amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 855

At the request of Ms. STABENOW, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of nonemergency personnel and the curtailment of Government activities and services.

S. 891

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) 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. 1027

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1027, a bill to provide for the rescission of certain instruction memoranda of the Bureau of Land Management, to amend the Mineral Leasing Act to provide for the determination of the impact of proposed policy modifications, and for other purposes.

S. 1030

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1030, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Washington (Ms. CANTWELL) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1096

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

S. 1125

At the request of Mr. LEAHY, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1125, a bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 175

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

S. RES. 185

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Ms. STABENOW), the Senator from Utah (Mr. LEE), the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. INOUYE), the Senator from Colorado (Mr. UDALL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 185, supra.

AMENDMENT NO. 390

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. COATS), the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 390 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 392

At the request of Mr. TESTER, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Utah (Mr. LEE) were added as cosponsors of amendment No. 392 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 406

At the request of Mrs. HUTCHISON, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 406 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 1160. A bill to improve the administration of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the Department of Energy Administrative Improvement Act of 2011. The bill makes several improvements to the way the Department of Energy, DOE, conducts its business and in doing so is designed to give taxpayers a better return on their investments in DOE programs. Senator MURKOWSKI, who is the ranking member of the Energy and Natural Resources Committee, is a cosponsor of this bill. These provisions were taken from the energy bill, S. 1462, reported out of the Energy and Natural Resources Committee last Congress. The provisions in this bill were adopted unanimously in the last Congress by members of the Committee as part of our work on S. 1462. Let me briefly highlight the sections of this bill.

Section 3 was taken from the recommendations of a 2009 report by the National Academy of Public Administration, which reviewed the business practices of the Department. Similar to the Department of Defense, it requires DOE to submit a 5-year budget profile for its programs with the DOE's annual budget submission to Congress. A 5-year estimate will encourage the Department to think about long-term budget implications of programs rather than on a year-to-year basis.

Section 4 replaces a provision enacted into law in the section 1007 of the Energy Policy Act of 2005, 42 U.S.C. 7256(g), relating to Other Transactions Authority. Section 1007 was based on

the similar authority applying to the Department of Defense. Section 4 is a fresh re-write of the authority so it is organic within the Department of Energy Organization Act and not the Department of Defense's authorities. The language is largely the same in content as that in section 1007 of the Energy Policy Act of 2005. The DOE went through an extensive comment period in developing rules for the use of this authority after it was enacted into law in 2005 to ensure transparency in its development and use. This section still contains reporting requirements to Congress on the use of this authority to ensure effective oversight. The Advanced Research Projects Agency—Energy has used this authority to initiate projects with energy companies that were not traditional government contractors and I believe this is a sound addition to the contracting authorities available to the Department.

Section 5 permits the DOE to designate and protect proprietary data for a period of 5 years for transactions entered into by the Department. Section 3001 of Energy Policy Act of 1992, 42 U.S.C. 13541, contained various provisions to protect results from industry partnerships with the Department of Energy. The 1992 data protection provision was carried forward implicitly in section 1005 of the Energy Policy Act of 2005, 42 U.S.C. 16395. This section gives the Secretary of Energy explicit authority to protect proprietary data in order to promote commercialization of new technology arising from the public-private partnerships in such areas as energy storage, smart grid and advanced nuclear technologies.

Section 6 gives the Department direct hire authority for a period of two years consistent with merit principles and public notice. Similar authority, known as excepted personnel authority, originally was available to the DOE's predecessor agency, the Atomic Energy Commission. That authority transferred to the Nuclear Regulatory Commission, NRC, but not the DOE. Interestingly, the NRC with its large scientific and engineering workforce has been rated as one of the best places to work in the federal government. While flexible personnel authorities are not singularly determinative of agency performance, I believe this pilot program will be an important tool for the Department to attract the best and brightest engineers, scientists and specialized technical personnel to work on its wide array of missions.

Section 7 gives the DOE critical pay authority to hire up to 40 highly skilled individuals for key or critical mission positions at the Department, for a period of up to 4 years. This will enable DOE to attract highly qualified individuals from industry and academia for positions within the Department typical of its complicated science and engineering missions.

Section 8 gives the DOE the authority to rehire retired DOE employees for mission-critical positions without impacting their retirement annuity. Many Department employees served in excess of 20 or 30 years in programmatic positions managing large, technically complicated projects. This authority will enable continuity of knowledge transfer as newer employees are hired.

Section 9 updates the list of DOE National Laboratories in section 2 of the Energy Policy Act of 2005, 42 U.S.C. 15801(3) to reflect the name change of the Stanford Linear Accelerator Center to ''SLAC National Accelerator Laboratory''.

The Department of Energy has one of the most technical and complicated missions in the Federal Government, which includes managing our Nation's nuclear stockpile, basic and applied energy research, environmental cleanup of former cold war nuclear weapons production sites, and finally the management of large contracts spanning decades. I hope that these provisions will be helpful to the Department to efficiently conduct its missions.

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. 1160

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 ''Department of Energy Administrative Improvement Act of 2011''.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

SEC. 3. FUTURE-YEARS DEPARTMENT OF ENERGY PROGRAM.

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following:

''SEC. 664. FUTURE-YEARS DEPARTMENT OF ENERGY PROGRAM.

''(a) IN GENERAL.—At or about the time the budget of the President is submitted to Congress for each year under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a future-years Department of Energy program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in the budget.

''(b) FISCAL YEAR.—Any future-years Department of Energy program submitted under subsection (a) shall cover—

''(1) the fiscal year with respect to which the budget is submitted; and

''(2) at least the 4 succeeding fiscal years.

''(c) CONSISTENT AMOUNTS.—

''(1) IN GENERAL.—The Secretary shall ensure that amounts described in paragraph (2)(A) for any fiscal year are consistent with amounts described in paragraph (2)(B) for that fiscal year.

''(2) AMOUNTS.—Amounts referred to in paragraph (1) are the following:

''(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as indicated in the future-years Department of Energy program submitted pursuant to subsection (a).

''(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Energy included pursuant to section 1105(a)(5) of title 31, United States Code, in the budget submitted to Congress under that section for any fiscal year.

''(d) MANAGEMENT CONTINGENCIES.—Subject to subsection (c), nothing in this section prohibit the inclusion in the future-years Department of Energy programs of amounts for management contingencies.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Department of Energy Organization Act (42 U.S.C. 7101) is amended by adding at the end of the items relating to part C of title VI the following:

''Sec. 664. Future-years Department of Energy program.''.

SEC. 4. OTHER TRANSACTIONS AUTHORITY.

(a) IN GENERAL.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORITY TO ENTER INTO OTHER TRANSACTIONS.—

''(1) IN GENERAL.—In addition to any other authority granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and certain arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or other persons on such terms as the Secretary considers appropriate to further functions vested in the Secretary, including research, development, or demonstration projects.

''(2) ADVANCE PAYMENTS.—Notwithstanding any other provision of law, the Secretary may exercise authority provided under paragraph (1) without regard to section 3324 of title 31, United States Code.

''(3) RELATIONSHIP TO OTHER LAW.—The authority of the Secretary under paragraph (1) shall not be subject to—

''(A) section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908); or

''(B) section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

''(4) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, disclosure of information described in subparagraph (B) is not required, and may not be compelled, under section 552 of title 5, United States Code, during the 5-year period beginning on the date on which the information is received by the Department.

''(B) AWARD INFORMATION.—The information described in this subparagraph is information in the records of the Department that—

''(i) was submitted—

''(I) to the Department as part of a competitive or noncompetitive process with the potential to result in an award to the person submitting the information; and

''(II) in conjunction with a transaction entered into by the Secretary pursuant to paragraph (1); and

''(ii) is—

''(I) a proposal, proposal abstract, and supporting documents;

''(II) a business plan submitted on a confidential basis; or

''(III) technical information submitted on a confidential basis.

''(5) REQUIREMENTS.—

''(A) SELECTION PROCEDURES.—In entering into transactions under paragraph (1), the

Secretary shall use such competitive, merit-based selection procedures as the Secretary determines in writing to be practicable.

''(B) DETERMINATION.—Before entering into a transaction under paragraph (1), the Secretary shall determine in writing that the use of a standard contract, grant, or cooperative agreement for the project is not feasible or appropriate.

''(C) COST SHARING.—A transaction under paragraph (1) shall be subject to cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

''(D) LIMITATION ON DELEGATION.—The authority of the Secretary under this subsection may be delegated only to an officer of the Department who is appointed by the President by and with the advice and consent of the Senate and may not be redelegated to any other person.

''(6) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of the Department of Energy Administrative Improvement Act of 2011 and annually thereafter, the Secretary shall submit to Congress an annual report on the transactions entered into by the Secretary pursuant to the authorities provided under this subsection.

''(7) REPORT.—

''(A) DEFINITION OF NONTRADITIONAL GOVERNMENT CONTRACTOR.—In this paragraph, the term 'nontraditional Government contractor' has the meaning given the term 'nontraditional defense contractor' in section 845(f) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note).

''(B) REPORT.—Not later than 2 years after the date of enactment of this subparagraph, and 2 years thereafter, the Comptroller General of the United States shall submit to Congress a report describing—

''(i) the use by the Department of authorities under this section, including the ability to attract nontraditional Government contractors; and

''(ii) whether additional safeguards are necessary to carry out the authorities.''.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The final rule of the Department of Energy entitled ''Assistance Regulations'' (71 Fed. Reg. 27158 (May 9, 2006)) shall be applicable to transactions under section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) (as amended by subsection (a)).

(2) REGULATIONS.—The Secretary may revise, supplement, or replace such regulations as the Secretary determines necessary to implement the amendment made by subsection (a).

SEC. 5. PROTECTION OF RESULTS.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, during a period of not more than 5 years after the development of information in any transaction authorized to be entered into by the Department of Energy, the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code.

(b) APPLICABLE INFORMATION.—This section applies to information that—

(1) results from a transaction entered into by the Secretary pursuant to this title or an amendment made by this title; and

(2) is of a character that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if the information had been obtained from a person other than an agent or employee of the Federal Government.

SEC. 6. DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—Notwithstanding sections 3304 and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified scientists, engineers, or critical technical personnel into the competitive service.

(b) EXCEPTION.—The authority granted under subsection (a) shall not apply to positions in the excepted service or the Senior Executive Service.

(c) REQUIREMENTS.—In exercising the authority granted under subsection (a), the Secretary shall ensure that any action taken by the Secretary—

(1) is consistent with the merit principles of section 2301 of title 5, United States Code; and

(2) complies with the public notice requirements of section 3327 of title 5, United States Code.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 7. CRITICAL PAY AUTHORITY.

(a) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of the Department of Energy, if the Secretary certifies that—

(1) the positions—

(A) require expertise of an extremely high level in a scientific or technical field; and

(B) the Department of Energy would not successfully accomplish an important mission without such an individual; and

(2) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

(b) LIMITATIONS.—The authority granted under subsection (a) shall be subject to the following conditions:

(1) The number of critical positions authorized by subsection (a) may not exceed 40 at any 1 time in the Department of Energy.

(2) The term of an appointment under subsection (a) may not exceed 4 years.

(3) An individual appointed under subsection (a) may not have been a Department of Energy employee within the 2 years prior to the date of appointment.

(4) Total annual compensation for any individual appointed under subsection (a) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

(5) An individual appointed under subsection (a) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

(c) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this section.

SEC. 8. REEMPLOYMENT OF CIVILIAN RETIREES.

(a) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of the Department of Energy for which the Department has encountered exceptional difficulty in recruiting or retaining suitably qualified candidates.

(b) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subsection (a)—

(1) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

(2) may not elect to have retirement contributions withheld from the pay of the annuitant;

(3) may not use any employment under this section as a basis for a supplemental or recomputed annuity; and

(4) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

(c) LIMITATION ON TERM.—The term of employment of any individual hired under subsection (a) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

SEC. 9. DEFINITION OF NATIONAL LABORATORY.

Section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)) is amended by striking subparagraph (P) and inserting the following:

''(P) SLAC National Accelerator Laboratory.''.

By Mr. WEBB (for himself and Mr. CORKER):

S.J. Res. 18. A joint resolution prohibiting the deployment, establishment, or maintenance of a presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes; to the Committee on Foreign Relations.

Mr. WEBB. Mr. President, I am pleased to come to the Senate floor, along with my colleague, Senator CORKER, a fellow member of the Senate Foreign Relations Committee, to speak about a joint resolution we are introducing today that deals with the situation in Libya.

This is introduced as a joint resolution rather than as an amendment on the current legislation because I believe this matter is serious enough that our body should actually consider this as a stand-alone piece of legislation and coordinate it with the House and get this passed with due speed.

This resolution, first of all, contains a statement of policy that American Armed Forces should be used exclusively to defend and advance our national security interests.

Second, it prohibits the deployment, establishment, or maintenance of ground troops in Libya, with two notable exceptions. The first would be for the purpose of the immediate personal defense of American Government officials, including diplomatic representatives, which I believe would be an important exclusion once and if we decide to conduct negotiations or reestablish our Embassy inside Libya. The other exception would be for the purpose of rescuing members of our Armed Forces who would be in Libya and would be under imminent danger.

It also prohibits the awarding of a contract to private security contractors to conduct, establish, or maintain any activities on the ground in Libya.

This language in section 2 is similar to language that passed the House last week with a vote of 416 to 5.

Section 3 includes a sense of Congress that the President should request congressional authorization for the continuation of American involvement in

ongoing activities in Libya, and that the Congress, in its constitutional role, should debate and consider this matter expeditiously.

Sections 4 and 5 require the transmission of information to the Congress on a wide variety of information that, to this point, we have not been properly included on. That language, in some form, passed the House last Friday with a vote of 268 to 145.

Again, I appreciate very much Senator CORKER joining me as the principal cosponsor of this joint resolution.

I would like to explain why I believe it is important we take this measure as a body, as a Congress, in response to the actions the President took in Libya nearly 3 months ago.

First, we know, and we are reminded every day, that our economy is going through a terrible crisis, even as we are expending hundreds of billions of dollars every year on wars in the most vitriolic and contentious parts of the world.

Second, our military has been engaged in continuous combat operations for nearly 10 years. We still have 45,000 military members in Iraq despite a stated commitment for a full withdrawal by the end of this year. We have about 100,000 troops in Afghanistan, and the prospect for a meaningful withdrawal in the short term does not look good.

When we examine the conditions under which the President ordered our military into action in Libya, we are faced, in my view, with the prospect of a very troubling, if not downright odd, historical precedent that has the potential to haunt us for decades.

The issue in play is not simply whether the President should ask the Congress for a declaration of war, nor is it wholly about whether the President has violated the edicts of the War Powers Act, which, in my view, he clearly has. The issue for us to consider is whether a President—any President—can unilaterally begin, and continue, a military campaign for reasons that he alone defines as meeting the demanding standards of a vital national interest worthy of risking American lives and expending billions of dollars of our taxpayers' money.

What was the standard in this case? The initial justification was that a dictator might retaliate against people who rebelled against him. I do not make light of the potential tragedy involved in such a possibility, although it should be pointed out that there are a lot of dictators in this world and very few democracies in this particular region, which gives this standard a pretty broad base if a President decides to use it again. Then, predictably, once military operations began in Libya, the stated goal became regime change, with combat now having dragged on for nearly 3 months.

So in a world filled with cruelty, the question becomes whether a President—any President—should be able to pick and choose when and where to use military force using such a vague standard. Actually that is the most important question. Given our system of government, who should decide? Even if a President should unilaterally decide on the basis of overwhelming, vital national interests that requires immediate action, how long should that decision be honored, and to what lengths should our military go before the matter is able to come under the proper scrutiny and boundaries of our Congress?

Let's review the bidding. What did it look like when our President ordered our military into action in Libya, and what has happened since? Was our country under attack or under the threat of an imminent attack? Was a clearly vital national interest at stake? Were we invoking the inherent right of self-defense as outlined in the United Nations charter? Were we called upon by treaty commitments to come to the aid of an ally? Were we responding in kind to an attack on our forces elsewhere as we did in the 1986 raids in Libya when I was in the Pentagon, after American soldiers had been killed in a disco in Berlin? Were we rescuing Americans in distress as we did in Grenada in 1983? No, we were not.

The President followed no clear historical standard when he unilaterally decided to use force in Libya. Once this action continued beyond his original definition of ''days, not weeks,'' he did not seek the approval of Congress. While he has discussed this matter with some Members of Congress, he has not formally conferred with the legislative branch.

I believe it is appropriate to question on whose behalf this continuing action is being taken, and, most importantly at this point, what is going to be asked of our military in the coming months, assuming the Qadhafi regime does fall? This is not even a civil war.

As Secretary of Defense Gates commented to me when I asked him that question during a hearing on the Armed Services Committee recently: You don't have a civil war when there is no clearly formed opposition movement. It has been a random rebellion. We can empathize with the frustrations of this rebellion, but looking into the future, the only thing the opponents of the present regime all seem to agree on is that Qadhafi should go.

As I have said repeatedly over the past few months, this matters greatly when one considers what the aftermath of this action could entail for the international community.

An additional curiosity is that we still recognize this regime even as we have been participating for nearly 3 months in actions designed to destroy it. I have raised this matter repeatedly with our State Department. We have not severed relations with this regime, nor have we recognized a successor regime. We have merely suspended our relations. So we are looking at something of a historical anomaly. We are participating in attacks on a regime that we recognize, on behalf of rebel forces that are so amorphous that we don't, and we really do not know what is going to replace the regime that we recognize once it is gone.

Obviously, I am not raising these points out of any lasting love for Mr. Qadhafi or any hopes that he continues in his present position. But let's be very clear. This is a region rife with tribalism, fierce loyalties, and brutal retaliation. In this part of the world the lust for revenge upon those who try to destroy you is not a characteristic that is unique to Mr. Qadhafi. Whether Qadhafi stays or falls, that is very likely going to be the future at some level in Libya, and this is not a place for American troops to be sent in order to sort out this mess. If other nations decide to do so, I certainly have no objection. But our military is stretched too thin, our economy is too fragile, and the reasons for us to continue in this effort are too ill-defined.

So it is important for the Congress to step in and to clearly define the boundaries of our involvement. We should be saying without hesitation that no American ground personnel should be introduced into Libya, now or in the future. We should also be insisting on fair and open communication from this administration to the Congress rather than the stonewalling that has characterized the past 3 months.

This is not a political issue for me. Rather, it is an issue of how our government is structured. I would submit that this issue has historical consequences. Our three branches of government were carefully designed by the Founding Fathers to guard against hasty decisions or judgments that would not be fully in our national interest. For centuries, the English monarchs had been able to wage wars of choice, with the only restriction being whether Parliament would raise enough taxes to fund their adventurous armies. Our Founding Fathers said no. The Framers of the Constitution deliberately gave the Congress the specific power to rein in such conduct and to protect our people from unwise choices by insisting on a democratic consensus.

The structure of international relations has become much more complex since then, but the principle is still vital, and it still must hold.

Over the past 10 years, in pursuit of a workable formula with which to defend our Nation against legitimate threats, we have allowed the balance of power in our constitutional system to tilt far too heavily to the executive branch. There could be no clearer example of why the Congress must finally say ''enough is enough'' than the situation we now face in Libya. We must clearly say, as a governing body, that there are boundaries on the conduct of a President—any President—when it comes to his or her unilateral decision to use military force. We should be clear that American military forces—in uniform or not—do not belong on the ground in Libya.

We should make it clear that we will not be deterred in requests for information that allow us to perform our responsibilities. To do less than that would bring us back in time, to a system of government our forefathers risked their lives to improve upon. We are not the Parliament of King Charles. I believe my fellow Members would agree that our role as a legislative body is more than that of collecting taxes so that the President—any President—can raise armies and fight wars of his own choosing. And that is why I am asking every Senator to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I am pleased to join the distinguished Senator from Virginia, the former Secretary of the Navy, in the introduction of this joint resolution, along with Senator LEE from Utah. I look forward to a debate of this resolution next week which I hope will end up passing both bodies and which calls for a number of answers we have been requesting to come forth.

I wish to discuss the ongoing situation in Libya where—specifically U.S. participation in NATO military operations authorized by the United Nations' Security Council resolution passed on March 17, 2011. For those of you listening, you heard me correctly. It was authorized by the United Nations, not the U.S. Congress. We are spending roughly $2 million per day on a mission on which the President has yet to broadly consult Congress.

I find it unbelievable that the President would seek the approval of the United Nations and the Arab League for military operations over Libya while sidelining the body that speaks for the American people, not even answering our questions. This is not consultation, nor is the President heeding the concerns of his own constituents.

For many weeks now, I and many colleagues, for that matter, have attempted to gain answers to some of the most basic questions about what we are doing in Libya. Through hearings in the Foreign Relations Committee, we have not received these answers. We have asked for specific witnesses and received no response. This is not consultation.

In my ongoing attempts to receive answers to these questions, I sent a letter to Secretary Clinton and Secretary Gates on April 14, 2011, specifically outlining five questions. I have the letter here and ask unanimous consent to have this letter printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 14, 2011.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, U.S. Department of State, Washington, DC.

Hon. ROBERT M. GATES,
Secretary of Defense, U.S. Department of Defense, Washington, DC.

DEAR SECRETARY CLINTON AND SECRETARY GATES: It has now been nearly one month since the United States first engaged in coalition operations in Libya. Since that time, there has been relatively infrequent information sharing with the Congress regarding the full scope of U.S. involvement in the conflict. Administration officials have assured Congress that the United States was playing only a supporting role in ongoing operations in Libya, and those operations did not include kinetic operations. Yesterday, April 13, 2011, it was revealed during a Pentagon briefing that three U.S. aircraft assigned to NATO had fired ordnance. This seems contradictory to the information we have previously received and is an example of the disconnect between Congress and the administration on the nature of the U.S. role in Libya. To that end, I ask that you provide the following:

(1) A full accounting of U.S. assets assigned to the mission and how they are being utilized.

(2) Requests the U.S. has received from coalition partners and Libyan opposition forces for materiel and support—both fulfilled and denied.

(3) The contents of additional U.S. offers of assistance.

(4) Plans to offer additional assistance to Libyan opposition forces.

(5) All meetings that the administration has engaged in with coalition partners, the Libya contact group and the Libyan opposition forces to discuss the operations and political future of Libya.

I thank you for your service to our country, and I look forward to your prompt reply to my request.

Sincerely,

BOB CORKER,
U.S. Senator.

Mr. CORKER. Mr. President, today, 1 day shy of 8 weeks later, I finally received a response. This response did not come from Secretary Clinton. It did not come from Secretary Gates. This response came from the Acting Assistant Secretary of State for Legislative Affairs and only paid lipservice to one of my five specific requests for information.

I ask unanimous consent to have this ''nonresponse'' printed in the RECORD.

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

U.S. DEPARTMENT OF STATE,
Washington, DC, June 6, 2011.

Hon. BOB CORKER,
U.S. Senate.

DEAR SENATOR CORKER: Thank you for your letter of April 14 regarding the State Department's effort to assist the coalition and support the people of Libya. The past three months have demonstrated Colonel Qadhafi's unrelenting efforts to kill those who wish to instill democracy in Libya and the use of barbarous, indiscriminant bombing of cities and vital civilian infrastructure. These acts further delegitimize Qadhafi as a leader of the Libyan people.

The State Department is working to ensure the coalition remains united behind the goal of protecting the people of Libya. We continue to work closely with coalition and regional governments to isolate Qadhafi and create support for the opposition. This effort includes the termination of diplomatic status for Libyan diplomats still supporting the regime and the freezing of all regime assets. As the situation evolves, we continue to evaluate further options to increase pressure on Qadhafi to step down. We are also considering options to provide the opposition the financial wherewithal it needs to support itself.

Along with looking at multiple ways to increase pressure on the Qadhafi regime, the State Department is looking at better ways to provide humanitarian assistance to civilians in conflict areas. We are assessing options for assistance we could provide to the Libyan people and are consulting directly with the opposition and our international partners. Some aid has been identified; the President directed up to $25 million in nonlethal items from U.S. government stocks, including medical supplies, uniforms, boots, tents, personal protective gear, and prepackaged rations.

We continue working with the international community to determine the best way to support the Transitional National Council (TNC) in meeting its financial needs. The May 5 Libya Contact Group meeting in Rome endorsed the creation of a Temporary Financial Mechanism, which will help facilitate and coordinate financial assistance. Additionally, the United States is providing $53.5 million in humanitarian assistance to support people affected by the crisis.

Chris Stevens, U.S. Envoy to the TNC, remains in Benghazi and continues to hold productive meetings with high-level members of the TNC. In addition to Secretary Clinton's meetings with TNC leadership, Mr. Stevens regularly meets with senior TNC leaders to better understand the steps they are undertaking to build a democracy based on universal principles of respect for human rights and rule of law. While we are working closely with the TNC, we also continue to meet with a broad spectrum of Libyans involved in the opposition writ large.

Thank you again for your interest and support for Libya. Please do not hesitate to contact us again if we can be of further assistance on this or any other matter.

Sincerely,

JOSEPH E. MACMANUS,
Acting Assistant Secretary, Legislative Affairs.

Mr. CORKER. Mr. President, this is unacceptable. This is an unacceptable way to treat a coequal branch of the U.S. Government that is granted certain responsibilities to our Armed Forces by the Founders of our country. Without these answers, Members of Congress are unable to assess critical questions and debate whether we should continue to engage in military operations in Libya.

That is why I am pleased to join my colleagues, Senator WEBB and Senator LEE, in introducing S.J. Res. 18 today. This is a joint resolution drawing on language that already passed the House of Representatives last week, and it requires the President to answer 21 questions critical to determining whether engagement in Libya is in the vital national interest of the United States.

This joint resolution further expresses the sense of Congress that the President should request authorization from Congress for the continuation of U.S. involvement in ongoing NATO activities in Libya.

It says Congress should fully debate and consider such a request in an expedient manner. I can't imagine there is anybody in this body who would not like to debate this issue on the floor, regardless of how they may feel about this conflict. We owe it to every man and woman who puts on a uniform to serve our country and to every taxpayer who funds the operation to be clear that our entry into any conflict has been thoughtfully considered, contains clear justification, a clear mission, and a clear debate of the risks and benefits. The information sought by this joint resolution will help us meet those obligations.

I look forward to the Senate considering this joint resolution in the near future—hopefully next week.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 205—DESIGNATING THE PERIOD BEGINNING ON JUNE 19, 2011, AND ENDING ON JUNE 25, 2011, AS ''POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK'', AND RAISING AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND THE IMPACT SUCH DISEASE HAS ON PATIENTS

Mr. KOHL (for himself and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas polycystic kidney disease, known as ''PKD'', is one of the world's most prevalent life-threatening genetic diseases, affecting an estimated 600,000 people in the United States, including newborns, children, and adults regardless of sex, age, race, geography, income or ethnicity;

Whereas there are 2 forms of polycystic kidney disease, autosomal dominant (ADPKD), affecting 1 in 500 people worldwide, and autosomal recessive (ARPKD), a rare form, affecting 1 in 20,000 live births and frequently leading to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys (ranging in size from a pinhead to a grapefruit), leading to an increase in kidney size and weight;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms early in the disease, and many patients do not realize they have polycystic kidney disease until other organs are affected;

Whereas symptoms of polycystic kidney disease may include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infection, heart disease, and kidney stones;

Whereas polycystic kidney disease is the number one genetic cause of kidney failure in the United States;

Whereas more than half of polycystic kidney disease patients will reach kidney failure and require dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas there is no treatment or cure for polycystic kidney disease; and

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on June 19, 2011, and ending on June 25, 2011, as ''Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research to find treatments and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of such disease on patients and their families.

SENATE RESOLUTION 206—DESIGNATING JUNE 20, 2011, AS ''AMERICAN EAGLE DAY'', AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. INOUYE, Mr. HOEVEN, Mrs. FEINSTEIN, Mr. ROBERTS, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mrs. BOXER, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 206

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;

(2) the Office of the Vice President;

(3) Congress;

(4) the Supreme Court;

(5) the Department of the Treasury;

(6) the Department of Defense;

(7) the Department of Justice;

(8) the Department of State;

(9) the Department of Commerce;

(10) the Department of Homeland Security;

(11) the Department of Veterans Affairs;

(12) the Department of Labor;

(13) the Department of Health and Human Services;

(14) the Department of Energy;

(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and

(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named ''Eagle'';

Whereas the ''Eagle'' played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald Eagle Protection Act of 1940''); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately $7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations) the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marked the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;