

Aklomide; Levamisole Hydrochloride; Nitromide and Sulfanitrans; Roxarsone; Correction" ((21 CFR Part 558)(Docket No. FDA-2010-N-0002)) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1302. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Change of Sponsor's Name and Address; Corrections" ((21 CFR Parts 510 and 529)(Docket No. FDA-2010-N-0002)) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1303. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Bacteriophage Preparation" ((21 CFR Part 172)(Docket No. FDA-2002-F-0198)) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1304. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Atomic Energy Agency's programs and projects in Burma, North Korea, Cuba, Iran, and Syria; to the Committee on Foreign Relations.

EC-1305. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1306. A communication from the Director of Equal Employment Opportunity, Farm Credit Administration, transmitting, pursuant to law, the Administration's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-1307. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to activities carried out by the Family Court during 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1308. A communication from the General Counsel, the Administrative Conference of the United States, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Records or Information" (1 CFR Part 304) received in the Office of the President of the Senate on April 7, 2011; to the Committee on the Judiciary.

EC-1309. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report relative to judicial vacancies in federal courts; to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-8. A petition from American-International Business Law, Inc. relative to a

claim against the United States of America; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 627. A bill to establish the Commission on Freedom of Information Act Processing Delays.

#### 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. HARKIN (for himself and Mr. ISAKSON):

S. 769. A bill to amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio (for himself, Mr. HARKIN, and Mr. BLUMENTHAL):

S. 770. A bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 771. A bill to amend the Indian Gaming Regulatory Act to modify a provision relating to gaming on land acquired after October 17, 1988; to the Committee on Indian Affairs.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 772. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 773. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetics and custom orthotics and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 774. A bill to appropriate funds for pay and allowances and support for members of the Armed Forces, their families, and other personnel critical to national security during a funding gap; to the Committee on Appropriations.

By Mr. CASEY:

S. 775. A bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself, Mr. CARDIN, Ms. MIKULSKI, and Mr. WEBB):

S. 776. A bill to provide for the compensation of furloughed Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HUTCHISON:

S. 777. A bill to clarify the authority of the Secretary of Defense to provide for the pay

of the military of the United States under the Feed and Forage Act of 1861; to the Committee on Armed Services.

By Mr. MORAN:

S. 778. A bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services; to the Committee on Finance.

By Mr. SCHUMER:

S. 779. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 780. A bill to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THUNE:

S. 781. A bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002; to the Committee on Environment and Public Works.

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

S. 782. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THUNE:

S. 783. A bill to provide an extension of time for filing individual income tax returns in the case of a Federal Government shutdown; read the first time.

By Mr. UDALL of Colorado:

S. 784. A bill to prevent the shutdown of the Federal Government; to the Committee on Appropriations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. GILLIBRAND (for herself and Mr. RISCH):

S. Res. 138. A resolution calling on the United Nations to rescind the Goldstone report, and for other purposes; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself, Mr. MCCONNELL, and Mr. INHOFE):

S. Res. 139. A resolution expressing the sense of the Senate that the President should take certain actions with respect to the Government of Burma; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 319

At the request of Ms. SNOWE, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 319, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 366

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

S. 388

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 388, a bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 411

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 411, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into agreements with States and non-profit organizations to collaborate in the provision of case management services associated with certain supported housing programs for veterans, and for other purposes.

S. 462

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 462, a bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act.

S. 463

At the request of Mr. BEGICH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 463, a bill to amend part B of title II of the Elementary and Sec-

ondary Education Act of 1965 to promote effective STEM teaching and learning.

S. 483

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Hawaii (Mr. INOUE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 483, a bill to amend title XVIII of the Social Security Act to provide for the treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 528

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 528, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 565

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) 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. 570

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloging the purchases of multiple rifles and shotguns.

S. 623

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 623, a bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

S. 706

At the request of Mr. VITTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 706, a bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 724

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Colorado (Mr. BENNET), the Senator from Montana (Mr. BAUCUS), the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), the Senator from South Dakota (Mr. JOHN-SON), the Senator from California (Mrs. FEINSTEIN), the Senator from Mississippi (Mr. WICKER), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arizona (Mr. MCCAIN), the

Senator from Wisconsin (Mr. KOHL), the Senator from Mississippi (Mr. COCHRAN), the Senator from Delaware (Mr. COONS), the Senator from Florida (Mr. NELSON), the Senator from Ohio (Mr. BROWN), the Senator from North Dakota (Mr. CONRAD), the Senator from Oklahoma (Mr. COBURN), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. MERKLEY), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Kentucky (Mr. PAUL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel 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 non-emergency personnel and the curtailment of Government activities and services.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 724, supra.

At the request of Mr. WARNER, his name was added as a cosponsor of S. 724, supra.

At the request of Mr. KERRY, his name was added as a cosponsor of S. 724, supra.

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 724, supra.

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 724, supra.

S. 737

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

S. 740

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. RES. 80

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

S. RES. 135

At the request of Mr. LUGAR, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 135, a resolution remembering the 1 year anniversary of

the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union in 1940.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself and Mr. ISAKSON):

S. 769. A bill amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property; to the Committee on Veterans' Affairs.

Mr. HARKIN. Mr. President, along with Senator ISAKSON, today I am introducing a bill to allow veterans with disabilities who utilize service dogs the same access to VA health care and facilities as those using guide dogs. Right now, a vet who has a seeing-eye dog can go into any VA hospital to get services, but it is at the discretion of each facility whether or not to allow a vet to bring a service dog, which they use for mobility, assistance with living with hearing loss, comfort for those experiencing PTSD, and to alert others if they have a seizure.

This bill will provide for full access to all veterans at every VA facility, without exception. There should not be a variation in policy from one VA facility to another. It is a small but laudable goal to promote the access of persons with disabilities at VA facilities and guarantee all veterans, regardless of their disability, receive the care and services they need and are entitled to through their selfless service to our Nation.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 771. A bill to amend the Indian Gaming Regulatory Act to modify a provision relating to gaming on land acquired after October 17, 1988; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Tribal Gaming Eligibility Act with my friend and colleague from Arizona, Senator JON KYL.

This bill requires that Indian tribes demonstrate both an aboriginal and a modern connection to the land before it can be used for gaming.

The bill responds to growing concerns and frustrations about the number of "off-reservation" casinos proposals in California and across the nation.

As of May 2010, the U.S. Department of Interior was considering 35 of these proposals. Eleven of them are in my home State.

Casinos strain local governments, increase violent crime, and increase bankruptcies. Gambling regulations are poorly enforced, largely because deficit-plagued state governments have cut enforcement staff down to the

bone. Even when enforcement officials are present, highly protective "State Compacts," protect tribal casinos from true scrutiny and legitimate oversight.

The fact is that some tribes have abused their unique right to operate casinos by taking land into trust miles away from their historical lands and miles away from where any tribal member resides. This is done to produce the most profitable casino, often with little regard to what is most beneficial to tribal members.

This unbridled reservation shopping is occurring with little to no input from local governments or neighboring tribes.

The result: 58 casinos in California; 11 more in the approval process; and a very real potential for an additional 50 casinos in the coming years.

That is why I am introducing the Tribal Gaming Eligibility Act. This legislation addresses the problems that arise from off-reservation casinos by requiring that tribes meet two simple conditions if they wish to game on lands acquired after the passage of the 1988 Indian Gaming Regulatory Act.

First the tribe must demonstrate a "substantial direct modern connection to the land."

Second, the tribe must demonstrate a "substantial direct aboriginal connection to the land."

Simply put, tribes must demonstrate that both they and their ancestors have a connection to the land in question.

In 2000, California voters thought they settled the question of casino gaming when they passed Proposition 1A. This proposition authorized the governor to negotiate gambling compacts that would make Nevada-style casinos possible for "federally recognized Indian tribes on Indian lands."

The words "on Indian lands" were key to Proposition 1A. This made it clear that gaming is appropriate only on a tribe's historical lands, and voters endorsed this bargain with 65 percent of the vote.

But fast-forward 10 years and this agreement is being put to the test. In the last decade, the Department of the Interior has received dozens of gaming applications; some for casinos nowhere near a tribe's historic lands. Many of these requests have been granted and California has become ground zero for tribal casinos. We have 58 Las Vegas style casinos all across the State—from within miles of the Mexican border, to within miles of the Oregon border.

The problem is only going to get worse. There are 67 tribes currently seeking Federal recognition in California who will have the ability to take "initial lands" into trust for gaming. This "initial lands" exemption gives landless tribes carte blanche when it comes to picking a spot for their casino—urban areas, environmentally sensitive areas, you name it! That is a real concern to me and my constituents.

As of May 2010, there were 11 applications for off-reservation or restored

lands casinos in California pending at the Department of the Interior. These include projects near San Francisco, Barstow, and Sacramento.

It also includes applications for casinos in San Diego and Riverside Counties, where there are already 21 existing casinos.

By seeking to open casinos in urban areas close to the greatest number of potential gamblers, instead of on historical lands, these tribes are ignoring the will of California voters and the intent of Congress when it passed the Indian Gaming Regulatory Act.

Unfortunately, without a legislative fix such as the Tribal Gaming Eligibility Act, Californians have no power to stop these tribes from opening unwanted casinos in their back yards.

But voters are still trying to make their voices heard, rejecting the idea of reservation shopping. At one location, in Richmond, CA, a city of nearly 100,000 in the middle of the Bay Area—a tribe proposed taking land into trust to open a 4,000-slot-machine casino. Proponents tout it as a major economic engine for a depressed area.

On November 2, Richmond voters made it clear how they feel: by a margin of 58 to 42 percent, voters overwhelmingly rejected the advisory Measure U on the Richmond casino and they elected two new city council members who strongly oppose the casino. It was an unambiguous rejection of this off-reservation gaming proposal.

Some people have tried to tell me that this is just a California problem, and that we just need a California-solution. I am afraid this is not the case.

The Department of the Interior is considering gaming applications for tribes in Washington, Oregon, Mississippi, Nevada, and Massachusetts just to name a few. I urge my colleagues to ask your constituents and your community leaders if they have been consulted about these proposals. Did they have any input? Were the needs of the cities, counties, and neighboring tribes considered?

As a former mayor, I know the financial pressures that local governments face, especially in these tough times. The temptation to support large casinos can be strong. But I also know the heavy price that society pays for the siren song of gambling. This price includes addiction and crime, strained public services and increased traffic congestion.

Some Indian gaming proponents, often backed by rich out-of-state investors and gambling syndicates, would have us believe that these off-reservation gaming establishments are a sign of growth and economic development.

In 2006 the California Research Bureau compiled research on the effects of casinos on communities, and they released a report entitled *Gambling in the Golden State*. The results were staggering.

The development of new casinos is associated with a 10 percent increase in violent crime and a 10 percent increase in bankruptcy rates.