

under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

Patrick J. Leahy, Kent Conrad, John F. Kerry, Sheldon Whitehouse, Amy Klobuchar, Benjamin L. Cardin, Jeff Bingaman, Barbara Boxer, Jeff Merkley, Ron Wyden, Robert Menendez, Jeanne Shaheen, Bernard Sanders, Frank R. Lautenberg, Jack Reed, Patty Murray, Richard J. Durbin

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that on Monday, June 6, 2011, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 118; that there be 1 hour for debate equally divided in the usual form prior to the cloture vote; further, that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 56, H.R. 754.

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

The bill clerk read as follows:

A bill (H.R. 754) to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

Mrs. FEINSTEIN. Mr. President, I am very pleased that the Senate will be passing the fiscal year 2011 intelligence authorization bill today.

This is now the second year in a row that we have been able to pass an authorization bill, after 6 years without doing so.

The bill authorizes funding for fiscal year 2011 for the 16 different agencies across the U.S. Government that make up the intelligence community. Unlike the fiscal year 2010 bill, which was enacted last October, this bill also contains a classified annex, which is the main mechanism the Intelligence Committee has to set the level of intelligence spending and direct how it is used.

The bill adds hundreds of millions of dollars above the President's request

for intelligence activities for fiscal year 2011. However, in anticipation of tighter future budgets, the bill also takes some initial steps to prepare the intelligence community for likely smaller budgets and personnel decreases in the coming years.

The bill includes a number of legislative provisions, including:

A section requiring the intelligence community to prevent another security disaster, such as the recent leaks of classified information to Wikileaks, through the implementation of automated information technology threat detection programs that must be fully operational by the end of 2013;

A provision improving the ability of government agencies to detail personnel to needed areas of the intelligence community;

A commendation of intelligence community personnel for their role in bringing Osama bin Laden to justice and reaffirming the commitment of the Congress to use the capabilities of the intelligence community to disrupt, dismantle, and defeat al-Qaida and affiliated organizations.

With the passage of this legislation, I believe we have restored the committee's ability to do oversight, and we are now on track to pass intelligence authorization bills each year.

I very much appreciate the close collaboration of Senator CHAMBLISS, the vice chairman of the committee, in this effort. We have worked closely together to craft this legislation, and to secure its passage.

I also thank Chairman ROGERS and Ranking Member RUPPERSBERGER for their efforts on the House Permanent Select Committee on Intelligence. We worked well together on the fiscal year 2011 legislation to bring forward coordinated bills to the House and the Senate, and I look forward to continue to work together to enact the fiscal year 2012 intelligence authorization bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a vote on passage of the bill.

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

The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill (H.R. 754) was passed.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

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

FASTER FOIA ACT OF 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 31, S. 627.

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

The bill clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

[Omit the part struck through and insert the part printed in italic.]

S. 627

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This Act may be cited as the “Faster FOIA Act of 2011”.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the “Commission”) for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of [16] 12 members of whom—

(A) [3] 2 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) [3] 2 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) [3] 2 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) [3] 2 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the [3] 2 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least [2] 1 shall have experience [in academic research] as a FOIA requestor, or in the fields of library science, information management, or public access to Government information.

(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; [and]

(D) [make] any recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited[.]; and

(E)(i) whether any disparities in processing, processing times, and completeness of responses to FOIA requestors have occurred based upon political considerations, ideological viewpoints, the identity of the requestors, affiliation with the media, or affiliation with advocacy groups;

(ii) if any disparities have occurred, why such disparities have occurred; and

(iii) the extent to which political appointees have been involved in the FOIA process.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

[(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.]

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—

(1) IN GENERAL.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(2) PAYMENT OF EXPENSES.—

(A) STAFF SALARIES.—The Archivist of the United States shall pay staff expenses relating to salaries under this subsection from available appropriations in the applicable account for salaries of the National Archives and Records Administration.

(B) ADMINISTRATIVE SUPPORT SERVICES.—Except as provided under subparagraph (A), the Archivist of the United States shall pay staff and administrative expenses under this subsection from available appropriations in the operating expenses account of the National Archives and Records Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

[(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel ex-

penses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.]

(i) TRAVEL EXPENSES.—

(1) IN GENERAL.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) PAYMENT OF EXPENSES.—The Administrator of General Services shall pay travel expenses under this subsection from available appropriations in the operating expenses account of the General Services Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552(b) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LEAHY. Mr. President, I commend the Senate for unanimously passing the Faster FOIA Act of 2011. This important bill will establish a bipartisan commission to examine the root causes of agency delays in processing Freedom of Information Act—FOIA—requests, and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

Senator CORNYN and I first introduced this bill in 2005, because we were concerned about the growing problem of excessive FOIA delays within our Federal agencies. During the intervening years, the problem of excessive FOIA delays did not go away. That is why in 2010, we reintroduced this bill and the Senate unanimously passed it last year. After the Judiciary Committee's hearing in March on FOIA, we reintroduced this bill yet again—with the hope that the Congress will finally enact this good government legislation. Today, the Senate is doing its part to achieve that goal.

While the Obama administration has made significant progress in improving the FOIA process, large backlogs remain a major roadblock to public access to information. A recent report released by the National Security Archive found that only about half of the Federal agencies surveyed have taken concrete steps to update their FOIA policies in light of these reforms. These delays are simply unacceptable. The bipartisan FOIA commission established by this bill will help to reverse this trend.

The commission created by the Faster FOIA Act will make key rec-

ommendations to Congress and the President for reducing impediments to the efficient processing of FOIA requests. The commission will also study why Federal agencies are more and more relying on FOIA exemptions to withhold information from the public. In addition, the commission will examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The commission will also be made up of government and non-governmental representatives with a broad range of experience related to handling FOIA requests.

I have said many times over the years that open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also thank Senator WHITEHOUSE who has cosponsored this bill.

In addition, I thank the Judiciary Committee's ranking member, Senator GRASSLEY, for working with me on this bill and his help in securing its passage in the Senate. I commend and thank the many open government and FOIA advocacy groups that have supported this bill, including OpenTheGovernment.org, the Project on Government Oversight and the Sunshine in Government Initiative.

I hope that the House of Representatives will promptly pass this good government legislation, so that the Commission on Freedom of Information Act Processing Delays can begin its work.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 627), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 627

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# SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

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(E) 1 shall be appointed by the Attorney General of the United States;

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(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 2 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 1 shall have experience as a FOIA requestor, or in the fields of library science, information management, or public access to Government information.

(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

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(E)(i) whether any disparities in processing, processing times, and completeness of responses to FOIA requestors have occurred based upon political considerations, ideological viewpoints, the identity of the requestors, affiliation with the media, or affiliation with advocacy groups;

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(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

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(A) each method identified; and

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(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

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(i) TRAVEL EXPENSES.—

(1) IN GENERAL.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) PAYMENT OF EXPENSES.—The Administrator of General Services shall pay travel expenses under this subsection from available appropriations in the operating expenses account of the General Services Administration.

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(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

#### APPROPRIATE SITING ON CHAPLAINS HILL IN ARLINGTON CEMETERY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged

from further consideration of S. Con. Res. 4 and that the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A resolution (S. Con. Res. 4) 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.

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

Mrs. MURRAY. Mr. President, I would like to take a moment to speak on the passage of S. Con. Res. 4, as amended, which would allow for the establishment of a Jewish Chaplains Memorial on Chaplains Hill in Arlington National Cemetery.

Since their inclusion in the Chaplain Corps in 1862, Jewish Chaplains have played a vital role in supporting members of the Armed Forces. In Arlington National Cemetery, Chaplains Hill serves as a memorial for military chaplains who have died in service to their country.

Chaplains play a critical role in the lives of our Nation's soldiers, providing spiritual guidance and emotional support in their times of need. In addition to their spiritual role, chaplains still remain a part of the military and give their lives in the line of duty.

Mr. President, in particular, one story poignantly tells of the service and sacrifice that chaplains make on behalf of their fellow servicemembers. On January 23, 1943, the USAT Dorchester was attacked by an enemy submarine while off the coast of Newfoundland. Four Army chaplains remained on the sinking vessel ensuring that surviving crew members would be able to reach the lifeboats, even surrendering their own lifejackets to crewmembers in need. As the ship began to sink, the chaplains banded together to pray for the safety of the crew. In honor of that selfless act, Congress created the Chaplain's Medal of Honor, also known as the Four Chaplains Medal. One of the chaplains was Rabbi Alexander D. Goode, a lieutenant in the Army, who is one of the 13 Jewish Chaplains who would be honored by the memorial that this Resolution would establish.

I would like to thank the many groups and individuals involved in this project. Specifically, I would like to acknowledge the efforts of Rabbi Harold Robinson, RADM CHC USN Retired, Kenneth Kraetzer, Mr. Sol Moglen and Ms. Shelley Rood. Without the work of these dedicated individuals, the sacrifice Jewish Chaplains have made on behalf of this Nation would remain unmemorialized in Arlington National Cemetery.

Ms. KLOBUCHAR. I ask unanimous consent that the Murray amendment,