of Americans in bondage, helped shape our Nation's debate on issues surrounding the Civil War. When Virginia seceded from the Union, Charles Town became part of the newly created State known as West Virginia. Today, visitors come to Charles Town from all over to view an area steeped in the history of our Nation.

Charles Town has undergone many changes over 225 years. And those many changes are evident in its abundance of historic sites, including its architectural landmarks and museums, and transitions over time in its local economy. The residents of Charles Town have always met these changes with courage and vision, and have confronted challenges with resilience and strength of spirit. They are proud and hard-working, and will undoubtedly help carry the city into a promising future.

The city's local leaders—both past and present—also deserve credit for the city's success. Their leadership and inspiration have guided Charles Town as it has developed and grown, while remaining true to its heritage and our West Virginia values. I join Mayor Peggy Smith and the city council in celebrating this momentous occasion.

Two hundred twenty-five years ago, Charles Washington had a vision for the city of Charles Town and the people of the lower Shenandoah Valley who would establish their lives there. And, as the citizens and leaders of Charles Town look ahead, I believe strongly that the city continues to hold great promise for a prosperous future.●

BILLINGS BIG SKY ALL-STARS

● Mr. TESTER. Mr. President, I wish to share some exciting news from my home State of Montana. As many already know, the Little League World Series reached its thrilling completion last month. Montana's team, the Big Sky All-Stars from Billings, played in the U.S. Championship Game after a breathtaking, extra-inning victory over California in its previous game.

This Billings team was the first team from Montana to reach the Little League World Series. Only eight teams from the thousands of Little Leagues across the country make it to the World Series held in South Williamsport, PA, each year. One of our boys, Ian Leatherberry, originally said that the team was just hoping to play in the regional tournament. Instead, they played so long that they had a good excuse for missing the first week of school.

Behind the leadership of manager Gene Carlson and his coaches, these Treasure State champs became the talk of the tournament and the Nation. With great pitching, outstanding defense, and timely hitting, they quickly proved they belonged by defeating South Dakota and Louisiana, winning each game by a thrilling two-run margin.

Despite our State not even having a million people, Montana's All-Stars didn't blink when taking on the team from Huntington Beach, CA, for the right to reach the U.S. championship game. Montana's starting pitcher Cole McKenzie battled California's hitters, holding them scoreless. Then Ben Askelson hit a dramatic walk-off home run to give our boys an amazing 1–0 win in extra innings.

It is honestly no surprise to me that the Big Sky All-Stars punched above their class. Whether competing in Little League baseball or showing the rest of the world true sportsmanship, Montana knows how to compete.

Despite their loss in the national championship game, Gene and his players earned the respect of all of Montana. These 12 boys—Ben Askelson, Jet Campbell, Sean Jones, Connor Kieckbusch, Pearce Kurth, Ian Leatherberry, Brock MacDonald, Andy Maehl, Cole McKenzie, Dawson Smith, Gabe Sulser and Patrick Zimmer—played with great skill and determination, making everyone from the Big Sky State proud of their immense accomplishment.●

HONORING RAYMOND MEDER

● Mr. TESTER. Mr. President, today I honor Raymond Meder and his service to the Army of the United States during World War Two.

Raymond arrived in Normandy 6 days after D-day and went on to fight in the frigid Battle of the Bulge. After that defining battle, Raymond Meder and his commanding officer were ordered to take a jeep full of ammunition to the front line—in German territory.

A mortar exploded in front of Raymond's jeep, flipping it over. The crash shattered Raymond's wrist and he suffered from shrapnel in his leg. Still under heavy fire, Raymond Meder crawled to the side of the road and covered his commanding officer with his own body. Sadly, that officer never made it. But Raymond returned fire through the night and into the morning with a machine gun until reinforcements arrived.

In a hospital in France, Raymond Meder was visited by an Army captain who told him, ''You'll earn medals for this.''

Yes, he earned them. But he never received them.

Three weeks later, Raymond returned to the battlefield. His wrist was deformed for the rest of his life. He never complained. And his military records were destroyed by a 1973 fire in St. Louis.

Raymond Meder passed away just a few months ago, on March 30. His son Ray and daughter-in-law Corine started asking questions about Raymond's service. Last month I had the honor of presenting to his family Raymond Meder's Bronze Star, Combat Infantryman Badge 1st Award, World War Two Victory Medal and Honorable Service Lapel Button.

These may be small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

TRIBUTE TO JOSEPH CETNAR

● Mr. TESTER. Mr. President, today I honor Joseph Cetnar.

According to his sister, Joe grew up as ''real New York City street kid.'' He was born to Polish-Ukrainian immigrants who wanted to give their children the American dream. He had to work for the American dream. And he did.

Joe worked hard his whole life from a very early age, when he sold hot dogs on the streets of New York. In 1941, Joe enlisted in the Army Air Corps. And he parachuted into France during the invasion of Normandy.

Like many veterans who returned from war, Joe didn't speak much about his experience in the European theater.

His military records were destroyed by a fire in 1973. And in 2009, Joe passed away, leaving behind his wife of 65 years.

Joe Cetnar never received the recognition he deserved. His sister Dotty and his niece Aleksy started asking questions about Joe's service. And together, we discovered that Joe earned several medals he never received.

Last month I had the honor of presenting to his family Joseph Cetnar's American Defense Service Medal,

World War Two Victory Medal, and Honorable Service Lapel Button.

These may be small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

TRIBUTE TO RAYMOND DEUTSCHER

● Mr. TESTER. Mr. President, today I honor the military service of Raymond Deutscher.

Raymond enlisted in the Army in his home State of North Dakota in the spring of 1942. He was a born leader who became a combat infantry squadron leader. And he led his troops to the beaches of Normandy, June of 1944.

When Raymond and his troops arrived, he said the water and sand was already stained with blood. In Normandy, on June 11, 1944, Raymond was shot and severely wounded by German forces. His recovery took 7 months at a hospital in England and further hospital stays at home.

Through the long trauma and his long recovery from enemy fire, Raymond Deutscher never received the medals he earned as a hero of World War II.

His military records were destroyed by a 1973 fire in St. Louis. And he passed away on January 10, 2001.

His family reached out to me and started asking questions about Raymond's service and the due recognition he never received.

Last month I had the honor of presenting to his family Raymond Deutscher's Bronze Star, Purple Heart, Good Conduct Medal, American Campaign Medal, European-African-Middle Eastern Campaign Medal, Combat Infantryman Badge First Award with Rifle Bar, World War Two Victory Medal, and Honorable Service Lapel Button

These eight medals may be small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service. These medals are presented on behalf of a grateful nation.●

HONORING PETER SCHNEIDER

● Mr. TESTER. Mr. President, today I honor CPL Peter Schneider and his service to the U.S. Army during World War II.

At the age of 17, Corporal Schneider's parents passed away and he was left to raise two younger siblings. Although he didn't have to go to war, he believed it was his calling. And his older brother agreed to take care of the children.

On July 3, 1944, Corporal Schneider was severely wounded by German troops in Livry, France. His wounds were so severe he spent 4 years recovering in a hospital. The attack left Mr. Schneider 100 percent disabled. But that didn't stop him from working the rest of his life after the war.

Corporal Schneider received a Purple Heart for his sacrifice. His daughter Marlene keeps the medal in her home as a memorial. But after some research, Marlene discovered her father never received all the recognition he earned for his service in World War II.

A full year before he was wounded, Corporal Schneider served in the 41st Armored Infantry Division under General Patton. And in July of 1943, he was part of the first wave of Allied Forces—the tip of the spear—to storm Sicily and liberate Palermo.

After reaching out to me, we discovered that for his heroism in that significant part of the war, Corporal Schneider earned two more important medals.

Last month I had the honor of presenting to his family CPL Peter Schneider's Bronze Star and European-African-Middle Eastern Campaign Medal.

These may be small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.

Peter Schneider passed away in 1999 having never seen these medals. But they will be part of his family's history forever.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on August 5, 2011, during the recess of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bills:

H.R. 2715. An act to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

H.R. 2553. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

Under the authority of the order of August 5, 2011, the enrolled bills were signed on August 5, 2011, during the recess of the Senate, by the Acting President pro tempore (Mr. CARDIN).

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on August 19, 2011, during the recess of the Senate, received a message from the House of Representatives, announcing that pursuant to section 401(b)(4)(B)(iii) of the Budget Control Act of 2011 (Public Law 112–25) and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Joint Select Committee on Deficit Reduction: Mr. HENSARLING of Texas, Co-Chair, Mr. UPTON of Michigan, and Mr. CAMP of Michigan.

The message further announced that pursuant to section 401(b)(4)(B)(iv) of the Budget Control Act of 2011 (Public Law 112–25) and the order of the House of January 5, 2011, the Minority Leader appoints the following Members of the House of Representatives to the Joint Select Committee on Deficit Reduction: Mr. CLYBURN of South Carolina, Mr. BECERRA of California, and Mr. VAN HOLLEN of Maryland.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 66. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

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–2825. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2826. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2827. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the 2011 annual report of the Financial Stability Oversight Council; to the Committee on Banking, Housing, and Urban Affairs.

EC–2828. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XA556) received in the Office of the President of the Senate on August 1, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2829. A communication from the Program Manager, Centers for Medicare and

Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program: Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2012; Changes in Size and Square Footage of Inpatient Rehabilitation Units and Inpatient Psychiatric Units'' (RIN0938–AQ28) received in the Office of the President of the Senate on August 1, 2011; to the Committee on Finance.

EC–2830. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Hospice Wage Index for Fiscal Year 2012'' (RIN0938–AQ31) received in the Office of the President of the Senate on August 1, 2011; to the Committee on Finance.

EC–2831. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for Fiscal Year 2012'' (RIN0938–AQ29) received in the Office of the President of the Senate on August 1, 2011; to the Committee on Finance.

EC–2832. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System. . . .'' (RIN0938–AQ24) received in the Office of the President of the Senate on August 1, 2011; to the Committee on Finance.

EC–2833. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Mexico for the delivery, operation, and maintenance of one Sikorsky S–70i helicopter in the amount of $14,000,000 or more; to the Committee on Foreign Relations.

EC–2834. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act'' (RIN0938–AQ07) received in the Office of the President of the Senate on August 1, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–2835. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–98 ''Fiscal Year 2012 Budget Support Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–2836. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–2837. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the continuation of the national emergency that was declared in Executive Order 13396 on February 7, 2006, with respect to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC–2838. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC–2839. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–2840. A communication from the Senior Counsel, Financial Stability Oversight Council, transmitting, pursuant to law, the report of a rule entitled ''Authority to Designate Financial Market Utilities as Systemically Important'' (RIN4030–AA01) received during recess of the Senate in the Office of the President of the Senate on August 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2841. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Office of Management and Budget Guidance on Drug-Free Workplace Requirements'' (RIN2501–AD54) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2842. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Certain Orderly Liquidation Authority Provisions under Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act'' (12 CFR Part 380) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2843. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Interest on Deposits; Deposit Insurance Coverage'' (RIN3064–AD78) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2844. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''16 Part 640 and Part 698: Fair Credit Reporting Risk-Based Pricing Regulations'' (RIN3084–AA94) received during recess of the Senate in the Office of the President of the Senate on August 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2845. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Mortgage Acts and Practices—Advertising Rule'' (RIN3084–AB18) received during recess of the Senate in the Office of the President of the Senate on August 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2846. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Office of Thrift Supervision Integration Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act'' (RIN1557–AD47) received during recess of the Senate in the Office of the President of the Senate on August 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2847. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2011–0002)) received during recess of the Senate in the Office of the President of the Senate on August 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2848. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received during recess of the Senate in the Office of the President of the Senate on August 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2849. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received during recess of the Senate in the Office of the President of the Senate on August 15, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2850. A communication from the Regulatory and Policy Specialist, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indian Trust Management Reform—Implementation of Statutory Changes'' (RIN1076–AF07) received during recess of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Indian Affairs.

EC–2851. A communication from the Director of Regulation Policy and Management, Office of Information and Technology, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Release of Information from Department of Veterans Affairs Records'' (RIN2900–AN72) received during recess of the Senate in the Office of the President of the Senate on August 15, 2011; to the Committee on Veterans' Affairs.

EC–2852. 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 ''Thiamethoxam; Pesticide Tolerances'' (FRL No. 8874–9) received during recess of the Senate in the Office of the President of the Senate on August 15, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2853. 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 ''Metconazole; Pesticide Tolerances'' (FRL No. 8882–7) received during recess of the Senate in the Office of the President of the Senate on August 15, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2854. 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 ''Fluoxastrobin; Pesticide Tolerances'' (FRL No. 8884–4) received during recess of the Senate in the Office of the President of the Senate on August 15, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2855. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Process for Review of Swaps for Mandatory Clearing'' ((17

CFR Parts 39 and 140) (RIN3038–AD00)) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2856. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Removing Any Reference to or Reliance on Credit Ratings in Commission Regulations; Proposing Alternatives to the Use of Credit Ratings'' ((17 CFR Parts 1 and 4)(RIN3038–AD11)) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2857. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Provisions Common to Registered Entities'' ((17 CFR Part 40)(RIN3038–AD07)) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2858. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, Selected Acquisition Reports (SARs) for the quarter ending June 30, 2011 (DCN OSS 2011–1397); to the Committee on Armed Services.

EC–2859. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, the Department of Defense's 2011 report to Congress entitled ''The Worldwide Nuclear, Biological, and Chemical Weapons and Ballistic and Cruise Missile Threat'' (DCN OSS 2011–1288); to the Committee on Armed Services.

EC–2860. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–2861. A communication from the Principal Deputy Undersecretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the feasibility of establishing a full-service exchange store in the Northern Mariana Islands; to the Committee on Armed Services.

EC–2862. A communication from the Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department of Defense's purchases from foreign entities for Fiscal Year 2010; to the Committee on Armed Services.

EC–2863. A communication from the Co-Chairs of the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, a report relative to the status of the Commission's final report; to the Committee on Armed Services.

EC–2864. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled, ''Federally Funded Research and Development Centers Estimated FY 2011 Staff-years of Technical Effort (STEs) and Estimated Funding''; to the Committee on Armed Services.

EC–2865. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2866. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Nonavailability Exception for Procurement of Hand or Measuring Tools'' ((RIN0750–AH17)(DFARS Case 2011–D025)) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Armed Services.

EC–2867. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contractors Performing Private Security Functions'' ((RIN0750–AH28)(DFARS Case 2011–D023)) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Armed Services.

EC–2868. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities'' (Docket No. RM10–23–000) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Energy and Natural Resources.

EC–2869. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Office of Civilian Radioactive Waste Management's Annual Financial Report for the years ending September 30, 2009 and 2008; to the Committee on Energy and Natural Resources.

EC–2870. A communication from the Acting Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, the semi-annual Implementation Report on Energy Conservation Standards Activities of the Department of Energy; to the Committee on Energy and Natural Resources.

EC–2871. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC–2872. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Residential Clothes Dryers and Room Air Conditioners'' (RIN1904–AA89) received during recess of the Senate in the Office of the President of the Senate on August 25, 2011; to the Committee on Energy and Natural Resources.

EC–2873. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Segregation of Lands—Renewable Energy'' (RIN1004–AE19) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Energy and Natural Resources.

EC–2874. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Efficiency Design Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings'' (RIN1904–AC41) received during recess of the Senate in the Office of the President of the Senate on August 16, 2011; to the Committee on Energy and Natural Resources.

EC–2875. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Residential Furnaces and Residential Central Air Conditioners and Heat Pumps'' (RIN1904–AC06) received during recess of the Senate in the Office of the President of the Senate on August 16, 2011; to the Committee on Energy and Natural Resources.

EC–2876. A communication from the Chief of the Division of Policy and Programs, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Financial Assistance: Wildlife Restoration, Sport Fish Restoration, Hunter Education and Safety'' (RIN1018–AW65) received during recess of the Senate in the Office of the President of the Senate on August 10, 2011; to the Committee on Environment and Public Works.

EC–2877. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Qualification of Connection Assemblies for Nuclear Power Plants'' (Regulatory Guide 1.156, Revision 1) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Environment and Public Works.

EC–2878. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Ipomopsis polyantha (Pagosa Skyrocket) and Threatened Status for Penstemon debilis (Parachute Beardtongue) and Phacelia submutica (DeBeque Phacelia)'' (RIN1018–AV83) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Environment and Public Works.

EC–2879. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status for the Cumberland Darter, Rush Darter, Yellowcheek Darter, Chucky Madtom, and Laurel Dace'' (RIN1018–AV85) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Environment and Public Works.

EC–2880. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Emergency Listing of the Miami Blue Butterfly as Endangered, and Emergency Listing of the Cassius Blue, Ceraunus Blue, and Nickerbean Blue Butterflies as Threatened Due to Similarity of Appearance to the Miami Blue Butterfly'' (RIN1018–AX83) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on Environment and Public Works.

EC–2881. A communication from the Senior Management Analyst of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; 44 Marine and Anadromous Taxa: Adding 10 Taxa, Delisting 1 Taxon, Reclassifying 1 Taxon, and Updating 32 Taxa on the List of Endangered and Threatened Wildlife'' (RIN1018–AW09) received during recess of the Senate in the Office of the President of the

Senate on August 4, 2011; to the Committee on Environment and Public Works.

EC–2882. 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, South Coast Air Quality Management District'' (FRL No. 9447–4) received during recess of the Senate in the Office of the President of the Senate on August 15, 2011; to the Committee on Environment and Public Works.

EC–2883. 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 Implementation Plans; New York Reasonable Further Progress Plans, Emissions Inventories, Contingency Measures and Motor Vehicle Emissions Budgets'' (FRL No. 9453–2) received during recess of the Senate in the Office of the President of the Senate on August 15, 2011; to the Committee on Environment and Public Works.

EC–2884. 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 ''Cobalt Lithium Manganese Nickel Oxide; Significant New Use Rule'' (FRL No. 8878–2) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Environment and Public Works.

EC–2885. 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 ''TSCA Inventory Update Reporting Modifications; Chemical Data Reporting'' (FRL No. 8872–9) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Environment and Public Works.

EC–2886. 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 State Implementation Plans; West Virginia; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9447–6) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Environment and Public Works.

EC–2887. 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 State Implementation Plans; Delaware; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9447–7) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Environment and Public Works.

EC–2888. 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 State Implementation Plans; State of Colorado; Attainment Demonstration for the 1997 8-Hour Ozone Standard, and Approval of Related Revisions'' (FRL No. 9276–8) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Environment and Public Works.

EC–2889. 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 ''Limited Federal Implementation Plan; Prevention of Significant Deterioration; California; North Coast Unified Air Quality Management District'' (FRL No. 9448–5) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Environment and Public Works.

EC–2890. 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 ''Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export'' (FRL No. 9448–4) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Environment and Public Works.

EC–2891. 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 ''Change of Address for Region 1; Technical Correction'' (FRL No. 9449–3) received during recess of the Senate in the Office of the President of the Senate on August 3, 2011; to the Committee on Environment and Public Works.

EC–2892. 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 ''Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing; Corrections'' (FRL No. 9450–7) received during recess of the Senate in the Office of the President of the Senate on August 10, 2011; to the Committee on Environment and Public Works.

EC–2893. 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 Implementation Plans North Carolina: Prevention of Significant Deterioration and Nonattainment New Source Review Rules'' (FRL No. 9449–8) received during recess of the Senate in the Office of the President of the Senate on August 10, 2011; to the Committee on Environment and Public Works.

EC–2894. 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; Minnesota; Rules Update'' (FRL No. 9450–1) received during recess of the Senate in the Office of the President of the Senate on August 10, 2011; to the Committee on Environment and Public Works.

EC–2895. 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 Implementation Plans; New Mexico; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determination'' (FRL No. 9451–1) received during recess of the Senate in the Office of the President of the Senate on August 10, 2011; to the Committee on Environment and Public Works.

EC–2896. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Guidance for the Assessment of Beyond-Design-Basis Aircraft Impacts'' (Regulatory Guide 1.217) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Environment and Public Works.

EC–2897. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation of the National Competitive Bidding Program for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies''; to the Committee on Finance.

EC–2898. A communication from the Commissioner, U.S. Customs and Border Protection, transmitting, a report of proposed legislation relative to implementing an intellectual property enforcement strategy; to the Committee on Finance.

EC–2899. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revision of Distilled Spirits Plant Regulations'' (RIN1513-AA23) received during recess of the Senate in the Office of the President of the Senate on August 11; to the Committee on Finance.

EC–2900. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2011 Marginal Production Rates'' (Notice 2011–58) received during recess of the Senate in the Office of the President of the Senate on August 8, 2011; to the Committee on Finance.

EC–2901. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2011 Section 43 Inflation Adjustment'' (Notice 2011–57) received during recess of the Senate in the Office of the President of the Senate on August 8, 2011; to the Committee on Finance.

EC–2902. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Group Health Plans and Issuers Coverage of Preventive Services under the Patient Protection and Affordable Care Act'' ((RIN1545–BJ60)(TD 9541)) received during recess of the Senate in the Office of the President of the Senate on August 8, 2011; to the Committee on Finance.

EC–2903. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Method for Making Election to Apply Carryover Basis Treatment under Section 1022 to the Estates of Decedents Who Died in 2010 and Rules Applicable to Inter Vivos and Testamentary Generation-Skipping Transfers in 2010'' (Notice 2011–66) received during recess of the Senate in the Office of the President of the Senate on August 8, 2011; to the Committee on Finance.

EC–2904. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2011–67) received during recess of the Senate in the Office of the President of the Senate on August 8, 2011; to the Committee on Finance.

EC–2905. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Liability'' (Rev. Proc. 2011–41) received during recess of the Senate in the Office of the President of the Senate on August 8, 2011; to the Committee on Finance.

EC–2906. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Use of Actuarial Tables in Valuing Annuities, Interests for Life or Terms of Years, and Remainder or Reversionary Interests'' ((RIN1545–BH67)(TD9540)) received during recess of the Senate in the Office of the President of the Senate on August 8, 2011; to the Committee on Finance.

EC–2907. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''State and Local Bonds: Volume Cap and Timing of Issuing Bonds'' (Notice 2011–63) received during recess of the Senate in the Office of the President of the Senate on August 8, 2011; to the Committee on Finance.

EC–2908. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a ''Classified Supplement'' to the fifth ''Annual Report to the Congress on the Information Sharing Environment'' (DCN OSS No. 2011–1279); to the Select Committee on Intelligence.

EC–2909. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, (2) reports relative to vacancies within the Office received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Select Committee on Intelligence.

EC–2910. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled ''Psychiatric Evaluation and Treatment'' (RIN1120–AB20) received during recess of the Senate in the Office of the President of the Senate on August 4, 2011; to the Committee on the Judiciary.

EC–2911. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Antelope Valley of the California High Desert Viticultural Area'' (RIN1513-AB55) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on the Judiciary.

REPORTS OF COMMITTEES DURING RECESS

Under the authority of the order of the Senate of August 2, 2011, the following reports of committees were submitted on August 30, 2011:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1510. An original bill to promote the domestic development and deployment of clean energy technologies, and for other purposes (Rept. No. 112–47).

S. 201. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes (Rept. No. 112–48).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 270. A bill to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon (Rept. No. 112–49).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 271. A bill to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes (Rept. No. 112–50).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 278. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes (Rept. No. 112–51).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 292. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act (Rept. No. 112–52).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 333. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch (Rept. No. 112–53).

S. 334. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir (Rept. No. 112–54).

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 purposes (Rept. No. 112–55).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 519. A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes (Rept. No. 112–58).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 535. A bill to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes (Rept. No. 112–59).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 683. A bill to provide for the conveyance of certain parcels of land to the town of Mantua, Utah (Rept. No. 112–60).

S. 684. A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah (Rept. No. 112–61).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 808. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District (Rept. No. 112–62).

S. 897. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs (Rept. No. 112–63).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 916. A bill to facilitate appropriate oil and gas development on Federal land and waters, to limit dependence of the United States on foreign sources of oil and gas, and for other purposes (Rept. No. 112–64).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 997. A bill to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District (Rept. No. 112–65).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1067. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes (Rept. No. 112–66).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 954. A bill to promote the strengthening of the Haitian private sector (Rept. No. 112–67).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 404. A bill to modify a land grant patent issued by the Secretary of the Interior (Rept. No. 112–56).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 512. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and for other purposes (Rept. No. 112–57).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Veterans' Affairs, without amendment:

S. 572. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes (Rept. No. 112–68).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 714. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes (Rept. No. 112–69).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 734. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy (Rept. No. 112–70).

S. 1000. A bill to promote energy savings in residential and commercial buildings and industry, and for other purposes (Rept. No. 112–71).

S. 1001. A bill to reduce oil consumption and improve energy security, and for other purposes (Rept. No. 112–72).

EXECUTIVE REPORTS OF COMMITTEE—TREATIES

The following executive reports of committee were submitted on August

30, 2011, during the recess of the Senate, under the authority of an order of the Senate of August 2, 2011:

By Mr. KERRY, from the Committee on Foreign Relations:

[Treaty Doc. 112–1 Protocol Amending Tax Convention with Swiss Confederation with 1 declaration (Ex. Rept. 112–1); Treaty Doc. 110–23 Investment Treaty with Rwanda (Ex. Rept. 112–2); Treaty Doc. 111–6 Mutual Legal Assistance Treaty with Bermuda with 1 declaration (Ex. Rept. 112–3); Treaty Doc. 111–7 Tax Convention with Hungary with 1 declaration (Ex. Rept. 112–4); and Treaty Doc. 111–8 Protocol Amending Tax Convention with Luxembourg with 1 declaration (Ex. Rept. 112–5)]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

[112–1 Protocol Amending Tax Convention with Swiss Confederation]

As reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation With Respect to Taxes on Income, Signed at Washington on October 2, 1996, signed on September 23, 2009, at Washington, as corrected by an exchange of notes effected November 16, 2010, together with a related agreement effected by an exchange of notes on September 23, 2009 (the ''Protocol'') (Treaty Doc. 112–1), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Protocol is self-executing.

[110–23 Investment Treaty with Rwanda]

As reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110–23), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: Articles 3 through 10 and other provisions that qualify or create exceptions to these Articles are self-executing. With the exception of these Articles, the Treaty is not self-executing.

[111–6 Mutual Legal Assistance Treaty with Bermuda]

As reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty between the Government of the United States of America and the Government of Bermuda Relating to Mutual Legal Assistance in Criminal Matters, signed at Hamilton on January 12, 2009 (the ''Treaty'') (Treaty Doc. 111–6), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[111–7 Tax Convention with Hungary]

As reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of the Republic of Hungary for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on February 4, 2010, at Budapest, and a related agreement effected by an exchange of notes on February 4, 2010 (the ''Convention'') (Treaty Doc. 111–7), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Convention is self-executing.

[111–8 Protocol Amending Tax Convention with Luxembourg]

As reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed on May 20, 2009 at Luxembourg and a related agreement effected by the exchange of notes also signed on May 20, 2009 (the ''Protocol'') (Treaty Doc. 111–8), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Protocol is self-executing.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS DURING RECESS

On August 30, 2011, under the authority of the order of the Senate of August 2, 2011, the following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated.

By Mr. BINGAMAN:

S. 1510. An original bill to promote the domestic development and deployment of clean energy technologies, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

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 Ms. LANDRIEU:

S. 1511. A bill to extend the participation term for small business concerns affected by Hurricane Katrina or Hurricane Rita in certain programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. CARDIN (for himself, Mr. ROBERTS, and Ms. SNOWE):

S. 1512. A bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1513. A bill to amend title XII of the Social Security Act to extend the provision waiving certain interest payments on advances made to States from the Federal unemployment account in the Unemployment Trust Fund; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. BAUCUS, Mr. AKAKA, and Mr. INOUYE):

S. 1514. A bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN:

S. 1515. A bill to permit certain members of the United States Secret Service and certain members of the United States Secret Service Uniformed Division who were appointed in 1984, 1985, or 1986 to elect to be covered under the District of Columbia Police and Firefighter Retirement and Disability System in the same manner as members appointed prior to 1984; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MCCONNELL (for himself, Mr. MCCAIN, Mr. PAUL, Mr. INHOFE, Mr. BLUNT, Mr. COATS, Mr. ENZI, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. ROBERTS, Mr. SESSIONS, Mr. BARRASSO, Mr. BOOZMAN, Mr. CORNYN, Mr. RUBIO, Mr. KYL, Mr. ALEXANDER, Mr. HATCH, Ms. AYOTTE, Mr. CHAMBLISS, Mr. MORAN, Mr. WICKER, Mr. SHELBY, and Mr. LEE):

S.J. Res. 25. A joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WYDEN (for himself, Mr. MERKLEY, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN,

Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WICKER):

S. Res. 257. A resolution relative to the death of the Honorable Mark O. Hatfield, former United States Senator for the State of Oregon; considered and agreed to.

ADDITIONAL COSPONSORS

S. 48

At the request of Mr. INOUYE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 48, a bill to amend the Public Health Service Act to provide for the participation of pharmacists in National Health Services Corps programs, and for other purposes.

S. 202

At the request of Mr. PAUL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 242

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 242, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. 256

At the request of Mr. PRYOR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 256, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in small business concerns.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 296

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

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Vermont (Mr. SANDERS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 364

At the request of Mr. PRYOR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Savings Account.

S. 374

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 374, a bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 384

At the request of Mrs. FEINSTEIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Tennessee (Mr. CORKER) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 438

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 501

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 565

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 565, a bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States.

S. 569

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 569, a bill to provide for fairness for the Federal judiciary.

S. 580

At the request of Ms. KLOBUCHAR, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 580, a bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to require the appointment of a member of the Science Advisory Board based on the recommendation of the Secretary of Agriculture.

S. 584

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 633

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

S. 643

At the request of Ms. STABENOW, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 643, a bill to amend title XIX of the Social Security Act to direct Medicaid EHR incentive payments to federally qualified health centers and rural health clinics.

S. 697

At the request of Mr. CASEY, the names of the Senator from Maryland

(Mr. CARDIN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 798

At the request of Mr. THUNE, his name was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 815

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 818

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 827

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 827, a bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students.

S. 838

At the request of Mr. TESTER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 857

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 857, a bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted.

S. 866

At the request of Mr. TESTER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Virginia (Mr. WARNER) 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. 919

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 919, a bill to authorize grant programs to ensure successful, safe, and healthy students.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 951

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

S. 1013

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1013, a bill to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Colorado (Mr. BENNET), the Senator from Delaware (Mr. CARPER) and the Senator from North Carolina (Mr. BURR) 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. 1045

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

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Maine (Ms. SNOWE), the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1132

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1132, a bill to establish programs to provide services to individuals with autism and the families of such individuals and for other purposes.

S. 1239

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. HARKIN), the Senator from North Carolina (Mrs. HAGAN), the Senator from New York (Mr. SCHUMER), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1239, a bill to provide for a medal of appropriate design to be awarded by the President to the memorials established at the 3 sites honoring the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

S. 1265

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1280

At the request of Mr. ISAKSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. KIRK), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1299, a bill to require the Secretary of the

Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1359

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1359, a bill to make the National Parks and Federal Recreation Lands Pass available at a discount to members of the Armed Forces and veterans.

S. 1374

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1374, a bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services.

S. 1376

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1376, a bill to conform income calculations for purposes of eligibility for the refundable credit for coverage under a qualified health plan and for Medicaid to existing Federal low-income assistance programs.

S. 1392

At the request of Ms. COLLINS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1452

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1452, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1463

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1463, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers and to provide for reasonable break time for nursing mothers.

S. 1467

At the request of Mr. BLUNT, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Nebraska (Mr. JOHANNS) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1491

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1491, a bill to amend the Public Utility Regulatory Policies Act of 1978 to expand the electric rate-setting authority of States.

S. 1500

At the request of Ms. MURKOWSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1500, a bill to give Americans access to affordable child-only health insurance coverage.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

S. RES. 252

At the request of Mr. LUGAR, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 252, a resolution celebrating the 60th Anniversary of the United States-Philippines Mutual Defense Treaty.

S. RES. 253

At the request of Mr. HOEVEN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 253, a resolution designating October 26, 2011, as ''Day of the Deployed''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1511. A bill to extend the participation term for small business concerns affected by Hurricane Katrina or Hurricane Rita in certain programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: disaster recovery. As you know, along the Gulf Coast, we keep an eye trained on the Gulf of Mexico during hurricane season. This is following the devastating one-two punch of Hurricanes Katrina and Rita of 2005; Hurricanes Gustav and Ike in 2008; and more recently the Deepwater Horizon disaster. Our communities and businesses are still recovering from these disasters—some from a disaster that devastated the Gulf Coast over 6 years ago. For this reason, as Chair of the Senate Committee on Small Business and Entrepreneurship disaster preparedness is one of my top priorities. While the Gulf Coast is prone to hurricanes, other parts of the country are no strangers to disaster as we have seen recently. For example, we just saw an earthquake strike Washington, DC, and Hurricane Irene work its way up the East Coast. In general though, the Midwest also has annual tornadoes, California experiences earthquakes and wildfires, and the Northeast sees crippling snowstorms. So no part of our country is spared from disasters—disasters which can and will strike at any moment. With this in mind, we must ensure that the Federal Government is better prepared and assist those businesses impacted by natural disasters.

As I mentioned, everyone around the country is familiar with the impact of Hurricanes Katrina and Rita on the New Orleans area and the southeast part of our State. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted around the country and around the world. This is because Katrina was the deadliest natural disaster in United States history, with 1,800 people killed—1,500 alone in Louisiana. Katrina was also the costliest natural disaster in United States history with over $81.2 billion in damage. In Louisiana, we had 18,000 businesses catastrophically destroyed and 81,000 businesses economically impacted. I believe that, across the entire Gulf Coast, some estimates ran as high as 125,000 businesses impacted by Katrina and Rita. While we have made significant progress in rebuilding infrastructure, housing, and our economy, I continue to hear from individual business owners who are struggling to fully recover. These business owners tell me that they have not been hit by one disaster but three: Hurricane Katrina in 2005, Hurricane Gustav in 2008, and the Deepwater Horizon disaster in 2010.

In order to help ongoing recovery efforts in the Gulf Coast, I am introducing today the Gulf Coast Disadvantaged Business Relief Act of 2011. This legislation is the Senate companion bill to H.R. 2808 introduced by my colleague Representative CEDRIC RICHMOND last month. I note that his legislation also had two original cosponsors from Alabama and Mississippi: Representative TERRI SEWELL and Representative BENNIE THOMPSON.

This bill focuses on assisting minority businesses in the Gulf Coast that were impacted by Hurricanes Katrina and Rita. Everyone is familiar with the images and the cost of these storms,

but they may not be too familiar with the impact on individual businesses. In particular, I am speaking about the affects of Hurricanes Katrina and Rita on minority firms in the Gulf Coast. As a result of these storms, many minority firms in the Gulf Coast were disrupted and thus lost valuable time for participating in the 8(a) program. The 8(a) business development initiative, created under the Small Business Administration, helps minority entrepreneurs access Federal contracts and allows companies to be certified for increments of 3 years. These contracts are vital to the revival of these impacted areas. However, as currently structured the program allows businesses to participate for a limited length of time, 9 years, after which they can never re-apply nor get back into the program. It is imperative that we provide contracting assistance to our local minority businesses.

The bill includes a provision which would tackle this problem in three important ways. First, the bill extends 8(a) eligibility for program participants in Katrina/Rita-impacted areas in Louisiana, Mississippi, and Alabama by 24 months. The bill would also apply to any areas in the state of Louisiana, Mississippi and Alabama that have been designated by the administrator of the Small Business Administration as a disaster area as a result of Hurricanes Katrina or Rita. Lastly, the bill would require the administrator of the Small Business Administration to ensure that every small business participating in the 8(a) program before the date of enactment of the Act is reviewed and brought into compliance with this act. This requirement would ensure that any eligible previous 8(a) participants will be allowed back into the program. As such, these key provisions would ensure that these businesses continue to play a vital role in rebuilding their communities. I note that I introduced a similar provision as part of S. 3285, the disadvantaged Business Disaster Eligibility Act during the 110th Congress and as part of S. 2731 last Congress. During the 109th Congress, this proposal passed the House of Representatives but we were unable to pass the legislation here in the Senate before we adjourned for the year. I look forward to renewing my fight this Congress as I believe that this is a commonsense proposal which would not cost a great deal. It would, however, make a huge difference for these businesses impacted by Katrina and Rita.

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. 1511

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 ''Gulf Coast Disadvantaged Business Relief Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''covered parish or county'' means a parish in the State of Louisiana, or a county in the State of Mississippi or the State of Alabama, that has been designated by the Administrator as a disaster area by reason of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10205, or 10206; and

(3) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA OR HURRICANE RITA.

(a) RETROACTIVITY.—If a small business concern, while participating in any program or activity under the authority of section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)), was located in a covered parish or county and was affected by Hurricane Katrina of 2005 or Hurricane Rita of 2005, the period during which the small business concern is permitted continuing participation and eligibility in the program or activity shall be extended for 24 months after the date such participation and eligibility would otherwise terminate.

(b) REVIEW AND COMPLIANCE.—The Administrator shall ensure that the case of every small business concern participating before the date of enactment of this Act in a program or activity described in subsection (a) is reviewed and brought into compliance with this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 257—RELATIVE TO THE DEATH OF THE HONORABLE MARK O. HATFIELD, FORMER UNITED STATES SENATOR FOR THE STATE OF OREGON

Mr. WYDEN (for himself, Mr. MERKLEY, Mr. MCCONNELL, Mr. REID of Nevada, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas from 1967 to 1997 Mark Hatfield represented the people of Oregon with distinction for 30 years in the Senate, and was the longest-serving Senator in the history of Oregon;

Whereas Mark Hatfield served in the United States Navy during World War II with the rank of Lieutenant, took part in the battles of Iwo Jima and Okinawa as a landing craft officer, and was one of the first people from the United States to see the effects of the atomic bombing of Hiroshima;

Whereas Mark Hatfield served in the Oregon House of Representatives, in the Oregon Senate, and as Oregon Secretary of State;

Whereas in 1958, Mark Hatfield was elected as the 29th Governor of the State of Oregon, and served 2 terms as Governor and helped diversify the State's economy;

Whereas while serving in the United States Senate, Mark Hatfield co-authored legislation to bring United States troops home from Vietnam and to end nuclear weapons testing;

Whereas Mark Hatfield authored legislation to protect a number of Oregon's natural treasures including Oregon Dunes, Opal Creek, Bull Run, and the Mark Hatfield Wilderness Area in the Columbia Gorge;

Whereas Mark Hatfield served as Chairman of the Senate Committee on Appropriations in the 97th through 99th Congresses and in the 104th Congress;

Whereas Mark Hatfield was a champion of civil rights who devoted himself to promoting a peaceful resolution to international conflict and the elimination of the threat of nuclear weapons; and

Whereas the hallmarks of Mark Hatfield's public service were bipartisanship, civility, and working for the common good: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Mark Hatfield, former member of the Senate;

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stands adjourned as a further mark of respect to the memory of the Honorable Mark Hatfield.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, September 7, 2011, at 10 a.m. in SD–106 to mark-up the following: S. 958, the Children's Hospital GME Support Reauthorization Act of 2011; S. 1094, the Combating Autism Reauthorization Act; and, any nominations cleared for action.

For further information regarding this meeting, please contact the committee on (202) 224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Children and Families of the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, September 8, 2011, at 10:15 a.m. in SH–216 to conduct a hearing entitled ''Examining Quality and Safety in Child Care: Giving Working Families Security, Confidence, and Peace of Mind.''

For further information regarding this meeting, please contact the subcommittee on (202) 224–9243.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Primary Health and Aging of the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, September 13, 2011, at 10 a.m. in SD–428 to conduct a hearing entitled ''Is Poverty a Death Sentence?''

For further information regarding this meeting, please contact the subcommittee on (202) 224–5480.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 6, 2011, at 2:30 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 6, 2011, at 2 p.m. to conduct a hearing entitled ''U.S. Postal Service in Crisis: Proposals to Prevent a Postal Shutdown.''

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

RELATIVE TO THE DEATH OF THE HONORABLE MARK O. HATFIELD, FORMER U.S. SENATOR FOR THE STATE OF OREGON

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 257 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 257) relative to the death of the Honorable Mark O. Hatfield, former United States Senator for the State of Oregon.

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

Mr. DURBIN. Mr. President, first I ask unanimous consent to be added as a cosponsor of this resolution.

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

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 257

Whereas from 1967 to 1997 Mark Hatfield represented the people of Oregon with distinction for 30 years in the Senate, and was the longest-serving Senator in the history of Oregon;

Whereas Mark Hatfield served in the United States Navy during World War II with the rank of Lieutenant, took part in the battles of Iwo Jima and Okinawa as a landing craft officer, and was one of the first people from the United States to see the effects of the atomic bombing of Hiroshima;

Whereas Mark Hatfield served in the Oregon House of Representatives, in the Oregon Senate, and as Oregon Secretary of State;

Whereas in 1958, Mark Hatfield was elected as the 29th Governor of the State of Oregon, and served 2 terms as Governor and helped diversify the State's economy;

Whereas while serving in the United States Senate, Mark Hatfield co-authored legislation to bring United States troops home from Vietnam and to end nuclear weapons testing;

Whereas Mark Hatfield authored legislation to protect a number of Oregon's natural treasures including Oregon Dunes, Opal Creek, Bull Run, and the Mark Hatfield Wilderness Area in the Columbia Gorge;

Whereas Mark Hatfield served as Chairman of the Senate Committee on Appropriations in the 97th through 99th Congresses and in the 104th Congress;

Whereas Mark Hatfield was a champion of civil rights who devoted himself to promoting a peaceful resolution to international conflict and the elimination of the threat of nuclear weapons; and

Whereas the hallmarks of Mark Hatfield's public service were bipartisanship, civility, and working for the common good: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Mark Hatfield, former member of the Senate;

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stands adjourned as a further mark of respect to the memory of the Honorable Mark Hatfield.

MEASURE READ THE FIRST TIME—H.J. RES 66

Mr. DURBIN. I understand that H.J. Res. 66 introduced earlier today is at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Mr. DURBIN. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will have its second reading on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces the following appointment made by the majority leader during the recess:

Pursuant to Public Law 112–25, on behalf of the majority leader, the appointment of the following Senators to serve as members of the Joint Select Committee on Deficit Reduction on August 20, 2011: the Honorable PATTY MURRAY of Washington, Co-Chair, the Honorable MAX BAUCUS of Montana, and the Honorable JOHN F. KERRY of Massachusetts.

The Chair announces the following appointment made by the Republican leader during the recess: Pursuant to Public Law 112-25, on behalf of the Republican leader, the appointment of the following Senators to serve as members of the Joint Select Committee on Deficit Reduction on August 12, 2011: the Honorable JON KYL of Arizona, the Honorable ROB PORTMAN of Ohio, and the Honorable PATRICK J. TOOMEY of Pennsylvania.

ORDERS FOR WEDNESDAY, SEPTEMBER 7, 2011

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, September 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 1249, the America Invents Act; further, that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus meetings and that at 12:30 p.m. there be 30 minutes for tributes to the late Senator Mark O. Hatfield as in morning business, with Senators permitted to speak for up to 10 minutes each. Finally, I ask unanimous consent that all time during adjournment, recess, and morning business count postcloture on the motion to proceed to H.R. 1249.

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

PROGRAM

Mr. DURBIN. Mr. President, we expect to begin consideration of the America Invents Act—the patent reform bill—during Wednesday's session.

Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 257 as a further mark of respect to the memory of the late Senator Mark O. Hatfield, of Oregon.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, September 7, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

ALAN B. KRUEGER, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE AUSTAN DEAN GOOLSBEE, RESIGNED.

FEDERAL MARITIME COMMISSION

MICHAEL A. KHOURI, OF KENTUCKY, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2016. (REAPPOINTMENT)

AMTRAK BOARD OF DIRECTORS

ALBERT DICLEMENTE, OF DELAWARE, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

DEPARTMENT OF STATE

MARK FRANCIS BRZEZINSKI, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

SUSAN DENISE PAGE, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH SUDAN.

ADAM E. NAMM, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

SARA MARGALIT AVIEL, OF CALIFORNIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE ANA M. GUEVARA.

INTER-AMERICAN FOUNDATION

EDUARDO ARRIOLA, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2016, VICE KAY KELLEY ARNOLD, TERM EXPIRED.

J. KELLY RYAN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 20, 2012, VICE THOMAS A. SHANNON, JR., RESIGNED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DANA KATHERINE BILYEU, OF NEVADA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2015. (REAPPOINTMENT)

DAVID AVREN JONES, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2014, VICE ALEJANDRO MODESTO SANCHEZ, RESIGNED.

STATE JUSTICE INSTITUTE

JAMES R. HANNAH, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2013. (REAPPOINTMENT)

DANIEL J. BECKER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2013. (REAPPOINTMENT)

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

DREW R. MCCOY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING JANUARY 27, 2016. (REAPPOINTMENT)

CATHERINE ALLGOR, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2014, VICE JOHN RICHARD PETROCIK, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

STEVEN H. COHEN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2013, VICE LUIS D. ROVIRA, TERM EXPIRED.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

DAVID J. MCMILLAN, OF MINNESOTA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE SCOTT KEVIN WALKER.

WENONA SINGEL, OF MICHIGAN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE JACK EDWIN MCGREGOR.

NATIONAL INSTITUTE OF BUILDING SCIENCES

MARY B. VERNER, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2012, VICE STEVE M. HAYS, TERM EXPIRED.

MARY B. VERNER, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2015. (REAPPOINTMENT)

OVERSEAS PRIVATE INVESTMENT CORPORATION

MICHAEL JAMES WARREN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2014. (REAPPOINTMENT)

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. MICHAEL A. MEYER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS 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 major general

BRIGADIER GENERAL JOSEPH G. BALSKUS
BRIGADIER GENERAL WILLIAM S. HADAWAY III
BRIGADIER GENERAL MARK R. KRAUS
BRIGADIER GENERAL CATHERINE S. LUTZ

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES L. TERRY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM T. GRISOLI

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. MARGARET W. BOOR

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. RAPHAEL G. PEART

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. TERRY M. HASTON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. MATTHEW L. NATHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL S. ROGERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. FRANK C. PANDOLFE

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

MARK W. DUFF
HADIJATOU J. JARRA
BIANCA TRUONG
BRYAN A. WILLIAMS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

CHAD J. CARDA
WAYNE W. KIM

To be major

KAREN A. DEIS
BARRY J. VAN SICKLE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

DAVID D. DINKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANDREW K. LEDFORD

CONFIRMATION

Executive nomination confirmed by the Senate, September 06, 2011:

THE JUDICIARY

BERNICE BOUIE DONALD, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

EXTENSIONS OF REMARKS

HONORING ARTHUR AND DOROTHY ROGERS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 6, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, Arthur and Dorothy Rogers are celebrating fifty years (50) in marriage today in DeKalb County, Georgia; and

Whereas, on August 27, 1961 because of their union then, our community today has been blessed with a family that has enhanced our district, Mr. Arthur Lewis Rogers and Mrs. Dorothy Elizabeth Rogers; and

Whereas, this remarkable and tenacious man of God and this phenomenal and virtuous Proverbs 31 woman are beacons of light to those in need, they both have been blessed with their family, their church and the DeKalb County community; and

Whereas, Mr. and Mrs. Rogers are distinguished citizens of our district, they are spiritual warriors, persons of compassion, fearless leaders and servants to all, but most of all visionaries who have shared not only with their family, but with our District their passion to improve the lives of others; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Arthur and Mrs. Dorothy Rogers as they celebrate their 50th Anniversary, fifty (50) years in marital bliss;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim August 27, 2011 as Mr. Arthur and Mrs. Dorothy Rogers Day in the 4th Congressional District.

Proclaimed, this 27th day of August, 2011.

HONORING DEBBE HARTRIDGE AND IRA SAMUEL BLATT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 6, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Debbe Hartridge and Ira Blatt, two extraordinary citizens of Humboldt County, California, who have dedicated their lives to public service. The husband and wife team are being honored by the Humboldt County Democratic Central Committee as 2011 Citizens of the Year for one of our nation's most precious rights—participation in the political system. Their commitment to the general health and welfare of the community and to the preservation of our liberty is worthy of appreciation and recognition.

Mrs. Hartridge is director of information, education and public affairs for Six Rivers Planned Parenthood, where she has worked for the past 20 years. She has served as President of the Humboldt County Integrated Waste Task Force, as an elected member of the Humboldt County Board of Education, and as President and Chair of the Education Committee for the Six Rivers Planned Parenthood Board of Directors. Mrs. Hartridge's work on reproductive rights has been honored with the Planned Parenthood Federation Affiliate Excellence Award for Education programs in 2000 and by the Association of Planned Parenthood Leaders in Education Award for Courage and Creativity in 2002.

Mr. Blatt is an attorney-at-law who opened a private practice law firm in 1974, serving primarily injured workers and disabled individuals. He received awards from the California Bar Association and the Humboldt County Bar Association for his pro-bono work. Mr. Blatt served 16 years as an elected board member for Arcata Elementary School District, and on the board of Redwood Legal Assistance for 25 years. He was Board President of the National Alliance on Mental Illness for four years beginning in 2000, and remains an active member. He has also served as a member of the Arcata Economic Development Board.

These outstanding individuals have been vital contributors to the Humboldt County community for years. Mrs. Hartridge has four daughters, and the couple share four grandchildren.

Mr. Speaker, it is appropriate at this time that we recognize Debbe Hartridge and Ira Blatt for their unwavering compassion and for their contribution to the ideals and traditions that have made America a nation of hope and achievement.

SAINT JOHN THE BAPTIST ORTHODOX CHURCH

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 6, 2011

Mr. BARLETTA. Mr. Speaker, I rise today to honor Saint John the Baptist Orthodox Catholic Church, who will celebrate its 100th anniversary on October 22, 2011. Saint John the Baptist Orthodox Catholic Church has been serving the community of Nanticoke, Luzerne County, Pennsylvania, since it was started in October 1911 by 11 families of Carpatho-Rusyn settlers from Poland and Slovakia.

St. John the Baptist Orthodox Catholic Church has been helping form the youth of Hanover and Nanticoke through its extensive youth ministry. The church ensures that children understand the value of assisting not only those in their parish, but also those in their communities, their country and the world. These youth work with the elderly at senior living homes, send school supplies to children across the world who otherwise would not have any, and have been cleaning up their parish to make more space for their activities. Creating an environment where children can learn how to selflessly give to others and celebrate their faith is important, and I applaud the church's efforts.

Providing ministry to the aged is also a priority of Saint John the Baptist Orthodox Catholic Church. Because elderly who live in senior citizen homes cannot always maintain an active spiritual life inside a church, Saint John the Baptist Orthodox Catholic Church brings its ministry to the seniors, enriching their lives and providing community outreach.

Saint John the Baptist Orthodox Catholic Church has a very involved and dedicated parish membership. Since its inception, parishioners have been critical in the advancement of the church.

Mr. Speaker, today, Saint John the Baptist Orthodox Catholic Church stands as a pillar of faith in Nanticoke, Pennsylvania. I commend them for their 100 years of committed service to their faith, their community, and their country.

RECOGNIZING LABOR DAY AND THE CONTRIBUTIONS OF AMERICAN WORKERS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 6, 2011

Ms. RICHARDSON. Mr. Speaker, Labor Day is a holiday which recognizes the economic and social achievements of American workers. Today, we celebrate the hard-working men and women who have raised this country to unprecedented levels of productivity and prosperity not seen in any other country around the globe.

While we take a day to celebrate the history of American workers, we must also take a moment to reflect on their present struggles. Millions of Americans who helped to grow our nation to the way it is today are now unemployed, and millions more are fighting to get through a grueling economic recession.

After the first Labor Day occurred in New York City, celebrations spread to other states as workers fought to win better working conditions and wages at a time when they had little power. Today, we stand by those who fought for their rights, because they fought for us; our families and our children. And we are united in our resolve to preserve the American Dream and to ensure the continuing validity of the promise that anyone willing to work hard and play by the rules can make it in America.

But to Democrats, ''Make It In America'' isn't just a dream—but a plan to help make dreams come true. It's a plan to create jobs and restore economic growth by promoting an encouraging environment for businesses to innovate and make products here in the United States.

While we are still waiting on Republicans to put forward a true, comprehensive jobs plan, we stand ready to revitalize American industries and innovation and help to put more Americans back to work. I urge my colleagues to stand with me and support this plan to create well-paying, middle class jobs and help ensure more families can make it in America.

Mr. Speaker, Labor Day signifies the end of the summer and the beginning of a new fall season. Schools are back in session, and many Americans return from their end-of-summer vacations. Well, I say it's about time that Republicans returned from their 244-day vacation of failing to put forth any job creating legislation, and join Democrats to enact our bipartisan solutions and the ''Make It In America'' initiative.

Under this plan, we can rebuild our infrastructure, invest in innovation and clean energy, and level the playing field for American businesses and workers by demanding that our trading partners, including China, play fairly in global trade.

Later this week, President Obama will address a joint session of Congress and unveil his plan to create jobs for the millions of persons who desperately want to work and provide for their families. In addition to the Make it in America agenda, Democrats in Congress have long been promoting an agenda focusing on jobs for the American worker.

Take for instance transportation infrastructure projects with the potential to employ millions and facilitate trade across the Nation. We must pass a clean extension of the Surface Transportation Act and the Federal Aviation Administration Reauthorization Act; both are set to expire at the end of this month. These transportation programs provide funding for highway construction, mass transit systems, transportation projects and bridge repair.

If Congress does not act, the laws will expire and these programs will be shut down. Almost one million construction and other workers will lose their jobs over the course of the year. In addition, if the extension is delayed over 4,000 professionals in the Department of Transportation will be immediately furloughed without pay.

Passing a fully funded Surface Transportation bill is an essential step in protecting nearly a million American jobs and creating new opportunities for workers across the Nation. Transportation infrastructure is one of the most effective ways to stimulate the economy and reduce unemployment. Studies suggest that for every $1 billion spent on transportation projects, more than 35,000 jobs are created.

Our number one goal should be putting Americans back to work. Congress needs to work together to create jobs, strengthen the economy, and help small business owners hire workers.

Labor Day is a time to honor a movement that respects the dignity of work and reflects the decency and dedication of our workers. Let us honor the story of the American workers who built this country, who created this dream by protecting and promoting what matters to them the most—their jobs.

HONORING MARY LEE SPENCER

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 6, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, reaching the age of 93 years is a remarkable milestone; and

Whereas, Mrs. Mary Lee Spencer was born on August 28, 1918 and is celebrating that milestone; and

Whereas, Mrs. Spencer has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mrs. Spencer is celebrating her 93rd birthday with her family members, church members and friends here in De Kalb County, Georgia on August 28, 2011; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is leading by example a blessed life; and

Whereas, we are honored that she is celebrating the milestone of her 93rd birthday in the 4th District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Mary Lee Spencer for an exemplary life which is an inspiration to all,

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr. do hereby proclaim August 28, 2011 as Mrs. Mary Lee Spencer Day in the 4th Congressional District of Georgia.

Proclaimed, this 28th day of August, 2011.

HONORING JENNIFER CASTELAZO

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 6, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor and pay tribute to Mrs. Jennifer Castelazo, a truly remarkable person who has been chosen to be the Napa County Teacher of the Year for 2012.

Mrs. Castelazo has always had a profound love for teaching and it is clearly visible with her students. She has been teaching Chemistry, Honors Chemistry, and Advanced Placement Chemistry at Vintage High School since 1998.

Born in Massachusetts but raised in Livermore, California, she obtained an undergraduate degree in microbiology and her Master's of Science in food science and nutrition at California Polytechnic San Luis Obispo. She is a credentialed teacher in Physical and Life Science.

Throughout her teaching career, Mrs. Castelazo has volunteered for leadership positions on her campus, including twice participating on Western Association of Schools and Colleges leadership teams and serving as the 9th grade House lead teacher. She has supported student enrichment activities, serving as advisor to the Adventure Club, the GREEN Club, and senior class. Mrs. Castelazo has also led student sports, coaching Junior Varsity Girls' Soccer, Boys' Varsity Tennis and teaching the foreign exchange student summer program physical education course.

Mrs. Castelazo has been married for 15 years to Mark Castelazo. She is the mother of 12-year-old Maddie, 9-year-old Connor, and 7-year-old Ethan, and is often seen coaching her daughter's soccer games on Saturday mornings.

Mrs. Castelazo makes herself available to all students to ensure they are achieving their highest potential and works to ignite a passion for the sciences. She is a natural teacher and a leader among her peers. It is therefore appropriate that we honor her at this time for her service to Napa students and the community.

CORRECTION

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S5315–S5345

Measures Introduced, during the recess: One bill was introduced, as follows: S. 1510. Page S5339

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 1511–1515, S.J. Res. 25, and S. Res. 257. Pages S5339–40

Measures Reported:

Reported on Tuesday, August 30, during the adjournment:

S. 404, to modify a land grant patent issued by the Secretary of the Interior. (S. Rept. No. 112–56)

S. 512, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, with an amendment in the nature of a substitute. (S. Rept. No. 112–57)

S. 1510, to promote the domestic development and deployment of clean energy technologies. (S. Rept. No. 112–47)

S. 201, to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir. (S. Rept. No. 112–48)

S. 270, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon, with an amendment. (S. Rept. No. 112–49)

S. 271, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, with amendments. (S. Rept. No. 112–50)

S. 278, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado. (S. Rept. No. 112–51)

S. 292, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, with an amendment. (S. Rept. No. 112–52)

S. 333, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch. (S. Rept. No. 112–53)

S. 334, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir. (S. Rept. No. 112–54)

S. 382, 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. Rept. No. 112–55)

S. 519, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, with amendments. (S. Rept. No. 112–58)

S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument. (S. Rept. No. 112–59)

S. 683, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, with amendments. (S. Rept. No. 112–60)

S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah, with amendments. (S. Rept. No. 112–61)

S. 808, to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District. (S. Rept. No. 112–62)

S. 897, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs. (S. Rept. No. 112–63)

S. 916, to facilitate appropriate oil and gas development on Federal land and waters, to limit dependence of the United States on foreign sources of oil and gas, with amendments. (S. Rept. No. 112–64)

S. 997, to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District. (S. Rept. No. 112–65)

S. 1067, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, with an amendment in the nature of a substitute. (S. Rept. No. 112–66)

S. 954, to promote the strengthening of the Haitian private sector. (S. Rept. No. 112–67)

Reported on Tuesday, September 6:

S. 572, to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay. (S. Rept. No. 112–68)

S. 714, to reauthorize the Federal Land Transaction Facilitation Act, with an amendment. (S. Rept. No. 112–69)

S. 734, to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Education, with an amendment in the nature of a substitute. (S. Rept. No. 112–70)

S. 1000, to promote energy savings in residential and commercial buildings and industry, with an amendment in the nature of a substitute. (S. Rept. No. 112–71)

S. 1001, to reduce oil consumption and improve energy security, with an amendment in the nature of a substitute. (S. Rept. No. 112–72) **Page S5338**

Measures Passed:

Honoring the Late Senator Mark O. Hatfield: Senate agreed to S. Res. 257, relative to the death of the Honorable Mark O. Hatfield, former United States Senator for the State of Oregon. **Page S5344**

Measures Considered:

Leahy–Smith America Invents Act—Agreement: Senate resumed consideration of the motion to proceed to consideration of H.R. 1249, to amend title 35, United States Code, to provide for patent reform. **Page S5328**

During consideration of this measure today, Senate also took the following action:

By 93 yeas to 5 nays (Vote No. 125), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S5328**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 11 a.m., on Wednesday, September 7, 2011, and that all time during adjournment, recess and morning business count post-cloture on the motion to proceed to consideration of the bill. **Page S5344**

Appointments:

Joint Select Committee on Deficit Reduction: The Chair announced the following appointment made by the Majority Leader during the recess:

Pursuant to Public Law 112–25, on behalf of the Majority Leader, the appointment of the following Senators to serve as members of the Joint Select Committee on Deficit Reduction on August 10, 2011:

Senator Murray, Co-Chair, Senator Baucus, and Senator Kerry. **Page S5344**

Joint Select Committee on Deficit Reduction: The Chair announced the following appointment made by the Republican Leader during the recess:

Pursuant to Public Law 112–25, on behalf of the Republican Leader, the appointment of the following Senators to serve as members of the Joint Select Committee on Deficit Reduction on August 12, 2011:

Senator Kyl, Senator Portman, and Senator Toomey. **Page S5344**

Late Senator Hatfield Tributes—Agreement: A unanimous-consent-time agreement was reached providing that at 2:30 p.m., on Wednesday, September 7, 2011, there be 30 minutes for tributes to the late Senator Mark O. Hatfield, as if in morning business, with Senators permitted to speak therein for up to 10 minutes each. **Page S5344**

Executive Reports of Committees: Senate received the following executive reports of a committee:

Received on Tuesday, August 30, 2011 during the adjournment of the Senate:

Report to accompany Protocol Amending Tax Convention with Swiss Confederation (Treaty Doc. 112–1) (Ex. Rept. 112–1);

Report to accompany Investment Treaty with Rwanda (Treaty Doc. 110–23) (Ex. Rept. 112–2);

Report to accompany Mutual Legal Assistance Treaty with Bermuda (Treaty Doc. 111–6) (Ex. Rept. 112–3);

Report to accompany Tax Convention with Hungary (Treaty Doc. 111–7) (Ex. Rept. 112–4); and

Report to accompany Protocol Amending Tax Convention with Luxembourg (Treaty Doc. 111–8) (Ex. Rept. 112–5). **Pages S5338–39**

Nomination Confirmed: Senate confirmed the following nomination:

By 96 yeas to 2 nays (Vote No. EX. 124), Bernice Bouie Donald, of Tennessee, to be United States Circuit Judge for the Sixth Circuit. **Page S5322–28**

Nominations Received: Senate received the following nominations:

Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers.

Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2016.

Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors for a term of five years.

Mark Francis Brzezinski, of Virginia, to be Ambassador to Sweden.

Susan Denise Page, of Illinois, to be Ambassador to the Republic of South Sudan.

Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador.

Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

Eduardo Arriola, of Florida, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2016.

J. Kelly Ryan, of Maryland, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 2012.

Dana Katherine Bilyeu, of Nevada, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2015.

David Avren Jones, of Connecticut, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2014.

James R. Hannah, of Arkansas, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2013.

Daniel J. Becker, of Utah, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2013.

Drew R. McCoy, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring January 27, 2016.

Catherine Allgor, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring September 27, 2014.

Steven H. Cohen, of Illinois, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2013.

David J. McMillan, of Minnesota, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Wenona Singel, of Michigan, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Mary B. Verner, of Washington, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2012.

Mary B. Verner, of Washington, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2015.

Michael James Warren, of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2014.

5 Air Force nominations in the rank of general.

5 Army nominations in the rank of general.

3 Navy nominations in the rank of admiral.

Routine lists in the Air Force, and Navy.

Page S5345

Messages from the House: **Page S5334**

Measures Read the First Time: **Pages S5334, S5344**

Executive Communications: **Pages S5334–38**

Additional Cosponsors: **Pages S5340–42**

Statements on Introduced Bills/Resolutions: **Pages S5342–43**

Additional Statements: **Pages S5332–34**

Notices of Hearings/Meetings: **Pages S5343–44**

Authorities for Committees to Meet: **Page S5344**

Record Votes: Two record votes were taken today. (Total—125) **Pages S5327–28**

Adjournment: Senate convened at 2 p.m. and adjourned, as a further mark of respect to the memory of the late Mark O. Hatfield, former United States Senator, in accordance with S. Res. 257, at 6:53 p.m., until 10 a.m. on Wednesday, September 7, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5344–45.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full committee consideration an original bill making appropriations

for Energy and Water Development for fiscal year 2012.

APPROPRIATIONS: DEPARTMENT OF HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Department of Homeland Security approved for full committee consideration an original bill making appropriations for the Department of Homeland Security for fiscal year 2012.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Patricia M. Loui, of Hawaii, who was introduced by Senators Inouye and Akaka, and Larry W. Walther, of Arkansas, who was introduced by Senators Pryor and Boozman, both to be a Member of the Board of Directors of the Export-Import Bank of the United States, and Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection, who was introduced by Senator Brown (OH), after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Finance: On Thursday, August 11, 2011, Committee announced the following subcommittee assignments:

Subcommittee on Health Care: Senators Rockefeller (Chair), Bingaman, Kerry, Wyden, Stabenow, Cantwell, Menendez, Carper, Cardin, Grassley, Kyl, Roberts, Enzi, Cornyn, Coburn, and Burr.

Subcommittee on Taxation and IRS Oversight: Senators Conrad (Chair), Baucus, Kerry, Schumer, Wyden, Cantwell, Nelson (FL), Menendez, Carper, Cardin, Kyl, Snowe, Crapo, Roberts, Enzi, Cornyn, Coburn, and Thune.

Subcommittee on Energy, Natural Resources, and Infrastructure: Senators Bingaman (Chair), Rockefeller, Conrad, Kerry, Cantwell, Nelson (FL), Carper, Cornyn, Grassley, Roberts, Enzi, Thune, and Burr.

Subcommittee on International Trade, Customs, and Global Competitiveness: Senators Wyden (Chair), Rockefeller, Kerry, Schumer, Stabenow, Nelson (FL), Menendez, Thune, Hatch, Grassley, Crapo, and Roberts.

Subcommittee on Social Security, Pensions, and Family Policy: Senators Stabenow (Chair), Rockefeller, Schumer, Cardin, Coburn, Hatch, and Kyl.

Subcommittee on Fiscal Responsibility and Economic Growth: Senators Nelson (FL) (Chair), Baucus, Conrad, Bingaman, Crapo, Coburn, and Burr.

Senators Baucus and Hatch are ex officio members of each subcommittee.

UNITED STATES POSTAL SERVICE

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to United States Postal Service in crisis, focusing on proposals to prevent a postal shutdown, including S. 353, to provide for improvements to the United States Postal Service, and S. 1010, to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, after receiving testimony from Patrick R. Donahoe, Postmaster General/Chief Executive Officer, United States Postal Service; John Berry, Director, Office of Personnel Management; Phillip Herr, Director, Physical Infrastructure Issues, Government Accountability Office; Thomas D. Levy, Segal Company, Toronto, Canada; Cliff Guffey, American Postal Workers Union, AFL–CIO, Washington, D.C.; Louis M. Atkins, National Association of Postal Supervisors, Alexandria, Virginia; Ellen Levine, Hearst Magazines, New York, New York; and Tonda Rush, National Newspaper Association, Falls Church, Virginia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 1 public bill, H.R. 2842; and 1 private bill, H.R. 2843 were introduced. **Page H5939**

Additional Cosponsors: **Page H5939**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative West to act as Speaker pro tempore for today. **Page H5937**

Quorum Calls—Votes: There were no Yea and Nay votes, and there were no Recorded votes. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:03 a.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D859)*

S. 365, to provide for budget control. Signed on August 2, 2011. (Public Law 112–25)

H.R. 1383, to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010. Signed on August 3, 2011. (Public Law 112–26)

H.R. 2553, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program. Signed on August 5, 2011. (Public Law 112–27)

H.R. 2715, to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws. Signed on August 12, 2011. (Public Law 112–28)

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 7, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Business meeting to markup proposed budget estimates for fiscal year 2012 for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Energy and Water Development, and Homeland Security, 3 p.m., SD–106.

Committee on Foreign Relations: To hold hearings to examine the nomination of Wendy Ruth Sherman, of Maryland, to be Under Secretary of State for Political Affairs, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Business meeting to consider S. 958, to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109–416), and the nominations of Constance Smith Barker, of Alabama, to be a Member of the Equal Employment Opportunity Commission, Robert J. Zimmer, of Illinois, and Arnold F. Stancell, of Connecticut, both to be a Member of the National Science Board, National Science Foundation, Walter A. Barrows, of Virginia, to be a Member of the Railroad Retirement Board, Charles R. Korsmo, of New York, John H. Yopp, of Kentucky, Marcos Edward Galindo, of Idaho, and Maria E. Rengifo-Ruess, of Virginia, all to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, Robert C. Granger, of New Jersey, and Anthony Bryk, of California, both to be a Member of the Board of Directors of the National Board for Education Sciences, and Matan Aryeh Koch, of New York, to be a Member of the National Council on Disability, 10 a.m., SD–106.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine defending the nation since 9/11, focusing on successful reforms and challenges ahead at the Department of Homeland Security, 10 a.m., SD–342.

Committee on the Judiciary: To hold hearings to examine cybercrime, focusing on updating the "Computer Fraud and Abuse Act" to protect cyberspace and combat emerging threats, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, Dana L. Christensen, to be United States District Judge for the District of Montana, Cathy Ann Bencivengo, to be United States District Judge for the Southern District of California, Gina Marie Groh, to be United States District Judge for the Northern District of West Virginia, and Margo Kitsy Brodie, to be United States District Judge for the Eastern District of New York, 2:30 p.m., SD–226.

House Committees

Committee on Agriculture, September 8, Subcommittee on Livestock, Dairy, and Poultry, hearing on Agricultural Program Audit: Examination of USDA Dairy Programs, 2 p.m., 1300 Longworth.

Committee on Appropriations, September 8, Subcommittee on Transportation, Housing and Urban Development, markup of the FY 2012 Transportation, Housing and Urban Development Bill, 4 p.m., 2358–A Rayburn.

September 9, Subcommittee on Labor, Health and Human Services, hearing on FY 2012 Labor, Health and Human Services and Education Appropriations Bill, 9:30 a.m., 2358–B Rayburn.

Committee on Armed Services, September 8, full Committee, hearing on The Future of National Defense and the U.S. Military Ten Years After 9/11: Perspectives from former Chairmen of the Joint Chiefs of Staff, 10 a.m., 2118 Rayburn.

September 8, Panel on Defense Financial Management and Auditability Reform, hearing on the Department of Defense component audit efforts, 8 a.m., 2212 Rayburn.

September 9, Subcommittee on Military Personnel, hearing on the current status of suicide prevention programs in the military, 9 a.m., 2212 Rayburn.

Committee on Energy and Commerce, September 8, Subcommittee on Energy and Power, hearing on the following legislation: H.R. 2250, the "EPA Regulatory Relief Act of 2011"; and H.R. 2681, the "Cement Sector

Regulatory Relief Act of 2011.'' 10:30 a.m., 2322 Rayburn.

Committee on Financial Services, September 8, Subcommittee on International Monetary Policy and Trade, hearing entitled ''The U.S. Housing Finance System in the Global Context: Structure, Capital Sources, and Housing Dynamics.'' 10 a.m., 2128 Rayburn.

September 8, Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''Legislative Proposals to Determine the Future Role of FHA, RHS and GNMA in the Single- and Multi-Family Mortgage Markets, Part 2.'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, September 8, Subcommittee on Africa, Global Health, and Human Rights, hearing on Addressing the Humanitarian Emergency in East Africa, 2 p.m., 2200 Rayburn.

Committee on Homeland Security, September 8, full Committee, hearing entitled ''The Attacks of September 11th: Where are We Today.'' 10 a.m., 311 Cannon.

Committee on the Judiciary, September 8, Subcommittee on Courts, Commercial and Administrative Law, hearing on H.R. 2533, the ''Chapter 11 Bankruptcy Venue Reform Act of 2011.'' 10 a.m., 2141 Rayburn.

September 8, Subcommittee on Immigration Policy and Enforcement, hearing on legislation regarding the American Specialty Agriculture Act, 1:30 p.m., 2141 Rayburn.

September 9, Subcommittee on Constitution, hearing entitled ''How Fraud and Abuse in the Asbestos Compensation System Affect Victims, Jobs, the Economy, and the Legal System.'' 10 a.m., 2141 Rayburn.

Committee on Natural Resources, September 8, full Committee, hearing entitled ''Creating American Jobs by Harnessing Our Resources: U.S. Offshore and Renewable Energy Production.'' 10 a.m., 1324 Longworth.

September 9, Subcommittee on Energy and Mineral Resources, hearing entitled ''Impacts to Onshore Jobs, Revenue, and Energy: Review and Status of Sec. 390 Categorical Exclusions of the Energy Policy Act of 2005.'' 10 a.m., 1324 Longworth.

September 9, Subcommittee on National Parks, Forests and Public Lands, hearing on the following legislation: H.R. 1444, to require that hunting activities be a land use in all management plans for Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed, and for other purposes; legislation regarding the ''Recreational Fishing and Hunting Heritage and Opportunities Act''; and legislation regarding the ''Cabin Fee Act of 2011''. 10 a.m., 1334 Longworth.

Committee on Rules, September 7, hearing on the following legislation: H.R. 2218, the ''Empowering Parents Through Quality Charter Schools Act''; and H.R. 1892, the ''Intelligence Authorization Act for FY 2012''. 5 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, September 8, Subcommittee on Technology and Innovation, hearing entitled ''Empowering Consumers and Promoting Innovation through the Smart Grid.'' 10 a.m., 2318 Rayburn.

September 8, full Committee, hearing entitled ''Impacts of the LightSquared Network on Federal Science Activities.'' 2 p.m., 2318 Rayburn.

Committee on Small Business, September 8, hearing entitled ''Innovative Approaches to Meeting the Workforce Needs of Small Businesses.'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, September 8, full Committee, hearing on the following legislation: H.R. 2594, the ''European Union Emissions Trading Scheme Prohibition Act of 2011''; H.R. 2839, the ''Piracy Suppression Act of 2011''; H.R. 2838, the ''Coast Guard and Maritime Transportation Act of 2011''; legislation regarding the Pipeline Safety and Job Creation Act of 2011; and resolutions regarding the General Services Administration Capital Investment and Leasing Program, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, September 8, full Committee, markup of the following legislation: H.R. 2433, the ''Veterans Opportunity to Work Act of 2011''; H.R. 2646, the ''Veterans Health Care Facilities Capital Improvement Act of 2011''; H.R. 2302, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs; H.R. 2074, the ''Veterans Sexual Assault Prevention Act''; H.R. 1025, to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law; and H.R. 1263, to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, 10 a.m., 334 Cannon.

Committee on Ways and Means, September 8, Subcommittee on Human Resources, hearing on the reauthorization of the Temporary Assistance for Needy Families (TANF) program, including how States engage recipients in work activities that move them toward self-sufficiency, 2 p.m., B–318 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of September 7 through September 10, 2011

Senate Chamber

On *Wednesday,* at approximately 11 a.m., Senate will continue consideration of the motion to proceed to consideration of H.R. 1249, Leahy-Smith America Invents Act, and is expected to begin consideration of the bill.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: September 7, business meeting to markup proposed budget estimates for fiscal year 2012 for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Energy and

Water Development, and Homeland Security, 3 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: September 8, business meeting to consider an original bill entitled, ''Export-Import Bank Reauthorization Act of 2011'', an original bill entitled, ''Flood Insurance Reform and Modernization Act of 2011'', and the nominations of Anthony Frank D'Agostino, of Maryland, and Gregory Karawan, of Virginia, both to be a Director of the Securities Investor Protection Corporation, Luis A. Aguilar, of Georgia, and Daniel M. Gallagher, Jr., of Maryland, both to be a Member of the Securities and Exchange Commission, S. Roy Woodall, Jr., of Kentucky, to be a Member of the Financial Stability Oversight Council, Martin J. Gruenberg, of Maryland, to be a Member and to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, and Thomas J. Curry, of Massachusetts, to be Comptroller of the Currency, Department of the Treasury, 10 a.m., SD–538.

Committee on Environment and Public Works: September 8, business meeting to consider an original bill entitled, ''The Surface Transportation Extension Act of 2012'', 10 a.m., SD–406.

Committee on Finance: September 8, to hold hearings to examine tax reform options, focusing on international issues, 9:30 a.m., SD–215.

Committee on Foreign Relations: September 7, to hold hearings to examine the nomination of Wendy Ruth Sherman, of Maryland, to be Under Secretary of State for Political Affairs, 10 a.m., SD–419.

September 8, Subcommittee on International Development and Foreign Assistance, Economic Affairs and International Environmental Protection, to hold hearings to examine Afghanistan, focusing on right sizing the development footprint, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: September 7, business meeting to consider S. 958, to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109–416), and the nominations of Constance Smith Barker, of Alabama, to be a Member of the Equal Employment Opportunity Commission, Robert J. Zimmer, of Illinois, and Arnold F. Stancell, of Connecticut, both to be a Member of the National Science Board, National Science Foundation, Walter A. Barrows, of Virginia, to be a Member of the Railroad Retirement Board, Charles R. Korsmo, of New York, John H. Yopp, of Kentucky, Marcos Edward Galindo, of Idaho, and Maria E. Rengifo-Ruess, of Virginia, all to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, Robert C. Granger, of New Jersey, and Anthony Bryk, of California, both to be a Member of the Board of Directors of the National Board for Education Sciences, and Matan Aryeh Koch, of New York, to be a Member of the National Council on Disability, 10 a.m., SD–106.

September 8, Subcommittee on Children and Families, to hold hearings to examine quality and safety in child care, focusing on giving working families security, confidence, and peace of mind, 10:15 a.m., SH–216.

Committee on Homeland Security and Governmental Affairs: September 7, to hold hearings to examine defending the nation since 9/11, focusing on successful reforms and challenges ahead at the Department of Homeland Security, 10 a.m., SD–342.

Committee on the Judiciary: September 7, to hold hearings to examine cybercrime, focusing on updating the ''Computer Fraud and Abuse Act'' to protect cyberspace and combat emerging threats, 10 a.m., SD–226.

September 7, Full Committee, to hold hearings to examine the nominations of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, Dana L. Christensen, to be United States District Judge for the District of Montana, Cathy Ann Bencivengo, to be United States District Judge for the Southern District of California, Gina Marie Groh, to be United States District Judge for the Northern District of West Virginia, and Margo Kitsy Brodie, to be United States District Judge for the Eastern District of New York, 2:30 p.m., SD–226.

September 8, Full Committee, business meeting to consider S. 657, to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty, S. 1151, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 1408, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information, and the nominations of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit, Scott Wesley Skavdahl, to be United States District Judge for the District of Wyoming, Sharon L. Gleason, to be United States District Judge for the District of Alaska, Yvonne Gonzalez Rogers, to be United States District Judge for the Northern District of California, Richard G. Andrews, to be United States District Judge for the District of Delaware, Edgardo Ramos, of Connecticut, Andrew L. Carter, Jr., and Jesse M. Furman, all to be a United States District Judge for the Southern District of New York, James Rodney Gilstrap, to be United States District Judge for the Eastern District of Texas, Jennifer Guerin Zipps, to be United States District Judge for the District of Arizona, and Edward M. Spooner, to be United States Marshal for the Northern District of Florida, Kenneth Magidson, to be United States Attorney for the Southern District of Texas, Robert Lee Pitman, to be United States Attorney for the Western District of Texas, S. Amanda Marshall, to be United States Attorney for the District of Oregon, John Malcolm Bales, to be United States Attorney for the Eastern District of Texas, and Sarah Ruth Saldana, of Texas, to be United States Attorney for the Northern District of Texas, all of the Department of Justice, 10 a.m., SD–226.

September 8, Subcommittee on the Constitution, Civil Rights and Human Rights, to hold hearings to examine new state voting laws, focusing on barriers to the ballot, 2 p.m., SD–226.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 5 through August 31, 2011

	Senate	*House*	*Total*
Days in session	106	109	..
Time in session	696 hrs., 19′	677 hrs., 50′	..
Congressional Record:			
Pages of proceedings	5,311	5,932	..
Extensions of Remarks	..	1,533	..
Public bills enacted into law	11	17	28
Private bills enacted into law	..	..	..
Bills in conference	2	2	..
Measures passed, total	218	214	432
Senate bills	23	9	..
House bills	18	86	..
Senate joint resolutions	3	3	..
House joint resolutions	2	4	..
Senate concurrent resolutions	11	3	..
House concurrent resolutions	10	14	..
Simple resolutions	151	95	..
Measures reported, total	*113	*168	281
Senate bills	82	2	..
House bills	3	103	..
Senate joint resolutions	1	..	..
House joint resolutions	..	2	..
Senate concurrent resolutions	2	..	..
House concurrent resolutions	..	2	..
Simple resolutions	25	59	..
Special reports	9	28	..
Conference reports	..	..	..
Measures pending on calendar	117	54	..
Measures introduced, total	1,818	3,370	5,188
Bills	1,510	2,831	..
Joint resolutions	24	76	..
Concurrent resolutions	28	73	..
Simple resolutions	256	390	..
Quorum calls	5	3	..
Yea-and-nay votes	123	169	..
Recorded votes	..	**518	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 5 through August 31, 2011

Civilian nominations, totaling 377, disposed of as follows:	
Confirmed	159
Unconfirmed	209
Withdrawn	9
Other Civilian nominations, totaling 1,540, disposed of as follows:	
Confirmed	1,505
Unconfirmed	30
Withdrawn	5
Air Force nominations, totaling 5,442, disposed of as follows:	
Confirmed	1,587
Unconfirmed	3,855
Army nominations, totaling 4,885, disposed of as follows:	
Confirmed	4,801
Unconfirmed	84
Navy nominations, totaling 2,144, disposed of as follows:	
Confirmed	2,117
Unconfirmed	27
Marine Corps nominations, totaling 1,248, disposed of as follows:	
Confirmed	638
Unconfirmed	610

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	15,636
Total confirmed	10,807
Total unconfirmed	4,815
Total withdrawn	14
Total returned to the White House	0

Next Meeting of the SENATE

10 a.m., Wednesday, September 7

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the motion to proceed to consideration of H.R. 1249, Leahy-Smith America Invents Act. At 2:30 p.m., there will be 30 minutes for tributes to the late Senator Mark O. Hatfield.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Wednesday, September 7

House Chamber

Program for Wednesday: Consideration of the following suspensions: 1) H. Con. Res. 67—Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; 2) H.R. 2061—Civilian Service Recognition Act of 2011; and 3) H.R. 2832—To extend the Generalized System of Preferences, and for other purposes.

Extensions of Remarks, as inserted in this issue

HOUSE

Barletta, Lou, Pa., E1539
Johnson, Henry C. ''Hank'', Jr., Ga., E1539, E1540
Richardson, Laura, Calif., E1539
Thompson, Mike, Calif., E1539, E1540

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