

Senate on December 22, 2010; to the Committee on Energy and Natural Resources.

EC-8615. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (Docket No. ND-051-FOR) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Energy and Natural Resources.

EC-8616. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (Docket No. TX-059-FOR) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Energy and Natural Resources.

EC-8617. 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 "Special Rules Relating to Funding Relief for Single-Employer Pension Plans under PRA 2010" (Notice 2011-3) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Finance.

EC-8618. 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 "Applicable Federal Rates—January 2011" (Rev. Rul. 2011-2) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Finance.

EC-8619. 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 "Rules for Group Trusts" (Rev. Rul. 2011-1) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Finance.

EC-8620. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510-AB24) received in the Office of the President of the Senate on December 20, 2010; to the Committee on Finance.

EC-8621. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management of Federal Agency Disbursements" (RIN1510-AB26) received in the Office of the President of the Senate on December 20, 2010; to the Committee on Finance.

EC-8622. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0176–2010-0189); to the Committee on Foreign Relations.

EC-8623. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture in Saudi Arabia of RR-170 Chaff Cartridges, RR-180 Chaff Cartridges, MJU-7A/B Flare Cartridges, MJU-10/B Flare Cartridges and M206 Flare Cartridges in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-8624. A communication from the Assistant General Counsel for Regulatory Services,

Department of Education, transmitting, pursuant to law, the report of a rule entitled "Supplemental Priorities for Discretionary Grant Programs" (RIN1894-AA00) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8625. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "E-2 Nonimmigrant Status for Aliens in the Commonwealth of the Northern Mariana Islands with Long-Term Investor Status" (RIN1615-AB75) received in the Office of the President of the Senate on December 22, 2010; to the Committee on the Judiciary.

EC-8626. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, a report relative to the Chiapas Declaration; to the Committee on Foreign Relations.

EC-8627. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the South Atlantic States; Emergency Rule to Delay Effectiveness of the Snapper-Grouper Area Closure" (RIN0648-BA47) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8628. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Temporary Removal of 2,000-lb (907.2-kg) Herring Trip Limit in Atlantic Herring Management Area 1A" (RIN0648-XA053) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8629. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Temporary Removal of 2,000-lb (907.2-kg) Herring Trip Limit in Atlantic Herring Management Area 1A" (RIN0648-XA039) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8630. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Non-Sandbar Large Coastal Shark Fishery in the Atlantic Region" (RIN0648-XA052) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8631. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 12 and No. 13" (RIN0648-XY31) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8632. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA058) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8633. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closure in the Gulf of Mexico Due to the Deepwater Horizon MC252 Oil Spill; Amendment 4" (RIN0648-AY90) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8634. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closure in the Gulf of Mexico Due to the Deepwater Horizon MC252 Oil Spill; Amendment 3" (RIN0648-AY90) received in the Office of the President of the Senate on December 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8635. A communication from the Chief Judge, Court of Appeals of Maryland, transmitting, a report relative to Interest on Attorneys Trust Accounts; to the Committee on Banking, Housing, and Urban Affairs.

EC-8636. A communication from the Deputy Assistant Secretary for Import Administration, Foreign-Trade Zones Board, Department of Commerce, transmitting, pursuant to law, an annual report on the Activities of the Foreign-Trade Zones Board, for fiscal year 2009; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 3688. A bill to establish an international professional exchange program, and for other purposes (Rept. No. 111-383).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 773, a bill to ensure the continued free flow of commerce within the United States and with its global trading partners through secure cyber communications, to provide for the continued development and exploitation of the Internet and intranet communications for such purposes, to provide for the development of a cadre of information technology specialists to improve and maintain effective cybersecurity defenses against disruption, and for other purposes (Rept. No. 111-384).

Report to accompany S. 2764, a bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes (Rept. No. 111-385).

Report to accompany S. 3304, a bill to increase the access of persons with disabilities to modern communications, and for other purposes (Rept. No. 111-386).

Report to accompany S. 1274, a bill to amend title 46, United States Code, to ensure

that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes (Rept. No. 111-387).

Report to accompany S. 2870, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes (Rept. No. 111-388).

### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on December 22, 2010:

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

[Treaty Doc. 110-23 Investment Treaty with Rwanda with one declaration (Ex. Rept. 111-8)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

*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. None of the provisions in this Treaty confers a private right of action.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MERKLEY (for himself, Mr. JOHNSON, Mr. CORKER, and Mr. ENZI):

S. 4052. A bill to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 4053. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; considered and passed.

By Mr. SPECTER:

S. 4054. A bill to restore the law governing pleading and pleading motions that existed before the decisions of the Supreme Court of the United States in *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009); to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. CASEY, Mr. BINGAMAN, Mrs. HAGAN, and Ms. STABENOW):

S. 4055. A bill to extend trade adjustment assistance, and for other purposes; to the Committee on Finance.

By Mr. CASEY:

S. 4056. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purposes of missing or exploited children investigations; to the Committee on Finance.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 4057. A bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 4058. A bill to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure; considered and passed.

By Mr. MENENDEZ:

S. 4059. A bill to authorize the Department of House and Urban Development to transform neighborhoods of extreme poverty into sustainable, mixed-income neighborhoods with access to economic opportunities, by revitalizing severely distressed housing, and investing and leveraging investments in well-functioning services, educational opportunities, public assets, public transportation, and improved access to jobs; to the Committee on Banking, Housing, and Urban Affairs.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 705. A resolution providing for a technical correction to S. Res. 700; considered and agreed to.

By Mr. REID (for himself, Mr. McCONNELL, Mr. KERRY, and Mr. KYL):

S. Res. 706. A resolution extending the authority for the Senate National Security Working Group; considered and agreed to.

By Mr. REID:

S. Res. 707. A resolution honoring Lula Davis; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 3424

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a co-sponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

AMENDMENT NO. 4892

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 4892 proposed to Treaty Doc. 111-5, treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol.

AMENDMENT NO. 4904

At the request of Mr. CORKER, the names of the Senator from Connecticut

(Mr. LIEBERMAN), the Senator from Massachusetts (Mr. BROWN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arizona (Mr. MCCAIN), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Michigan (Mr. LEVIN), the Senator from Arizona (Mr. KYL), the Senator from Indiana (Mr. BAYH), and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 4904 proposed to Treaty Doc. 111-5, treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol.

At the request of Mr. LUGAR, his name was added as a cosponsor of amendment No. 4904 proposed to Treaty Doc. 111-5, supra.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 4054. A bill to restore the law governing pleading and pleading motions that existed before the decisions of the Supreme Court of the United States in *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009); to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, last year I introduced the Notice Pleading Restoration Act of 2009, H.R. 1504. As I explained in my accompanying floor statement, my objective was to restore the pleading standard that had governed federal civil practice if not since the Federal Rules of Procedure originally took effect in 1938, then at very least since the Supreme Court decided *Conley v. Gibson* in 1957. Several months earlier the Supreme Court had issued the second of two controversial decisions—*Bell Atlantic Corp. v. Twombly*, 2007, and *Iqbal v. Ashcroft*, 2009—in which it had replaced that standard with a heightened pleading standard that, not least among its several flaws, was plainly inconsistent with the original meaning of the Federal Rules. My concern was not only that the Court had closed the courthouse doors to plaintiffs with meritorious claims and limited the private enforcement of public law, but also that, in yet another of its recent incursions on Congress's lawmaking powers, it had end-run the process for amending the Rules established by the Rules Enabling Act of 1934. That process includes, as its last step, Congressional approval of any amendment.

While there was widespread agreement among the country's leading academic proceduralists on the need for legislation overruling the Court's decisions, there was much less agreement among them as to what, exactly, the