the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from North Carolina (Mr. BURR) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 621

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 621, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 660

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 697

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 697, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 717

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 781

At the request of Mr. ROBERTS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 814

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 814, a bill to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

S. 815

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 815, a bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act.

S. 816

At the request of Mr. CRAPO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 837

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 837, a bill to require that North Korea be listed as a state sponsor of terrorism, to ensure that human rights is a prominent issue in negotiations between the United States and North Korea, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAUFMAN (for himself, Mr. CARPER, and Mr. CASEY):

S. 853. A bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

Mr. KAUFMAN. Mr. President, I am joined by Senator CARPER and Senator CASEY in introducing a bill that would expand the designation of the White Clay Creek National Wild and Scenic River in Delaware and Pennsylvania to include two new sites: Lamborn Run in Delaware and the East Branch and Egypt Run in New Garden Township in Pennsylvania.

In 2000, the White Clay Creek watershed was designated Delaware's first and only National Wild and Scenic River. The watershed is home to a wide variety of plant and animal life, archeological sites dating back to prehistoric times, and a bi-State preserve and State park. It is also a source of drinking water for the region.

A National Park Service study released in 1994 details the watershed's diversity of natural, historic, cultural, and recreational resources, and its results led the way for its original designation.

The watershed covers approximately 107 square miles and drains over 69,000 acres in Delaware and Pennsylvania. Of those 69,000 acres, 5,000 acres are public lands owned by State and local governments and the rest is privately owned and maintained. There are no Federal lands within the watershed and no Federal dollars were used to purchase any of the land within its boundaries.

The watershed is centrally located between the densely urbanized regions of New York and Washington, DC. The legislation being introduced today will expand the designation by incorporating an additional 9 miles to White Clay's National Wild and Scenic River, bringing the total federally recognized miles within the watershed to 199.9 miles.

National Wild and Scenic designation brings recognition to the unique cultural, natural, scenic, and recreational values of the White Clay Creek watershed. It provides an added level of protection from overdevelopment, and it elevates the value of the watershed when applying for State, local, and Federal grants. Projects located within the White Clay Creek watershed have received almost $4 million in Federal funding since being designated in 2000.

While there are over 160 National wild and scenic rivers, the White Clay Creek can claim a few distinctions. First, it is Delaware's first and only wild and scenic river. It is one of only 12 rivers nationwide that is classified as a partnership river. That is a river that is managed on the local level with support from homeowners and communities and with the limited assistance of government on the local, State, and Federal level. It was the first to be studied and designated on a watershed basis, and it is the only wild and scenic

river that runs through a college or university.

Thirty years ago, I was privileged to be a part of the effort that eventually designated White Clay Creek as Delaware's first and only wild and scenic river. Today, I am proud to introduce legislation that will further expand and preserve this unique region.

I wish to thank everyone who has worked so hard and for so long to celebrate and preserve its natural beauty, so that 30 years from now our children and grandchildren can enjoy the same pristine landscape we appreciate today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 853

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''White Clay Creek Wild and Scenic River Expansion Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the White Clay Creek watershed is 1 of only a few relatively intact and unspoiled functioning river systems remaining in the highly congested and developed corridor between Philadelphia, Pennsylvania and Newark, Delaware;

(2) Public Law 102–215 (16 U.S.C. 1271 note; 105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, in the States of Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(3) as a part of the study described in paragraph (2), all segments listed in the amendments made by section 3 were found eligible for inclusion in the National Wild and Scenic Rivers System;

(4) local communities and governments along the proposed river segments have passed resolutions in support of the designation of the segments listed in the amendments made by section 3 as components of the National Wild and Scenic Rivers System; and

(5) Public Law 106–357 (16 U.S.C. 1271 note; 114 Stat. 1393) designated 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, to be administered by the Secretary of the Interior.

SEC. 3. DESIGNATION OF SEGMENTS OF WHITE CLAY CREEK, AS SCENIC AND RECREATIONAL RIVERS.

Section 3(a)(163) of the Wild and Scenic Rivers Act (16 U.S. C. 1274(a)(163)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''190 miles'' and inserting ''199 miles''; and

(B) by striking ''(dated June 2000)'' and inserting ''(dated February 2009)'';

(2) by striking subparagraph (B) and inserting the following:

''(B) 22.4 miles of the east branch beginning at the southern boundary line of the Borough of Avondale, including Walnut Run, Broad Run, and Egypt Run, outside the boundaries of the White Clay Creek Preserve, as a recreational river.''; and

(3) by striking subparagraph (H) and inserting the following:

''(H) 14.3 miles of the main stem, including Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware beginning at the confluence of the east and middle branches in London Britain Township, Pennsylvania, downstream to the northern boundary line of the City of Newark, Delaware, as a scenic river.''.

SEC. 4. ADMINISTRATION OF WHITE CLAY CREEK.

Sections 4 through 8 of Public Law 106–357 (16 U.S.C. 1274 note; 114 Stat. 1393), shall be applicable to the additional segments of the White Clay Creek designated by the amendments made by section 3.

By Ms. COLLINS (for herself and Ms. KLOBUCHAR):

S. 855. A bill to establish an Energy Assistance Fund to guarantee low-interest loans for the purchase and installation of qualifying energy efficient property, idling reduction and advanced insulation for heavy trucks, and alternative refueling stations, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, today I introduce the Energy Assistance Fund Act of 2009, legislation which will assist people who want to invest in energy conservation and alternative energy technologies and help set us on a path toward energy independence.

As I visit communities around the State of Maine, I hear time and again that the costs of energy create hardship for many of our citizens. Unpredictable, and often increasing, prices for home heating oil, gasoline and diesel fuel are a huge burden for many families, truckers, and small businesses.

I am concerned that in a difficult economy, investments in energy conservation and alternative energy improvements are simply too costly for many American families and small businesses. For example, under the present code, taxpayers who install energy efficient windows and skylights or solar water heating systems receive a 30 percent tax credit. In both instances, the investment which must be made by the taxpayer far exceeds the credit amount. In the current economic climate, most families and small businesses are already scrimping and saving to make ends meet, and they do not have the money to finance the gap between the tax credit we provide and the cost of the investment.

The legislation I am introducing today calls for additional loan authority to support current Federal programs that help families and small businesses finance energy efficiency improvements. The loan authority I am proposing would expand existing Federal programs that make low-interest loans to individuals and small businesses for energy efficiency improvements. This new loan authority would be made available through a new energy assistance revolving loan fund within the Treasury Department. Individuals who make less than 115 percent of the national average median income would be able to apply for low-interest loans to cover the difference between the tax credits available for energy efficiency improvements and up to 90 percent of the cost of those improvements. The Federal agencies can make these loans through their lender networks.

USDA, HUD, and other Federal agencies already have programs that can make loans of this kind to individuals. Small businesses can seek low-interest loans for energy efficiency improvements under existing loan programs such as the SBA's 7(a) program. The revolving loan fund called for by my bill will enable these agencies to offer more loans to the individuals and small businesses we have asked them to serve.

I urge my colleagues to work together in a bipartisan way so that we can help Americans overcome the challenge of our dependence on foreign oil and restore and strengthen our Nation's economy.

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

S. 856. A bill to establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise to join with my senior colleague from Maine in sponsoring the Commercial Truck Highway Safety Demonstration Program Act, an important bill that addresses a significant safety problem in our State.

Under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the Turnpike designation ends, but I–95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

Trucks weighing up to 100,000 pounds are permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian provinces of New Brunswick and Quebec. The weight limit disparity on various segments of Maine's Interstate Highway System is a significant impediment to commerce, increases wear-and-tear on our secondary roads, and, most important, puts our people needlessly at risk.

Senator SNOWE and I have introduced this legislation several times in recent years. We remain concerned about the safety of our citizens who are needlessly put at risk when heavy trucks are forced off the main interstate and onto secondary roads through our

towns and communities. Unfortunately, Maine has experienced two tragic deaths in the past few years due to accidents involving heavy trucks in this situation.

One of these tragic accidents took the life of Susan Abraham, a bright and talented 17-year-old high-school student from Hampden, Maine, when her car was struck by a heavy truck on Route 9. The truck driver could not see Susan's small car turning onto that two-lane road as he rounded a corner. It was an accident, but one that would have been avoided had the truck remained on the Interstate highway. Interstate 95 runs less than three-quarters of a mile away, but Federal law prevented the truck from using that modern, divided highway, a highway that was designed to provide ample views of the road ahead.

That preventable tragedy took place almost one year to the day after Lena Gray, an 80-year-old resident of Bangor, was struck and killed by a tractor-trailer as she was crossing a downtown street. Again, that accident would not have occurred had that truck been allowed to use I–95, which runs directly through Bangor.

The problem Maine faces due to the disparity in truck weight limits affects many communities, but it is clearly evident in the eastern Maine cities of Bangor and Brewer. In this region, a two-mile stretch of Interstate 395 connects two major State highways that carry significant truck traffic across Maine. I–395 affords direct and safe access between these major corridors, but because of the existing Federal truck weight limit, many heavy trucks are prohibited from using this multi-lane, limited access highway.

Instead, these trucks, which sometimes carry hazardous materials, are required to maneuver through the downtown portions of Bangor and Brewer on two-lane roadways. Truckers are faced with two options; the first is a 3.5 mile diversion through downtown Bangor that requires several very difficult and dangerous turns. The second route is a 7.5 mile diversion that includes 20 traffic lights and requires travel through portions of downtown Bangor as well. Congestion is a significant issue, and safety is seriously compromised as a result of these required diversions.

In June 2004, Wilbur Smiths Associates, a nationally recognized transportation consulting firm, completed a study to examine the impact a Federal weight exemption on non-exempt portions of Maine's Interstate Highway System would have on safety, pavement, and bridges. The study found that extending the current truck weight exemption on the Maine Turnpike to all interstate highways in Maine would result in a decrease of 3.2 fatal crashes per year. A uniform truck weight limit of 100,000 pounds on Maine's interstate highways would reduce highway miles, as well as the travel times necessary to transport freight through Maine, resulting in safety, economic, and environmental benefits.

Moreover, Maine's extensive network of local roads would be better preserved without the wear and tear of heavy truck traffic.

Most important, however, a uniform truck weight limit will keep trucks on the interstate where they belong, rather than on roads and highways that pass through Maine's cities, towns, and neighborhoods.

In addition to the safety of motorists and pedestrians, there is a homeland security aspect to this as well. An accident or attack involving a heavy truck carrying explosive fuel or a hazardous chemical on a congested city street would have devastating consequences. That risk can be alleviated substantially by allowing those trucks to stay on the open highway.

The legislation that Senator SNOWE and I are introducing addresses the safety issues we face in Maine because of the disparities in truck weight limits. The legislation directs the Secretary of Transportation to establish a commercial truck safety pilot program in Maine. Under the pilot program, the truck weight limit on all Maine highways that are part of the Interstate Highway System would be set at 100,000 pounds for three years. During the waiver period, the Secretary would study the impact of the pilot program on safety and would receive the input of a panel on which State officials, and representatives from safety organizations, municipalities, and the commercial trucking industry would serve. The waiver would become permanent if the panel determined that motorists were safer as a result of a uniform truck weight limit on Maine's Interstate Highway System.

Maine's citizens and motorists are needlessly at risk because too many heavy trucks are forced off the interstate and onto local roads. The legislation Senator SNOWE and I are introducing is a commonsense approach to a significant safety problem in my State. Our efforts are widely supported by public officials throughout Maine, including the Governor, the Maine Department of Transportation, the Maine Secretary of State, and the Maine State Police. I urge my colleagues to support this important legislation.

Ms. SNOWE. Mr. President, I rise today to join my colleague from Maine, Senator COLLINS, to once again introduce legislation that seeks not only to rectify an impediment to international commerce flowing through Maine, but more importantly, will offer a measure of safety and security that many of my constituents in Maine do not currently possess.

As many of our colleagues know, expanding upon the current federal truck weight limitation of 80,000 pounds is often looked upon as too dangerous, flaunting the safety of drivers who may be faced with a truck weighing as much as 145,000 pounds. While my record reflects my long commitment to safety on our roadways, I ask my colleagues not to overlook the safety of pedestrians as well.

Take the situation we face in Maine, where we currently have a limited exemption along the southern portion of the Maine Turnpike. Many trucks traveling to or from the Canadian border or into upstate Maine are not able to travel on our Interstates as a result of the 80,000 pound weight limit. This forces many of them onto secondary roads, many of which are two-lane roads running through small towns and villages in Maine. Tanker trucks carrying fuel teeter past elementary schools, libraries, weaving through traffic to reach locations like our Air National Guard station. Not only is it an inefficient method of bringing necessary fuel to Guardsmen that provide our national security, but imagine if you will one of those tanker trucks rupturing on Main Street, potentially causing serious damage to property, causing traffic chaos, and most importantly, killing or injuring drivers and pedestrians.

This is not a far-fetched scenario. In fact, two pedestrians were killed last year in Maine as a result of overweight trucks on local roadways, one tragic instance occurring within sight of the nearby Interstate. So I ask you, is the so-called safety argument truly a legitimate reason for opposition as my constituents and many others across small American communities are taking their lives in their hands when merely crossing Main Street?

What is the result of redirecting such traffic onto local roads? According to study conducted by the Maine Department of Transportation, traffic fatalities involving trucks weighing 100,000 pounds are 10 times greater on secondary roads in Maine than on the exempted Interstates. Serious injuries are seven times more likely. Not to mention the exorbitant cost of maintaining these secondary roads, forced to handle these massive trucks. These roads were not designed to handle this kind of traffic. Our Interstates were, yet these trucks are consistently prevented from traveling on them.

As you can see, safety is indeed the issue. Unfortunately, I believe the opponents of such legislation who continually cite safety as the reason behind their opposition are missing the point.

Another argument against allowing such trucks access to these Interstates is the classic ''slippery slope'', that if you allow one State to have such an exemption, pretty soon you'll have to give EVERY State such an exemption. Well, I would like to remind the opponents of this bill that we're already almost there. A total of 46 States possess some type of variance, already have some type of exemption, and 4 States allow trucks weighing over 130,000 pounds on some roads within their State! To offer a clear picture of this, if you are driving a truck weighing 100,000 pounds, you can leave Gary, Indiana, just outside of Chicago, and can

operate that vehicle all the way to Portland, ME. There, of course, they have to unload the additional weight—this case, 20,000 pounds—to continue on the Interstate, or travel the remainder of the way through the State on these local roads, endangering the populace and other drivers.

Conversely, you can operate a truck weighing 90,000 pounds from Kansas City, Missouri and travel to Seattle, WA. So I ask you, is this truly a legitimate reason for opposition while my constituents are taking their lives in their hands when merely crossing Main Street? Perhaps, for the sake of fairness, every State should rescind their current variances, instead requiring that all States operate at the present federal level of 80,000 pounds. I suspect if that were the case many of our opponents would no longer be so stalwart in their reluctance to support waivers.

Lastly, and most importantly, I would especially like to thank Senator COLLINS for her steadfast effort as, side-by-side, we continue to seek a resolution to this issue so vital to our State's economic competitiveness and to the safety of Maine's people.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. KERRY, and Mr. NELSON, of Florida):

S. 859. A bill to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Marine Mammals Rescue Assistance Amendments Act.

In my home State of Washington, our history and economy is based on a rich maritime tradition that contributes as much as $3 billion to the State's economy each year. There are 3,000 vessels in Washington's fishing fleet that employ 10,000 fishermen. Nationwide, ocean-dependent industries generate approximately $138 billion and millions of jobs to the U.S. economy. According to the National Ocean Economic Project, 30 U.S. coastal states accounted for 82 percent of total population and 81 percent of U.S. jobs in 2006.

For these communities, their histories and economies literally ebb and flow with the tide. It is vital we remember the ocean resources these communities depend on are a public trust, and a resource to be both treasured and protected.

One important element of the oceans' ecosystems is marine mammals. They reflect the greater health of the ocean environment, like a canary in a coal mine.

In Washington state, marine mammals like the endangered Puget Sound southern resident orcas are icons for our region.

My State's coastal waters are inhabited by gray whales, harbor seals, orcas, humpback whales, Dall's porpoise, California sea lions, and sea otters. They are an important part of Washington's marine environment, and deserve to be protected and respected.

But occasionally these remarkable animals run into trouble and need our help. They become stranded on beaches, ensnared in fishing gear, hit by boats, or harmed by marine trash. Human activities endanger these animals, as such, it is our responsibility to do all that we can to protect them.

The Marine Mammals Rescue Assistance Amendments Act continues our Government's efforts to protect and preserve these remarkable creatures.

It would reauthorize and amend provisions of the Marine Mammal Protection Act of 1972 relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, Prescott program.

Before this program was created, saving troubled marine mammals was the burden of small, locally-funded volunteer organizations, many of whom were members of the Marine Mammal Stranding Network. These groups of local citizens took on the financial burden of rescuing and rehabilitating stranded mammals, relied mainly on piecemeal fundraising, and were woefully underfunded.

The Prescott program lends a much-needed helping hand to these organizations, helping to defray their costs for marine mammal rescue and rehabilitation. It also allows eligible Marine Mammal Stranding Network participants to use funds to collect scientific data to improve the treatment and operation of rescue and rehabilitation centers.

Reauthorization of this program is important to the Marine Mammal Stranding Networks around the nation, aquariums and zoos, the environmental community, and NOAA.

For example, in my home state of Washington, organizations like the Orca Network, the Makah Tribe, The Whale Museum, and the Cascadia Research Collective rely on this funding, and last year received a total of $319,000 in Prescott grant funding to help support their work preserving and protecting marine mammals.

The Marine Mammal Rescue Assistance Amendments Act would amend section 403 of the MMPA to: define the term ''entanglement'' and add authorization for entanglement response as eligible for funding under the program; require the Secretary of Commerce to collect and update existing practices and procedures for rescuing and rehabilitating entangled marine mammals; establishes an interest bearing fund in the Treasury for emergency response to marine mammal entanglement and stranding, and allow the program to solicit and accept gifts and other donations to increase the impact of the program; increase authorization for the program to $7 million for each fiscal years 2009 to 2013; and increase the maximum grant for projects from $100,000 to $200,000.

We cannot turn our backs on the damage we do to our marine mammals every day. When marine mammals are harmed by human activities—whether intentional or unintentional, direct or indirect—we have an ethical obligation to do what we can to help.

As stewards of the oceans, we owe it to our coastal communities, our precious marine mammals, and future generations to fulfill that obligation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 859

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Mammal Rescue Assistance Amendments of 2009''.

SEC. 2. STRANDING AND ENTANGLEMENT RESPONSE.

(a) COLLECTION AND UPDATING OF INFORMATION.—Section 402(b)(1)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a(b)(1)(A)) is amended by inserting ''or entangled'' after ''stranded''.

(b) ENTANGLEMENT RESPONSE AGREEMENTS.—

(1) IN GENERAL.—Section 403 of that Act (16 U.S.C. 1421b) is amended—

(A) by striking the section heading and inserting the following:

''SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.'' ; and

(B) by striking ''stranding.'' in subsection (a) and inserting ''stranding or entanglement.''.

(2) CLERICAL AMENDMENT.—The table of contents for title IV of that Act is amended by striking the item relating to section 403 and inserting the following:

''Sec. 403. Stranding or entanglement response agreements.''.

(c) LIABILITY.—Section 406(a) of such Act (16 U.S.C. 1421e(a)) is amended by inserting ''or entanglement'' after ''stranding''.

(d) ENTANGLEMENT DEFINED.—

(1) IN GENERAL.—Section 410 of such Act (16 U.S.C. 1421h) is amended—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) The term 'entanglement' means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to it and is—

''(A) on a beach or shore of the United States; or

''(B) in waters under the jurisdiction of the United States.''.

(2) CONFORMING AMENDMENT.—Section 408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f–1(a)(2)(B)(i)) is amended by striking ''section 410(6)'' and inserting ''section 410(7)''.

(e) UNUSUAL MORTALITY EVENT FUNDING.—Section 405 of such Act (16 U.S.C. 1421d) is amended—

(1) by striking ''to compensate persons for special costs'' in subsection (b)(1)(A)(i) and inserting ''to make advance, partial, or progress payments under contracts or other funding mechanisms for property, supplies, salaries, services, and travel costs'';

(2) by striking ''preparing and transporting'' in subsection (b)(1)(A)(ii) and inserting ''the preparation, analysis, and transportation of'';

(3) by striking ''event for'' in subsection (b)(1)(A)(ii) and inserting ''event, including such transportation for'';

(4) by striking ''and'' after the semicolon in subsection (c)(2);

(5) by striking ''subsection (d).'' in subsection (c)(3) and inserting ''subsection (d); and''; and

(6) by adding at the end of subsection (c) the following:

''(4) up to $500,000 per fiscal year (as determined by the Secretary) from amounts appropriated to the Secretary for carrying out this title and the other titles of this Act.''.

(f) JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE FUNDING PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 408(h) of such Act (16 U.S.C. 1421f–1(h)) is amended to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, other than subsection (a)(3), $7,000,000 for each of fiscal years 2010 through 2014, to remain available until expended, of which—

''(A) $6,000,000 may be available to the Secretary of Commerce; and

''(B) $1,000,000 may be available to the Secretary of the Interior.

''(2) RAPID RESPONSE FUND.—There are authorized to be appropriated to the John H. Prescott Marine Mammal Rescue and Rapid Response Fund established by subsection (a)(3), $500,000 for each of fiscal years 2010 through 2014.

''(3) ADDITIONAL RAPID RESPONSE FUNDS.—There shall be deposited into the Fund established by subsection (a)(3) up to $500,000 per fiscal year (as determined by the Secretary) from amounts appropriated to the Secretary for carrying out this title and the other titles of this Act.''.

(2) ADMINISTRATIVE COSTS AND EXPENSES.—Section 408(f) of such Act (16 U.S.C. 1421f–1(f)) is amended to read as follows:

''(f) ADMINISTRATIVE COSTS AND EXPENSES.—Of the amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or $80,000, whichever is greater, to pay the administrative costs and administrative expenses to implement the program under subsection (a). Any such funds retained by the Secretary for a fiscal year for such costs and expenses that are not used for such costs and expenses before the end of the fiscal year shall be provided under subsection (a).''.

(3) EMERGENCY ASSISTANCE.—Section 408 of such Act (16 U.S.C. 1421f–1) is amended—

(A) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

''(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a program to be known as the John H. Prescott Marine Mammal Rescue and Response Funding Program, to provide for the recovery or treatment of marine mammals, the collection of data from living or dead stranded or entangled marine mammals for scientific research regarding marine mammal health, facility operation costs that are directly related to those purposes, and stranding or entangling events requiring emergency assistance. All funds available to implement this section shall be distributed to eligible stranding network participants for the purposes set forth in this paragraph and paragraph (2), except as provided in subsection (f).'';

(B) by redesignating paragraph (2) as paragraph (4) and inserting after paragraph (1) the following:

''(2) CONTRACT AUTHORITY.—To carry out the activities set out in paragraph (1), the Secretary may enter into grants, cooperative agreements, contracts, or such other agreements or arrangements as the Secretary deems appropriate.

''(3) PRESCOTT RAPID RESPONSE FUND.—There is established in the Treasury an interest bearing fund to be known as the 'John H. Prescott Marine Mammal Rescue and Rapid Response Fund', which shall consist of a portion of amounts deposited into the Fund under subsection (h) or received as contributions under subsection (i), and which shall remain available until expended without regard to any statutory or regulatory provision related to the negotiation, award, or administration of any grants, cooperative agreements, and contracts.'';

(C) by striking ''designated as of the date of the enactment of the Marine Mammal Rescue Assistance Act of 2000, and in making such grants'' in paragraph (4), as redesignated, and inserting ''as defined in subsection (g)(3). The Secretary''; and

(D) by striking ''subregions.'' in paragraph (4), as redesignated, and inserting ''subregions where such facilities exist.'';

(E) by striking subsections (d) and (e) and inserting the following:

''(d) LIMITATION.—

''(1) IN GENERAL.—Support for an individual project under this section may not exceed $200,000 for any 12-month period.

''(2) UNEXPENDED FUNDS.—Amounts provided as support for an individual project under this section that are unexpended or unobligated at the end of such period—

''(A) shall remain available until expended; and

''(B) shall not be taken into account in any other 12-month period for purposes of paragraph (1).

''(e) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs of an activity conducted with funds under this section shall be 25 percent of such Federal costs.

''(2) WAIVER.—The Secretary shall waive the requirements of paragraph (1) with respect to an activity conducted with emergency funds disbursed from the Fund established by subsection (a)(3).

''(3) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.''; and

(F) by redesignating paragraph (2) of subsection (g) as paragraph (3) and inserting after paragraph (1) the following:

''(2) EMERGENCY ASSISTANCE.—The term 'emergency assistance' means assistance provided for a stranding or entangling event—

''(A) that—

''(i) is not an unusual mortality event as defined in section 409(7);

''(ii) leads to an immediate increase in required costs for stranding or entangling response, recovery, or rehabilitation in excess of regularly scheduled costs;

''(iii) may be cyclical or endemic; and

''(iv) may involve out-of-habitat animals; or

''(B) is found by the Secretary to qualify for emergency assistance.''.

(4) CONTRIBUTIONS.—Section 408 of such Act (16 U.S.C. 1421f–1) is amended by adding at the end the following:

''(i) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.''.

(5) CONFORMING AMENDMENT.—The section heading for section 408 is amended to read as follows:

''SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE FUNDING PROGRAM.''.

(g) AUTHORIZATION OF APPROPRIATIONS FOR MARINE MAMMAL UNUSUAL MORTALITY EVENT FUND.—Section 409 of such Act (16 U.S.C. 1421g) is amended—

(1) by striking ''1993 and 1994;'' in paragraph (1) and inserting ''2010 through 2014;'';

(2) by striking ''1993 and 1994;'' in paragraph (2) and inserting ''2010 through 2014;''; and

(3) by striking ''fiscal year 1993.'' in paragraph (3) and inserting ''each of fiscal years 2010 through 2014.''.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SCHUMER, Mrs. LINCOLN, Ms. STABENOW, Mr. VOINOVICH, Mr. BURR, Mr. PRYOR, Mr. LEAHY, and Mr. LEVIN):

S. 864. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, the Nation's charitable community has been damaged from the harsh realties of the economic downturn. Dwindling contributions and devastating market losses have hit many charities and philanthropic activities, and the trusts and funds that support them.

Experts at the Congressional Research Service suggest that charitable assets could have lost more than $400 billion in value from the stock market's peak in October 2007. Some foundations with narrow investment portfolios have lost close to 50 percent since that time. Donations are down at many charities across the country.

Yet, the work of these organizations to assist low-income families and individuals facing financial difficulty is more important than ever. The economy is in trouble—20,000 jobs are lost every day and the unemployment rate is approaching 9 percent. It is not surprising that many charities are seeing an increase in those seeking help for food, rent or mortgage payments or utility bills, along with an increase in the number of working poor seeking services, more generally.

The Senate recently sent a strong message to our charitable community that we understand their financial challenges and will do what it can to help. During consideration of the fiscal year 2010 Budget Resolution, the Senate unanimously passed an amendment I authored with Senator SNOWE that gives a green light to pass legislation to extend and enhance the soon-to-expire charitable individual retirement account, IRA, rollover tool that charities have used to help raise money. This tax incentive allows individuals to make gifts to charities from their IRAs without suffering adverse tax consequences.

Today, I am joined by Senator SNOWE and 9 of our colleagues in introducing the Public Good IRA Rollover Act, which would permanently extend and expand the tax-free charitable IRA rollover incentive.

Congress added a provision to the Tax Code in 2006 that permitted taxpayers age 70½ or older to give money

directly from their IRAs to charities, tax-free. This provision is modeled after an approach for direct charitable gifts that we have advanced in the Public Good IRA Rollover Act.

The results of this provision have been very exciting for many in the charitable community. According to one survey, approximately 900 charitable organizations had reported more than 8,500 individual IRA distributions, with a total value of nearly $140 million.

Unfortunately, the tax-favored benefit of the charitable IRA rollover is only available for a temporary period and is scheduled to expire at the end of this year unless Congress acts. The Public Good IRA Rollover Act will not only extend the charitable IRA rollover, it will modify it in a manner that we believe will result in more gifts to charity without busting the budget. These changes include: allowing taxpayers to make life-income gifts from their IRAs to charities at age 59½, eliminating the current dollar cap, and making the charitable IRA rollover benefits available to more charitable organizations.

Adopting these provisions will result in more charitable giving, particularly allowing taxpayers to make life-time gifts from their IRAs starting at the age of 59½. Many charities secure funds from life-income gifts, which involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. While this provision would stimulate additional giving, evidence also suggests that people who make life-income gifts become more involved with charities. And, because the income payouts for most gift annuities and charitable trusts will be higher than IRA payouts, IRA rollovers to life-income agreements may produce immediate taxable revenues and score positively. In short, the life-income gift provision would greatly benefit charities in a fiscally-responsible manner.

The Public Good IRA Rollover Act has strong bipartisan support in the Senate and House of Representatives. It has garnered the support of the Independent Sector, the Council on Foundations, and the Partnership for Philanthropic Planning. I am very pleased that the North Dakota Association of Nonprofit Organizations, which represents the interests of more than 140 nonprofits in my State, has also offered its support for this legislation that could help North Dakota charities raise millions of dollars in the coming years.

I also ask my colleagues to review this legislation and consider cosponsoring it.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

NORTH DAKOTA ASSOCIATION OF NONPROFIT ORGANIZATIONS,
Bismarck, ND, April 13, 2009.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: The North Dakota Association of Nonprofit Organizations (NDANO), on behalf of the more than 140 member nonprofits in our state, writes to express our support for Public Good IRA Rollover Act you will be introducing later this month.

NDANO's mission is strengthening member nonprofits, building community and enhancing quality of life, and one of the key issues on NDANO's public policy agenda is charitable giving. More specifically, NDANO supports actions to preserve and expand tax policies that increase incentives for taxpayers to donate to charitable organizations. Donations by individuals to support nonprofit work in North Dakota are essential to increasing nonprofit capacity to meet the needs of the state's citizens and communities, particularly in these challenging economic times. This Act could be a real boost to fundraising, encouraging those age 59½ and older to make gifts to charities that would not otherwise be given.

NDANO appreciates your commitment to introduce this Act to incentivize charitable giving. Thank you for your continuing support of North Dakota nonprofits and the entire nonprofit sector.

Sincerely,

DANA SCHAAR,
Executive Director.

INDEPENDENT SECTOR,
Washington, DC, April 21, 2009.

Re: Public Good IRA Rollover Act of 2009.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS DORGAN AND SNOWE: On behalf of the over 550 member organizations of Independent Sector, I am writing to express our sincere appreciation for your leadership in promoting nonprofits and the work they perform through your introduction of the Public Good IRA Rollover Act of 2009.

Since it was enacted in August 2006, the current IRA charitable rollover has helped nonprofits enrich lives and strengthen communities across the country and around the world by allowing individuals to make direct gifts to charities from their Individual Retirement Accounts without suffering adverse tax consequences. The IRA rollover is particularly helpful for older Americans who do not itemize their tax deductions and would not otherwise receive any tax benefit for their contributions. We wholeheartedly support the provisions in the Public Good IRA Rollover Act of 2009 that make the giving incentive permanent, allow planned giving programs to provide retirement security to donors while helping nonprofits serve their communities, and expand the IRA rollover to donor advised funds and supporting organizations.

We believe that your Public Good IRA Rollover Act of 2009 would greatly enhance the ability of individuals to give back to their communities and offer our assistance in helping to move this important bill through the legislative process.

Sincerely,

PATRICIA READ.

PARTNERSHIP FOR PHILANTHROPIC PLANNING,
Indianapolis, IN, April 21, 2009.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS DORGAN AND SNOWE: On behalf of the Partnership for Philanthropic Planning (formerly the National Committee on Planned Giving), I write to thank you for reintroducing the Public Good IRA Rollover Act. We appreciate your efforts to help our nation's charities during this period of economic turmoil.

The Public Good IRA Rollover Act would make permanent and expand the IRA Charitable Rollover enacted in 2006 and extended at the end of last year. As you well know, the IRA Charitable Rollover has already generated a significant amount of new charitable giving by eliminating the barrier in the tax law that had discouraged transfers from individual retirement accounts to charities. These gifts are helping organizations in every state build cancer centers, develop programs for counseling at-risk youth, support housing for homeless families, conserve wilderness areas, help disadvantaged students attend college, and provide therapy for people with disabilities.

We are pleased that your legislation would expand the current law IRA Charitable Rollover by allowing for qualified charitable distributions to life-income gifts, including charitable gift annuities, charitable remainder trusts and pooled income funds. We are also delighted your legislation would permit distributions from IRA accounts to donor-advised funds, supporting organizations, and private foundations. These important provisions will offer increased options for charitable giving, allowing an entire generation of generous Americans to continue providing for others even in these challenging economic times.

Again, thank you for reintroducing the Public Good IRA Rollover Act. We look forward to working with your office to ensure it is signed into law soon.

Sincerely,

TANYA HOWE JOHNSON,
President and CEO.

COUNCIL ON FOUNDATIONS,
Arlington, VA, April 21, 2009.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN AND SENATOR SNOWE: On behalf of the Council on Foundations and our membership of more than 2,100 grantmaking foundations and corporations, we would like to thank you for your continued leadership on issues of critical concern to the philanthropic sector and the communities which we serve. We are particularly appreciative of your sponsorship of the ''Public Good IRA Rollover Act of 2009'', legislation which would both permanently extend current law authorizing charitable rollovers of individual retirement accounts (''IRAs''), and permit such rollovers to include gifts to donor-advised funds, supporting organizations, and private foundations.

Enactment of the ''Public Good IRA Rollover Act of 2009'' will be a crucial step forward in ensuring that philanthropic organizations have the means and flexibility to address dramatically growing needs. Making current law regarding IRA rollovers permanent will provide current donors the certainty needed for prudent charitable gift

planning, and will ensure future donors have the ability to use this efficient means of giving. Making the charitable IRA rollover available for gifts to donor-advised funds, supporting organizations, and private foundations will enable additional donors, particularly among middle-income Americans, to utilize charitable rollovers for the benefit of organizations that are particularly well-suited to delivering philanthropic resources quickly and effectively to communities in need.

Two recent studies by the Council on Foundations show that, in 2007, donor-advised funds accounted for over one-third of all community foundation assets and 62% of their total grantmaking. In addition, donor-advised funds located within community foundations have a payout rate of 16.4%, over three times the minimum required for private foundations by federal law. The Council also has found that donor-advised funds are a particularly effective tool for middle-income Americans to engage in philanthropy. With most community foundations accepting a donor-advised fund in the range of $5,000 to $15,000, donor-advised funds are a philanthropic vehicle that can go to work immediately, a particularly valuable asset given current demands on philanthropic resources.

Thank you again for your leadership in providing philanthropies with the tools needed to fulfill their missions, and to help meet the growing needs of their communities. We look forward to working with you to achieve passage of the ''Public Good Rollover Act of 2009''.

Very truly yours,

STEVE GUNDERSON,
President and Chief Executive Officer.

By Mr. REED (for himself, Ms. COLLINS, Mr. DODD, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mrs. LINCOLN, Mrs. MURRAY, Mr. MENENDEZ, Mr. SANDERS, Mr. WHITEHOUSE, Mr. CARDIN, and Mr. DURBIN):

S. 866. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the No Child Left Inside Act of 2009, which will provide new support for environmental education in our Nation's classrooms. I thank Senators COLLINS, CARDIN, DODD, DURBIN, GILLIBRAND, KERRY, LAUTENBERG, LINCOLN, MENENDEZ, MURRAY, SANDERS, and WHITEHOUSE for agreeing to be original cosponsors of this bill. Given the major environmental challenges we face today, teaching our young people about their natural world should be a priority, and this legislation is an important first step.

For more than three decades, environmental education has been a growing part of effective instruction in America's schools. Responding to the need to improve student achievement and prepare students for the 21st century economy, many schools throughout the Nation now offer some form of environmental education.

Yet, environmental education is facing a significant challenge. Many schools are being forced to scale back or eliminate environmental programs. Fewer and fewer students are able to take part in related classroom instruction and field investigations, however effective or popular. State and local administrators, teachers, and environmental educators point to two factors behind this recent and disturbing shift: the unintended consequences of the No Child Left Behind Act and a lack of funding for these critical programs.

The legislation that I am introducing today would address these two concerns. First, it would provide a new professional development initiative to ensure that teachers possess the content knowledge and pedagogical skills to effectively teach environmental education in the classroom, including the use of innovative interdisciplinary and field-based learning strategies. Second, the bill would create incentives, through new funding, for states to develop a peer-reviewed comprehensive statewide environmental literacy plan to make sure prekindergarten, elementary, and secondary school students have a solid understanding of our planet and its natural resources. Lastly, the No Child Left Inside Act provides support for school districts to initiate, expand, or improve their environmental education curriculum, and for rigorous national studies to be conducted regarding the effectiveness of environmental education on improving student academic achievement and behavior. This legislation has broad support among national and state environmental groups and educational groups.

The American public recognizes that the environment is already one of the dominant issues of the 21st century. In 2003, a National Science Foundation panel noted that ''in the coming decades, the public will more frequently be called upon to understand complex environmental issues, assess risk, evaluate proposed environmental plans and understand how individual decisions affect the environment at local and global scales. Creating a scientifically informed citizenry requires a concerted, systemic approach to environmental education . . .'' In the private sector, business leaders also increasingly believe that an environmentally literate workforce is critical to their long-term success. They recognize that better, more efficient environmental practices improve the bottom line and help position their companies for the future.

Climate change, conservation of precious natural resources, maintaining clean air and water, and other environmental challenges are pressing and complex issues that influence human health, economic development, and national security. A federal study released earlier this month found that students participating in environmental air quality education programs took action that resulted in improved air quality in their communities. The study concludes by recommending increased support for environmental education programs. Finding widespread agreement about the specific steps we need to take to solve these problems is difficult. Environmental education will help ensure that our Nation's children have the knowledge and skills necessary to address these critical issues. In short, the environment should be an important part of the curriculum in our schools.

I know my constituents in Rhode Island, as well as the residents of other States, want their children to be environmentally literate and have a connection with the natural world. In Rhode Island, organizations such as the Rhode Island Environmental Education Association, Roger Williams Park Zoo, Save the Bay, the Nature Conservancy, and the Audubon Society as well as countless schools, teachers, and other groups across the country, reach out to children each and every day to offer educational and outdoor experiences that these children may never otherwise have, helping to inspire them to learn. Despite these extraordinary efforts, environmental education remains out of reach for too many kids. I am proud to sponsor this important legislation. I look forward to working with my colleagues to enact the No Child Left Inside Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 866

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''No Child Left Inside Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authorization of appropriations.

TITLE I—ENVIRONMENTAL LITERACY PLANS

Sec. 101. Development, approval, and implementation of State environmental literacy plans.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

Sec. 201. Environmental education professional development grant programs.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

Sec. 301. Environmental education grant program to help build national capacity.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out section 5622(g) and part E of title II of the Elementary and Secondary Education Act of 1965, $100,000,000 for fiscal year 2010 and each of the 4 succeeding fiscal years.

(b) DISTRIBUTION.—With respect to any amount appropriated under subsection (a) for a fiscal year—

(1) not more than 70 percent of such amount shall be used to carry out section 5622(g) of the Elementary and Secondary Education Act of 1965 for such fiscal year; and

(2) not less than 30 percent of such amount shall be used to carry out part E of title II of such Act for such fiscal year.

TITLE I—ENVIRONMENTAL LITERACY PLANS

SEC. 101. DEVELOPMENT, APPROVAL, AND IMPLEMENTATION OF STATE ENVIRONMENTAL LITERACY PLANS.

Part D of title V (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"Subpart 22—Environmental Literacy Plans

"SEC. 5621. ENVIRONMENTAL LITERACY PLAN REQUIREMENTS.

''In order for any State educational agency, or a local educational agency served by a State educational agency, to receive grant funds, either directly or through participation in a partnership with a recipient of grant funds, under this subpart or part E of title II, the State educational agency shall meet the requirements regarding an environmental literacy plan under section 5622.

"SEC. 5622. STATE ENVIRONMENTAL LITERACY PLANS.

''(a) SUBMISSION OF PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the No Child Left Inside Act of 2009, a State educational agency subject to the requirements of section 5621 shall, in consultation with State environmental agencies and State natural resource agencies, and with input from the public—

''(A) submit an environmental literacy plan for prekindergarten through grade 12 to the Secretary for peer review and approval that will ensure that elementary and secondary school students in the State are environmentally literate; and

''(B) begin the implementation of such plan in the State.

''(2) EXISTING PLANS.—A State may satisfy the requirement of paragraph (1)(A) by submitting to the Secretary for peer review an existing State plan that has been developed in cooperation with a State environmental or natural resource management agency, if such plan complies with this section.

''(b) PLAN OBJECTIVES.—A State environmental literacy plan shall meet the following objectives:

''(1) Prepare students to understand, analyze, and address the major environmental challenges facing the students' State and the United States.

''(2) Provide field experiences as part of the regular school curriculum and create programs that contribute to healthy lifestyles through outdoor recreation and sound nutrition.

''(3) Create opportunities for enhanced and on-going professional development for teachers that improves the teachers'—

''(A) environmental subject matter knowledge; and

''(B) pedagogical skills in teaching about environmental issues, including the use of—

''(i) interdisciplinary, field-based, and research-based learning; and

''(ii) innovative technology in the classroom.

''(c) CONTENTS OF PLAN.—A State environmental literacy plan shall include each of the following:

''(1) A description of how the State educational agency will measure the environmental literacy of students, including—

''(A) relevant State academic content standards and content areas regarding environmental education, and courses or subjects where environmental education instruction will be integrated throughout the prekindergarten to grade 12 curriculum; and

''(B) a description of the relationship of the plan to the secondary school graduation requirements of the State.

''(2) A description of programs for professional development for teachers to improve the teachers'—

''(A) environmental subject matter knowledge; and

''(B) pedagogical skills in teaching about environmental issues, including the use of —

''(i) interdisciplinary, field-based, and research-based learning; and

''(ii) innovative technology in the classroom.

''(3) A description of how the State educational agency will implement the plan, including securing funding and other necessary support.

''(d) PLAN UPDATE.—The State environmental literacy plan shall be revised or updated by the State educational agency and submitted to the Secretary not less often than every 5 years or as appropriate to reflect plan modifications.

''(e) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

''(1) establish a peer review process to assist in the review of State environmental literacy plans;

''(2) appoint individuals to the peer review process who—

''(A) are representative of parents, teachers, State educational agencies, State environmental agencies, State natural resource agencies, local educational agencies, and nongovernmental organizations; and

''(B) are familiar with national environmental issues and the health and educational needs of students;

''(3) include, in the peer review process, appropriate representatives from the Department of Commerce, Department of Interior, Department of Energy, the Environmental Protection Agency, and other appropriate Federal agencies, to provide environmental expertise and background for evaluation of the State environmental literacy plan;

''(4) approve a State environmental literacy plan not later than 120 days after the plan's submission unless the Secretary determines that the State environmental literacy plan does not meet the requirements of this section;

''(5) immediately notify the State if the Secretary determines that the State environmental literacy plan does not meet the requirements of this section, and state the reasons for such determination;

''(6) not decline to approve a State environmental literacy plan before—

''(A) offering the State an opportunity to revise the State environmental literacy plan;

''(B) providing technical assistance in order to assist the State to meet the requirements of this section; and

''(C) providing notice and an opportunity for a hearing; and

''(7) have the authority to decline to approve a State environmental literacy plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State environmental literacy plan, to—

''(A) include in, or delete from, such State environmental literacy plan 1 or more specific elements of the State academic content standards under section 1111(b)(1); or

''(B) use specific academic assessment instruments or items.

''(f) STATE REVISIONS.—The State educational agency shall have the opportunity to revise a State environmental literacy plan if such revision is necessary to satisfy the requirements of this section.

''(g) GRANTS FOR IMPLEMENTATION.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States to enable the States to award subgrants, on a competitive basis, to local educational agencies and eligible partnerships (as such term is defined in section 2502) to support the implementation of the State environmental literacy plan.

''(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

''(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

''(h) REPORTING.—

''(1) IN GENERAL.—Not later than 2 years after approval of a State environmental literacy plan, and every 2 years thereafter, the State educational agency shall submit to the Secretary a report on the implementation of the State plan.

''(2) REPORT REQUIREMENTS.—The report required by this subsection shall be—

''(A) in the form specified by the Secretary;

''(B) based on the State's ongoing evaluation activities; and

''(C) made readily available to the public.''.

TITLE II—ESTABLISHMENT OF ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

SEC. 201. ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS.

Title II (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—ENVIRONMENTAL EDUCATION PROFESSIONAL DEVELOPMENT GRANT PROGRAMS

"SEC. 2501. PURPOSE.

''The purpose of this part is to ensure the academic achievement of students in environmental literacy through the professional development of teachers and educators.

"SEC. 2502. GRANTS FOR ENHANCING EDUCATION THROUGH ENVIRONMENTAL EDUCATION.

''(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

''(1) shall include a local educational agency; and

''(2) may include—

''(A) the teacher training department of an institution of higher education;

''(B) the environmental department of an institution of higher education;

''(C) another local educational agency, a public charter school, a public elementary school or secondary school, or a consortium of such schools;

''(D) a Federal, State, regional, or local environmental or natural resource management agency that has demonstrated effectiveness in improving the quality of environmental education teachers; or

''(E) a nonprofit organization that has demonstrated effectiveness in improving the quality of environmental education teachers.

''(b) GRANTS AUTHORIZED.—

''(1) PROGRAM AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, through allotments in accordance with the regulations described in paragraph (2), to States whose State environmental literacy plan has been approved under section 5622, to enable the

States to award subgrants under subsection (c).

''(2) REGULATIONS.—The Secretary shall promulgate regulations implementing the grant program under paragraph (1), which regulations shall include the development of an allotment formula that best achieves the purposes of this subpart.

''(3) ADMINISTRATIVE EXPENSES.—A State receiving a grant under this subsection may use not more than 2.5 percent of the grant funds for administrative expenses.

''(c) SUBGRANTS AUTHORIZED.—

''(1) SUBGRANTS TO ELIGIBLE PARTNERSHIPS.—From amounts made available to a State educational agency under subsection (b)(1), the State educational agency shall award subgrants, on a competitive basis, to eligible partnerships serving the State, to enable the eligible partnerships to carry out the authorized activities described in subsection (e) consistent with the approved State environmental literacy plan.

''(2) DURATION.—The State educational agency shall award each subgrant under this part for a period of not more than 3 years beginning on the date of approval of the State's environmental literacy plan under section 5622.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds provided to an eligible partnership under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

''(d) APPLICATION REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership desiring a subgrant under this part shall submit an application to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) the results of a comprehensive assessment of the teacher quality and professional development needs, with respect to the teaching and learning of environmental content;

''(B) an explanation of how the activities to be carried out by the eligible partnership are expected to improve student academic achievement and strengthen the quality of environmental instruction;

''(C) a description of how the activities to be carried out by the eligible partnership—

''(i) will be aligned with challenging State academic content standards and student academic achievement standards in environmental education, to the extent such standards exist, and with the State's environmental literacy plan under section 5622; and

''(ii) will advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components in which students have the opportunity to directly experience nature;

''(D) a description of how the activities to be carried out by the eligible partnership will ensure that teachers are trained in the use of field-based or service learning to enable the teachers—

''(i) to use the local environment and community as a resource; and

''(ii) to enhance student understanding of the environment and academic achievement;

''(E) a description of—

''(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

''(ii) the eligible partnership's evaluation and accountability plan described in subsection (f); and

''(F) a description of how the eligible partnership will continue the activities funded under this part after the grant period has expired.

''(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the subgrant funds provided under this part for 1 or more of the following activities related to elementary schools or secondary schools:

''(1) Creating opportunities for enhanced and ongoing professional development of teachers that improves the environmental subject matter knowledge of such teachers.

''(2) Creating opportunities for enhanced and ongoing professional development of teachers that improves teachers' pedagogical skills in teaching about the environment and environmental issues, including in the use of—

''(A) interdisciplinary, research-based, and field-based learning; and

''(B) innovative technology in the classroom.

''(3) Establishing and operating environmental education summer workshops or institutes, including follow-up training, for elementary and secondary school teachers to improve their pedagogical skills and subject matter knowledge for the teaching of environmental education.

''(4) Developing or redesigning more rigorous environmental education curricula that—

''(A) are aligned with challenging State academic content standards in environmental education, to the extent such standards exist, and with the State environmental literacy plan under section 5622; and

''(B) advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components.

''(5) Designing programs to prepare teachers at a school to provide mentoring and professional development to other teachers at such school to improve teacher environmental education subject matter and pedagogical skills;

''(6) Establishing and operating programs to bring teachers into contact with working professionals in environmental fields to expand such teachers' subject matter knowledge of, and research in, environmental issues.

''(7) Creating initiatives that seek to incorporate environmental education within teacher training programs or accreditation standards consistent with the State environmental literacy plan under section 5622.

''(8) Promoting outdoor environmental education activities as part of the regular school curriculum and schedule in order to further the knowledge and professional development of teachers and help students directly experience nature.

''(f) EVALUATION AND ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—Each eligible partnership receiving a subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of the activities.

''(2) CONTENTS.—The plan developed under paragraph (1) shall include measurable objectives to increase the number of teachers who participate in environmental education content-based professional development activities.

''(g) REPORT.—Each eligible partnership receiving a subgrant under this part shall report annually, for each year of the subgrant, to the State educational agency regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the eligible partnership under subsection (f).''.

TITLE III—ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY

SEC. 301. ENVIRONMENTAL EDUCATION GRANT PROGRAM TO HELP BUILD NATIONAL CAPACITY.

Part D of title V (20 U.S.C. 7201 et seq.) (as amended by section 101) is further amended by adding at the end the following:

"Subpart 23—Environmental Education Grant Program

"SEC. 5631. PURPOSES.

''The purposes of this subpart are—

''(1) to prepare children to understand and address major environmental challenges facing the United States; and

''(2) to strengthen environmental education as an integral part of the elementary school and secondary school curriculum.

"SEC. 5632. GRANT PROGRAM AUTHORIZED.

''(a) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

''(1) shall include a local educational agency; and

''(2) may include—

''(A) the teacher training department of an institution of higher education;

''(B) the environmental department of an institution of higher education;

''(C) another local educational agency, a public charter school, a public elementary school or secondary school, or a consortium of such schools;

''(D) a Federal, State, regional, or local environmental or natural resource management agency, or park and recreation department, that has demonstrated effectiveness, expertise, and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced; and

''(E) a nonprofit organization that has demonstrated effectiveness, expertise, and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of activities under this subpart.

''(2) DURATION.—Each grant under this subpart shall be for a period of not less than 1 year and not more than 3 years.

"SEC. 5633. APPLICATIONS.

''Each eligible partnership desiring a grant under this subpart shall submit to the Secretary an application that contains—

''(1) a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting—

''(A) challenging State academic content standards and student academic achievement standards in environmental education, to the extent such standards exist; and

''(B) academic standards that are aligned with the State's environmental literacy plan under section 5622; and

''(2) an evaluation and accountability plan for activities assisted under this subpart that includes rigorous objectives that measure the impact of activities funded under this subpart.

"SEC. 5634. USE OF FUNDS.

''Grant funds made available under this subpart shall be used for 1 or more of the following:

''(1) Developing and implementing State curriculum frameworks for environmental education that meet—

''(A) challenging State academic content standards and student academic achievement standards for environmental education, to the extent such standards exist; and

''(B) academic standards that are aligned with the State's environmental literacy plan under section 5622.

''(2) Replicating or disseminating information about proven and tested model environmental education programs that—

''(A) use the environment as an integrating theme or content throughout the curriculum; or

''(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve students' overall academic performance, personal health (including addressing child obesity issues), and understanding of nature.

''(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

''(4) Conducting studies of national significance that—

''(A) provide a comprehensive, systematic, and formal assessment of the state of environmental education in the United States;

''(B) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme; or

''(C) evaluate the effectiveness of using environmental education-based field-based learning, service learning or outdoor experiential learning in helping improve—

''(i) student academic achievement in mathematics, reading or language arts, science, or other core academic subjects;

''(ii) student behavior;

''(iii) student attendance; and

''(iv) secondary school graduation rates.

''(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards.

''SEC. 5635. REPORTS.

''(a) ELIGIBLE PARTNERSHIP REPORT.—In order to continue receiving grant funds under this subpart after the first year of a multiyear grant under this subpart, the eligible partnership shall submit to the Secretary an annual report that—

''(1) describes the activities assisted under this subpart that were conducted during the preceding year;

''(2) demonstrates that progress has been made in helping schools to meet the State academic standards for environmental education described in section 5634(1); and

''(3) describes the results of the eligible partnership's evaluation and accountability plan.

''(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the No Child Left Inside Act of 2009 and annually thereafter, the Secretary shall submit a report to Congress that—

''(1) describes the programs assisted under this subpart;

''(2) documents the success of such programs in improving national and State environmental education capacity; and

''(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

''SEC. 5636. ADMINISTRATIVE PROVISIONS.

''(a) FEDERAL SHARE.—The Federal share of a grant under this subpart shall not exceed—

''(1) 90 percent of the total costs of the activities assisted under the grant for the first year for which the program receives assistance under this subpart; and

''(2) 75 percent of such costs for each of the second and third years.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of the grant funds made available to an eligible partnership under this subpart for any fiscal year may be used for administrative expenses.

''(c) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

''SEC. 5637. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.''.

By Mrs. FEINSTEIN:

S. 867. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Shirley Constantino Tan. Ms. Tan is a Filipina national living in Pacifica, California. She is the loving mother of 12 year old U.S. citizen twin boys, Jashley and Joreine, and the spouse of Jay Mercado, a naturalized U.S. citizen.

I have decided to introduce a private bill on Ms. Tan's behalf because I believe her removal from the U.S. would cause undue hardship for her and her family. Without this legislation, this family will be separated or they will be relocated to a third country where Ms. Tan's safety and her children's well-being may be at risk. I believe Ms. Tan merits Congress' special consideration for such an extraordinary form of relief as a private bill.

Before coming to the U.S., Ms. Tan experienced tragic hardship in the Philippines after her mother and sister were murdered by her cousin. Ms. Tan was only 14 years old at the time and the violent assault left her with a bullet wound in the head. Although the cousin who committed the murders was eventually prosecuted, he received a short sentence and his impending release from jail in 1990 compelled her to leave the country out of fear for her safety. Ms. Tan legally entered the U.S. on a visitor's visa in 1989.

Ms. Tan faces deportation today in part because of the negligence demonstrated by her previous counsel. Ms. Tan applied for asylum in 1995. After years of appeals, the attorney received a brief from the Board of Immigration Appeals, BIA, outlining the Government's position on Ms. Tan's case. The attorney, however, failed to submit a reply brief in her client's favor and, in May 2002, the case was dismissed and Ms. Tan was granted an order of voluntary departure from the U.S.

Ms. Tan should have received notice of the voluntary removal order from her attorney. However, the attorney had moved offices, did not receive the order, and failed to inform Ms. Tan of the information. As a result, Ms. Tan did not depart the U.S. and the voluntary removal order against her became a deportation order.

The first time that Ms. Tan received notice of the deportation order was on January 28, 2009, when Immigration and Customs Enforcement officers appeared at her home and took her into custody.

In effect, Ms. Tan was denied the opportunity to adequately represent herself in U.S. immigration proceedings as a result of her attorney's negligence. Ms. Tan has since filed a complaint against her former attorney with the State Bar of California. A previous complaint has also been filed against the same attorney with the California Bar for similar misconduct.

One of the most compelling reasons for permitting Ms. Tan to remain in the U.S. is the impact that her deportation would have on her two U.S. citizen minor children, Jashley and Joreine.

These children are currently seventh graders at Cabrillo Elementary School in Pacifica, California, where they have made the honor roll. In letters to me from two teachers at Cabrillo Elementary, Jashley and Joreine were described as ''ideal'' students—''the kinds of kids that make my job feel easy.'' One of the teachers described their mother, Ms. Tan, as a highly-involved, ''model'' parent, one who ''attends every conference, drives on field trips and consistently checks in with her boys' teachers and the rest of our staff to make sure Jashley and Joreine continue to be successful.''

However, if Ms. Tan is forced to leave the United States, this family has stated that they would follow her to the Philippines or relocate to a third country to avoid their separation. This means that Jashley and Joreine will have to cut their education short and have to leave the U.S.—their birthplace and the only country they know to be home.

All too often, young U.S. citizen children like Jashley and Joreine are being put in this position when one or both of their parents may be removed from the United States. A January 2009 report by the Department of Homeland Security Office of Inspector General found that, over the last 10 years, 108,434 immigrants who were the parents of U.S. citizen children were removed from this country.

A separate report completed this year by Dorsey & Whitney LLP to the Urban Institute affirms what many of us know—that the removal or deportation of a parent is deeply traumatic and causes long-lasting harm to U.S. citizen children. For families that have no choice but to leave the United States as a unit in order to stay together, this has life-altering consequences for U.S. citizen children. Besides the fact that these children lose the opportunities that come with being raised in the United States, these children are more prone to anxiety, depression, eating and sleeping disorders, post- traumatic stress disorder, and behavior changes.

This is the situation facing the Tan family. While her marriage was legally performed under California law at the time, Ms. Tan cannot take steps to legally adjust her immigration status

through the regular family-based immigration channels.

I do not believe that it is in our Nation's best interest to force this family—including two U.S. citizen minor children—to make the choice between being separated and relocation to a country where they may face serious hardships.

The Tan family has built a stable and supportive home for themselves in the Pacifica, California community. Ms. Tan's spouse has worked for 17 years at Biddle-Shaw Insurance Services, Inc., where her employer describes her as ''hard-working . . . trustworthy and dependable.'' This couple owns their own home, and over many years they were active members of the Good Shepherd Catholic Church. At Good Shepherd, Jay was a member of the School Board and Ms. Tan was a consummate volunteer. I received a heartfelt letter from the Pastor at Good Shepherd that describes Ms. Tan as a ''dedicated mother'' and attests to the family's spirit of volunteerism and commitment at the church.

In fact, I have received 45 letters from friends and community members and 3 letters from organizations, including the Human Rights Campaign, Love Exiles, and Immigration Equality, in support of Ms. Tan remaining in the U.S. I have also been contacted by Representative JACKIE SPEIER's office in support of this case. This family has also received substantial attention from the media in the San Francisco Bay Area.

Enactment of the legislation I am introducing on behalf of Ms. Tan today will enable this entire family to us continue to remain in the U.S. and make positive contributions to their community in Pacifica, California.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

S. 867

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIRLEY CONSTANTINO TAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shirley Constantino Tan shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shirley Constantino Tan enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Shirley Constantino Tan, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

CABRILLO SCHOOL,
Pacifica, CA, April 2, 2009.

TO WHOM IT MAY CONCERN: Jaylynn Mercado and Shirley Tan are model parents to their 12-year-old twin boys, Jashley and Joriene. It is upsetting to hear that Shirley is being forced to leave the country and be separated from her family. Due to the dedication of these parents, Jashley and Joriene are ideal students. They are well liked by their peers and the faculty of the school. They are both exceptional students. Jaylynn and Shirley are always willing to help the school out in any way possible. They are committed to encouraging their children to do great things. Jaylynn and Shirley have modeled and taught their boys some of the finest traits of respect and compassion. It is my hope that this respect and compassion is returned to the Mercado Family.

Please do what is possible to keep this family intact. They are a lovely addition to our school community. Please contact me if there is any more help that I can give.

Sincerely,

MEGHANN ELSBERND.

CABRILLO SCHOOL,
Pacifica, CA, March 30, 2009.

TO WHOM IT MAY CONCERN: My name is Jared Katz and I am writing this letter in support of Shirley Mercado. I teach 6th grade at Cabrillo Elementary in Pacifica, California and last year I was fortunate to have Joriene and Jashley Mercado in my class. Both boys were exceptional students. They were on the honor roll, athletic, confident, and popular with their peers. Joriene and Jashley are the kinds of kids that make my job feel easy.

Once I got to know their family a little bit I immediately understood why the boys were so successful. Each year I see sixty-four different families, from a variety of cultural and economic backgrounds, and I don't think I've ever seen a family as committed to each other as the Mercados. Being in a room with the four of them together it's impossible to not be envious of the strong bond between them and of the ease and comfort in the way they relate to one another. And from our first meeting it was obvious that Shirley is the center of their family's strength. When you talk to them together all the boys' actions revolve around her and as a member of our school community she is the model parent. She attends every conference, drives on field trips and consistently checks in with her boys teachers and the rest of our staff to make sure Joriene and Jashley continue to be successful.

When I heard the news this morning that she may be forced to leave the country and be separated from her family I was very shocked and saddened. If there's anything that can be done to help preserve her family I hope that it will be vigorously pursued. And if there's anything I can do to help, please don't hesitate to ask.

Sincerely,

JARED KATZ.

CHURCH OF THE GOOD SHEPHERD,
Pacifica, CA.

DEAR SENATOR FEINSTEIN, It is an honor for me to write this letter of support for one of your constituents, Ms. Shirley Tan. I am her Pastor here at Good Shepherd Catholic Church in Pacifica. I have gotten to know Shirley and her partner Jay Mercado as well as their twin boys Jashley and Joriene. I have been closely connected with this family for the past 5 years. Shirley is a wonderful mother to her sons. She is always available, her gentle spirit and loving heart guiding all that she does as a parent. She and Jay want the best for their sons. They want the boys to grow in wisdom and knowledge and find their true and definite place in this world. They provide a warm and welcoming home, with their door open to family and neighbors (and even strangers!!) Shirley and Jay were school parents here until recently, when, they found a public school that better met the needs of their boys. While they were here at Good Shepherd, Jay was a faithful and responsible member of the School Board, and Shirley was the consummate volunteer . . . always willing and able to help out on campus, as a classroom aide, on special school projects, as a chaperone on field trips . . . Whenever there was a call for help from our Principal or from the School Office, without a moment's hesitation, Shirley would be one of the first to call and offer whatever assistance was needed at the time.

Jay and Shirley were also faithful members of one of our Sunday Mass choirs. Coming to church every week . . . being faithful members of a Christian community . . . being whole-hearted servants of God as ministers of music in this local church . . . bringing their two boys to mass every Sunday and encouraging them to become altar servers . . . Jay and Shirley have for all the time I have known them been wonderful Christian partners, parents, role models for their two boys, and, as Scripture says, ''living stones'' helping to form and to build up the Church, the Body of Christ, in today's broken and violent world.

I urge you in the strongest possible terms to do to all that you can to assist Shirley and to help quickly and justly resolve her current legal situation.

Sincerely,

PIERS M. LAHEY,
Pastor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 108—COMMENDING CAPTAIN RICHARD PHILLIPS, THE CREW OF THE ''MAERSK ALABAMA'', AND THE UNITED STATES ARMED FORCES, RECOGNIZING THE GROWING PROBLEM OF PIRACY OFF SOMALIA'S COAST, AND URGING THE DEVELOPMENT OF A COMPREHENSIVE STRATEGY TO ADDRESS PIRACY AND ITS ROOT CAUSES

Mr. LEAHY (for himself, Mr. GREGG, Mr. FEINGOLD, Mr. KENNEDY, Mr. SANDERS, Mr. KERRY, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to: