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SENATE CONCURRENT RESOLUTION 27—HONORING THE SERVICE OF SERGEANT FIRST CLASS LEROY ARTHUR PETRY, A NATIVE OF SANTA FE, NEW MEXICO, AND THE SECOND LIVING RECIPIENT OF THE MEDAL OF HONOR SINCE THE VIETNAM WAR

Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 27

Whereas Sergeant First Class Leroy Arthur Petry of the United States Army, a native of Santa Fe, New Mexico, was awarded the Medal of Honor by President Obama on July 12, 2011;

Whereas the Medal of Honor is the highest honor awarded to members of the Armed Forces for valor in combat;

Whereas the official citation awarding the Medal of Honor to Sergeant First Class Petry states that then-Staff Sergeant Petry "distinguished himself by acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty in action with an armed enemy in the vicinity of Paktya Province, Afghanistan, on May 26, 2008";

Whereas Sergeant First Class Petry joins an elite group of Medal of Honor recipients dating back to the Civil War;

Whereas Sergeant First Class Petry has continued a long tradition of military service to the United States by New Mexicans, dating back to the defense of the Western United States during the Civil War, and followed by participation in every major war fought by the United States;

Whereas Sergeant First Class Petry is the second living recipient of the Medal of Honor since the Vietnam War;

Whereas Sergeant First Class Petry fought with bravery and, despite wounds to both of his legs, had the courage and quick thinking needed to save the lives of his fellow soldiers by throwing back an enemy grenade and losing his right hand when the grenade detonated shortly after he released it;

Whereas the actions of Sergeant First Class Petry represent the highest values of the Army, the Rangers, and the United States;

Whereas Sergeant First Class Petry has consistently demonstrated humility and dedication to his fellow soldiers;

Whereas Sergeant First Class Petry, who overcame a troubled youth and found the strength to turn his life around and dedicate himself to serving the United States, is an example to all people who are struggling in the United States; and

Whereas the brave actions of Sergeant First Class Petry, as well as his modesty and selfless service, stand as the embodiment of the best attributes of the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the service and sacrifice of Sergeant First Class Leroy Arthur Petry of the United States Army and his family; and

(2) encourages the people of the United States to recognize the valor, heroism, and dedication to the United States exhibited by Sergeant First Class Petry.

Mr. UDALL of New Mexico. Mr. President, I rise today to submit a res-

olution with Senator JEFF BINGAMAN honoring the bravery and sacrifice of Santa Fe, New Mexico native Sergeant First Class Leroy Arthur Petry, an Army Ranger who in 2008 risked his life to save his fellow soldiers on the battlefields of Afghanistan and who was awarded the Congressional Medal of Honor by President Obama in July.

I was humbled to be at the White House along with Sergeant First Class Petry's family, friends, and fellow soldiers as President Obama honored him with the Congressional Medal of Honor. It was truly a special day for everyone involved as we honored only the second living, active-duty service member to receive the Congressional Medal of Honor for actions in Iraq or Afghanistan.

On July 12, I detailed the actions of Sergeant First Class Petry. Under enemy fire, with bullet wounds in both of his legs, Sergeant First Class Petry still had the courage and valor to render aid to his fellow Rangers and to throw a grenade that landed near his fellow soldiers back towards the enemy.

When the grenade exploded, it took with it Sergeant First Class Petry's hand, but not his spirit. Not even the loss of a hand would stop him from fighting the enemy and supporting his unit. He would tie a tourniquet to his arm and continue the fight.

As I have said before, Sergeant First Class Petry's story is one of courage and sacrifice and immense love of country. It is a story that began years ago in Santa Fe with a young man who struggled in high school but refused to give up, to drop out and instead buckled down, dug deep, and found the hero within. A hero to the men he saved that fateful day in Afghanistan, and a hero to all Americans who owe their freedoms to our brave men and women in uniform.

Today, let us honor him further with this resolution and send the message that Congress honors his service and sacrifice.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on August 1, 2011.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on August 1, 2011, at 3:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Elle Charles

and Ashley Crawford, of my staff, be granted the privilege of the floor for the rest of today's proceedings.

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

Mr. CARPER. Mr. President, I ask unanimous consent that the privilege of the floor be granted to the following member of my staff: Robin Dutta.

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

FASTER FOIA ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1466.

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

The assistant legislative clerk read as follows:

A bill (S. 1466) to establish the Commission on Freedom of Information Act Processing Delays.

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

Mr. LEAHY. Mr. President, today, I joined Senator CORNYN in reintroducing the Faster FOIA Act of 2011, a bipartisan bill to strengthen the Freedom of Information Act, FOIA. Last week, the House Republican leadership stripped these FOIA provisions from legislation that unanimously passed the Senate in May as part of a procedural maneuver to address unrelated issues surrounding the debt limit. I urge the Senate to promptly reaffirm its bipartisan commitment to open government and to once again pass the Leahy-Cornyn Faster FOIA Act of 2011 so that this good government bill can be enacted into law.

The Faster FOIA Act enjoys broad bipartisan support from across the political spectrum. The Senate unanimously passed this bill in May, after the Judiciary Committee favorably reported the bill by voice vote. Recently, more than 35 transparency organizations urged the House Committee on Oversight and Government Reform to act on this legislation. On July 26, the Washington Post editorialized that the House should promptly enact this bipartisan bill to improve the FOIA process.

Senator CORNYN and I first introduced the Faster FOIA Act in 2005 to address the growing problem of excessive FOIA delays within our Federal agencies. During the intervening years, the problem of excessive FOIA delays has not gone away. We reintroduced this bill in 2010, and the Senate unanimously passed it last year. The current bill is the most recent product of our bipartisan work to help reinvigorate FOIA.

The Faster FOIA Act would establish a bipartisan Commission on Freedom of Information Act Processing Delays to examine the root causes of excessive FOIA delays. The Commission would recommend to Congress and the President steps that should be taken to reduce these delays so that the administration of the FOIA is more equitable and efficient.

The Faster FOIA Act will help ensure the dissemination of government information to the American people so that our Democracy remains vibrant and free. This is a laudable goal that we all share. Neither Chamber of Congress should allow partisan politics to obstruct the important goal of this bill.

The ongoing debate in Congress about the national debt has made clear that we must find ways to work together, across party lines and ideologies, to address the many challenges facing our Nation. This bipartisan spirit is at the core of the Faster FOIA Act. I have said many times 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 urge the Senate to promptly pass this bill and I hope that the House of Representatives will quickly follow suit and enact this good government measure.

I ask unanimous consent that the Washington Post editorial entitled: "Time to Reinforce FOIA" be printed in the RECORD.

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

[From the Washington Post, July 26, 2011]

FREEDOM OF INFORMATION ACT NEEDS A PUSH

This year marks the 45th anniversary of the Freedom of Information Act, FOIA, a crucial, if sometimes sluggish, vehicle through which journalists can demand greater government openness and accountability. In May, in a rare moment of bipartisanship, Sens. Patrick Leahy (D-Vt.) and John Cornyn (R-Tex.) won unanimous Senate passage of the Faster FOIA Act, which would establish an advisory panel to examine the backlog of more than 69,000 FOIA requests. It's time for the House to take it up.

While the panel would be authorized only to provide Congress with recommendations for further action to enhance the filing and receipt of FOIA requests, it would be a small step forward. At best, the panel could develop the means to enforce the 20-day standard for the screening of requests, which, in reality, can take months or years.

As much as FOIA can be a journalist's best friend, it can also be a nightmare. Despite amendments in 2007 and 2009, the FOIA process remains beset by incompetence and lack of guidance for evaluating requests. "The overarching problem is inadequate implementation and compliance among the agencies," Malcolm Byrne, deputy director at the National Security Archive, told us.

Despite a 2009 executive order that instructed all federal agencies to open more documents to the public—to err on the side of openness when deciding whether to release documents—government offices have classified more documents since President Obama took office, according to the Federation of American Scientists.

The executive order tried to force all federal agencies to implement new regulations to ensure greater transparency in the disclosure process. But this hasn't happened, either. A report by the Information Security Oversight Office in April found that less than half of 41 evaluated agencies had made significant efforts toward this end.

These facts should reinforce the need for progress, however modest, when it comes to improving the FOIA process. While there was no opposition to the Faster FOIA legislation in the Senate, Rep. Darrell Issa (R-Calif.),

chairman of the House Oversight and Government Reform Committee, has yet to take a position on the bill, according to a spokesman. We urge him to embrace it in the same bipartisan spirit as the Senate, and to do so immediately.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The bill (S. 1466) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1466

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 12 members of whom—

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

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

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

(D) 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 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.

(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;

(D) 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.—

(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.—

(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 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).

CONSUMER PRODUCT SAFETY COMMISSION AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2715.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2715) to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2715) was ordered to a third reading, was read the third time, and passed.

ORDER FOR STAR PRINT—NO. 112-6

Mr. REID. Mr. President, I ask unanimous consent that Senate report No. 112-6 be star-printed with the changes that are at the desk.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 98-183, as amended by Public Law 103-419, appoints the following individual to the United States Commission on Civil Rights: David Kladney

of Nevada vice Alice C. “Dina” Titus of Nevada.

ORDERS FOR TUESDAY, AUGUST 2, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., August 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. REID. Mr. President, the majority leader—that is me—will lay before the Senate the House message with respect to the debt limit compromise upon convening tomorrow. The rollcall vote on the compromise will be at noon tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:47 p.m., adjourned until Tuesday, August 2, 2011, at 9:30 a.m.