

\*Matthew Maxwell Taylor Kennedy, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2012.

\*Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

\*William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

\*Foreign Service nominations beginning with Carmine G. D'Aloisio and ending with James F. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2011.

\*Foreign Service nominations beginning with Patricia M. Aguilo and ending with Michelle Zjhra, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2011.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### 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. RUBIO (for himself and Mr. NELSON of Florida):

S. 1006. A bill to allow seniors to file their Federal income tax on a new Form 1040SR; to the Committee on Finance.

By Mr. INHOFE:

S. 1007. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

By Mr. INHOFE:

S. 1008. A bill to amend the Internal Revenue Code of 1986 to permanently extend the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. RUBIO:

S. 1009. A bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt; to the Committee on Appropriations.

By Mr. CARPER:

S. 1010. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY:

S. 1011. A bill to improve the provisions relating to the privacy of electronic commu-

nications; to the Committee on the Judiciary.

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

S. 1012. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. ROCKEFELLER, and Mr. ENZI):

S. 1013. A bill to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. CORNYN, Ms. KLOBUCHAR, Mr. MCCAIN, Mrs. HUTCHISON, and Mr. FRANKEN):

S. 1014. A bill to provide for additional Federal district judgeships; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. AKAKA):

S. 1015. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership program in foreign languages; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. KERRY, Ms. SNOWE, Mr. CARDIN, and Mr. GRASSLEY):

S. 1016. A bill to amend the Internal Revenue Code of 1986 to permanently modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

By Mr. SANDERS:

S. 1017. A bill to amend title 38, United States Code, to increase assistance for disabled veterans who are temporarily residing in housing owned by a family member, and for other purposes; to the Committee on Veterans' 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. INHOFE (for himself and Mr. COBURN):

S. Res. 186. A resolution honoring the 100th anniversary of the United States Army Field Artillery School at Fort Sill, Oklahoma; considered and agreed to.

By Mr. CARDIN (for himself, Ms. MURKOWSKI, and Mr. BEGICH):

S. Res. 187. A resolution supporting national minority health awareness in order to bring attention to the severe health disparities faced by minority populations such as American Indians and Alaska Natives, Asians, Blacks or African Americans, Hispanics or Latinos, and Native Hawaiians and other Pacific Islanders; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a

cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 84

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 84, a bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles.

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 186

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 186, a bill to provide for the safe and responsible redeployment of United States combat forces from Afghanistan.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 258

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to

clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 496

At the request of Mr. MCCAIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 496, a bill to amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish.

S. 501

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

S. 519

At the request of Mr. REID, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 519, a bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 606

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 617

At the request of Mr. REID, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 617, a bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes.

S. 657

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 657, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 690

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 690, a bill to establish the Office of the Homeowner Advocate.

S. 729

At the request of Mr. REID, the name of the Senator from Nevada (Mr. HELL-

ER) was added as a cosponsor of S. 729, a bill to validate final patent number 27-2005-0081, and for other purposes.

S. 737

At the request of Mr. MORAN, the names of the Senator from Maine (Ms. COLLINS), the Senator from South Dakota (Mr. THUNE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors 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. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 792

At the request of Mr. PRYOR, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 792, a bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

S. 855

At the request of Ms. STABENOW, the names of the Senator from Montana (Mr. TESTER), the Senator from Minnesota (Mr. FRANKEN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors 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 non-emergency personnel and the curtailment of Government activities and services.

S. 951

At the request of Mrs. MURRAY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 953

At the request of Mr. MCCONNELL, the names of the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mrs. HUTCHISON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 953, a bill to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes.

At the request of Mr. HOEVEN, his name was added as a cosponsor of S. 953, *supra*.

S. 954

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 954, a bill to promote the strengthening of the Haitian private sector.

S. 955

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 955, a bill to provide grants for the renovation, modernization or construction of law enforcement facilities.

S. 958

At the request of Mr. CASEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 963

At the request of Mr. CARPER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 963, a bill to reduce energy costs, improve energy efficiency, and expand the use of renewable energy by Federal agencies, and for other purposes.

S. 982

At the request of Ms. AYOTTE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Nebraska (Mr. JOHANNNS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 982, a bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes.

S. 991

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 991, a bill to ensure efficient performance of agency functions.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. CON. RES. 4

At the request of Mr. SCHUMER, the names of the Senator from Nebraska (Mr. JOHANNNS), the Senator from Florida (Mr. NELSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. Con. Res. 4, a concurrent

resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Kansas (Mr. MORAN) 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. 174

At the request of Mr. LIEBERMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 174, a resolution expressing the sense of the Senate that effective sharing of passenger information from inbound international flight manifests is a crucial component of our national security and that the Department of Homeland Security must maintain the information sharing standards required under the 2007 Passenger Name Record Agreement between the United States and the European Union.

S. RES. 176

At the request of Ms. MIKULSKI, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 176, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 1011. A bill to improve the provisions relating to the privacy of electronic communications; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Electronic Communications Privacy Act Amendments Act of 2011, a bill to bring our Federal electronic privacy laws into the digital age. Since the Electronic Communications Privacy Act, ECPA, was first enacted in 1986, the ECPA has been one of our Nation's premiere privacy laws. But, today, this law is significantly outdated and out-paced by rapid changes in technology and the changing mission of our law enforcement agencies after September 11.

In the digital age, American consumers and businesses face threats to privacy like no time in history. With the explosion of new technologies, including social networking sites, smartphones and other mobile applications, there are many new benefits to consumers. But, there are also many new risks to their privacy.

Just in the past few weeks, we have witnessed significant data breaches in-

volving Sony and Epsilon that impact the privacy of millions of American consumers. We are also learning that smartphones and other new mobile technologies may be using and storing our location and other sensitive information posing other new risks to privacy.

When I led the effort to write the ECPA 25 years ago, no one could have contemplated these and other emerging threats to our digital privacy. Updating this law to reflect the realities of our time is essential to ensuring that our Federal privacy laws keep pace with new technologies and the new threats to our security.

This bill takes several steps to protect Americans' privacy in the digital age. First, the bill makes common sense changes to the law regarding the privacy protections afforded to consumers' electronic communications. Under the current law, a single e-mail could be subject to as many as four different levels of privacy protections, depending upon where it is stored and when it was sent. The bill gets rid of the so-called "180-day rule" and replaces this confusing mosaic with one clear legal standard for the protection of the content of e-mails and other electronic communications. Under my bill, service providers are expressly prohibited from disclosing customer content and the government must obtain a search warrant, based on probable cause, to compel a service provider to disclose the content of a customer's electronic communications to the government.

This bill also provides important new consumer privacy protections for location information that is collected, used, or stored by service providers, smartphones, or other mobile technologies. To protect consumer privacy, my bill requires that the government obtain either a search warrant, or a court order under the Foreign Intelligence Surveillance Act, in order to access or use an individual's smartphone or other electronic communications device to obtain geolocation information. There are well-balanced exceptions to the warrant requirement if the government needs to obtain location information to address an immediate threat to safety or national security, or when there is user consent or a call for emergency services. The bill also requires that the government obtain a search warrant in order to obtain contemporaneous, real-time, location information from a provider. There is an exception to the warrant requirement for emergency calls for service.

To address the role of new technologies in the changing mission of law enforcement, the bill also provides important new tools to law enforcement to fight crime and keep us safe. The bill clarifies the authority under the ECPA for the government to temporarily delay notifying an individual of that fact that the government has accessed the contents of their elec-

tronic communications, to protect the integrity of a government investigation. The bill also gives new authority to the government to delay notification in order to protect national security.

Lastly, the ECPA Amendments Act strengthens the tools available in ECPA to protect our national security and the security of our computer networks. The legislation creates a new limited exception to the nondisclosure requirements under the ECPA, so that a service provider can voluntarily disclose content to the government that is pertinent to addressing a cyberattack. To protect privacy and civil liberties, the bill also requires that, among other things, the Attorney General and the Secretary of Homeland Security submit an annual report to Congress detailing the number of accounts from which their departments received voluntary disclosures under this new cybersecurity exception.

In addition, the bill clarifies the kinds of subscriber records that the Federal Bureau of Investigations may obtain from a provider in connection with a counterintelligence investigation. This reform will help to make the process for obtaining this information more certain and efficient for both the government and providers.

I drafted this bill with one key principle in mind, that updates to the Electronic Communication Privacy Act must carefully balance the interests and needs of consumers, law enforcement, and our Nation's thriving technology sector. I also drafted this bill in careful consultation with many government and private sector stakeholders, including the Departments of Justice and Commerce, State and local law enforcement, and members of the technology and privacy communities.

I thank the Digital Due Process Coalition and the many other stakeholders who support this bill. I also thank the Departments of Commerce and Justice for their guidance on how the ECPA impacts the needs of our law enforcement community and our national economy. I look forward to continuing to work with all of these stakeholders as this bill moves forward.

Two decades before Congress first enacted the Electronic Communications Privacy Act, Chief Justice Earl Warren wisely opined that "the fantastic advances in the field of electronic communications constitute a greater danger to the privacy of the individual." This aptly describes the state of our digital privacy rights today. The balanced reforms in this bill will help ensure that our Federal privacy laws address the many dangers to personal privacy posed by the rapid advances in electronic communications technologies. Accomplishing this challenging task will not be easy. But, with the introduction of the Electronic Communications Privacy Act Amendments Act of 2011, we take a significant step towards this very important goal.