S. 491

At the request of Mr. PRYOR, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 504

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 520

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 534

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 570

At the request of Mr. TESTER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 575

At the request of Mr. TESTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 575, a bill to study the market and appropriate regulatory structure for electronic debit card transactions, and for other purposes.

S. 598

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

S. 600

At the request of Mr. MENENDEZ, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 600, a bill to promote the diligent development of Federal oil and gas leases, and for other purposes.

S. 603

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 603, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. RES. 20

At the request of Mr. JOHANNS, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

S. RES. 87

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the ''International Year of Cooperatives''.

AMENDMENT NO. 231

At the request of Mr. PAUL, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of amendment No. 231 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 234

At the request of Ms. LANDRIEU, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 234 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 241

At the request of Mr. RISCH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 241 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 242

At the request of Mr. UDALL of Colorado, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 242 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 243

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 243 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. BARRASSO, Mr. BROWN of Ohio, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. BEGICH, and Mr. DURBIN):

S. 604. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President. I am honored to join my colleague from Wyoming, Senator JOHN BARRASSO, in introducing a bill essential to enhancing the delivery of mental health services to our senior citizens, The Seniors Mental Health Access Improvement Act of 2011. We are pleased to be joined by Sens. SHERROD BROWN, INOUYE, TIM JOHNSON, BEGICH, and DURBIN in this effort.

Currently, there are limitations on the types of mental health practitioners who may be reimbursed for services in the Medicare program. Our legislation permits mental health counselors and marriage and family therapists to bill Medicare for their services, and it pays them at the rate of clinical social workers. With this legislation, seniors will have more opportunities as part of their Medicare benefit to access professional mental health counseling assistance.

Throughout the United States there are approximately 77 million older adults living in 3,000 so-called ''mental health profession shortage areas.'' Moreover, 50 percent of rural counties have no practicing psychiatrists or psychologists. Seniors living in these areas will be the primary beneficiaries of our efforts.

Mental health counselors and marriage and family therapists are often the only mental health providers in some communities, and yet presently they are not recognized within the Medicare program appropriately. These therapists have equivalent or greater training, education and practice rights as some existing provider groups that can bill for their services through Medicare.

Additionally, other government agencies, including The National Health Service Corp, the Veteran's Administration and TRICARE, already

recognize these mental health professionals and reimburse for their services. We need to utilize the skills of these providers and ensure that seniors have access to them. These professionals play a critical role in the delivery of our nation's mental health care.

In Oregon, the passage of this legislation will focus the talents of over 2,000 additional, qualified providers on the mental health issues of one of our most vulnerable populations. This represents a common sense approach to relieving a persistent and chronic healthcare workforce shortage.

I would also like to take a moment to recognize the contributions of one of our former colleagues in the Senate who led our efforts in the last Congress to pass similar legislation. Sen. Blanche Lincoln was a strong advocate for health policies that benefited seniors and those in rural areas. This bill is a testament to her decade long commitment to these issues and her unflagging support for those in need of mental health care in underserved areas.

Finally, I commend our mental health professionals nationwide, for their dedicated work and efforts, and I encourage passage of this legislation.

Mr. BARRASSO. Mr. President, I am honored to join my colleague from Oregon, Senator RON WYDEN, to introduce the Seniors Mental Health Access Improvement Act. For over a decade, Senator WYDEN has been a strong voice advocating for rural specific health care policies here in the United States Senate. I am proud to join him as we fight to ensure Medicare patients living in rural and frontier states have access to and choice of mental health professionals.

The Seniors Mental Health Access Improvement Act would permit Marriage and Family Therapists and Licensed Professional Counselors to bill Medicare directly for services. These providers would receive 75 percent of the psychiatrist and psychologist rate for the same services. I want my colleagues to know that this legislation does not expand covered Medicare services. It would simply give Medicare patients living in isolated, frontier States like Wyoming more mental health provider choices.

Today, approximately 75 percent of the over 3,000 nationally designated Mental Health Professional Shortage Areas are located in rural areas. Over half of all rural counties have no mental health services of any kind. Frontier counties have even more drastic numbers as 95 percent do not have a psychiatrist, 68 percent do not have a psychologist and 78 percent do not have a social worker.

Virtually all of Wyoming is designated a mental health professional shortage area. Wyoming has approximately 215 psychologists, 37 psychiatrists and 418 clinical social workers for a total of 670 Medicare eligible mental health providers. Enactment of the Seniors Mental Health Access Improvement Act would almost double the number of mental health providers available to treat seniors in my State—with the addition of 659 licensed professional counselors and 83 marriage and family therapists currently licensed to practice.

Medicare patients in Wyoming are often forced to travel long distances to see mental health providers currently recognized by the Medicare program. To make matters worse, rural and frontier communities have extreme difficulty recruiting and retaining providers, especially mental health providers. In many small towns, a Licensed Professional Counselor or a Marriage and Family Therapist is the only mental health care provider in the area. Medicare law—as it exists today—only compounds the situation because psychiatrists, clinical psychologists, clinical social workers, and clinical nurse specialists are the only providers able to bill Medicare for mental health services.

It is time the Medicare program recognized the qualifications of Licensed Professional Counselors and Marriage and Family Therapists. They play a critical role in the Nation's mental health care delivery system. These providers go through rigorous training, similar to the curriculum of a masters level social worker, and yet are excluded from the Medicare program.

I believe this bill is critically important to the health and well-being of our nation's seniors, and I strongly urge all my colleagues to become a cosponsor.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Mr. HATCH, Ms. KLOBUCHAR, Mr. MANCHIN, Mrs. HAGAN, and Mr. WHITEHOUSE):

S. 605. A bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, all too often we learn of new and emerging drug threats to our communities that often have a huge negative impact on our youth. When these drug threats emerge it is crucial that we unite to halt the spread of the problem before it consumes families and communities.

Today we are confronted with new and very dangerous substances packaged as innocent products. Specifically, more and more kids are able to go online or to the nearest novelty store at the local shopping mall and purchase incense laced with compounds that seriously alter the mind. These products are commonly referred to as ''K2''or ''Spice'' among other names. Although these products contain a label that states that the product is not for human consumption, kids and drug users are smoking these products in order to obtain a ''legal high.''

It is believed that these products emerged on the scene beginning about 4 or 5 years ago and their use spread quickly throughout Europe. According to a study conducted by the European Centre for Drugs and Drug Addiction, most of the chemical compounds found in ''K2'' are not reported on the label. This study concluded that the compounds are not listed because there is a deliberate marketing strategy to represent this product as a natural substance.

However, these products are anything but natural. Most of the chemical compounds the Drug Enforcement Administration has identified within K2 products were invented by Dr. John W. Huffman of Clemson University in the 1990's for research purposes. These compounds were never intended to be used for any other purpose than research. Dr. Huffman developed these compounds to further understand endocannabinoid receptors in the body. They were only tested on mice and never tested on humans. No long term effects of their use are currently known.

As more and more people are experimenting with K2 it is becoming completely evident that their use is anything but safe. The American Association of Poison Control Centers reports significant increases in the amount of calls concerning these products. There were only 13 calls related to K2 use reported for 2009, but there were over 1,000 calls concerning K2 use in 2010. Common effects reported by emergency room doctors include: increased agitation, elevated heart rate and blood pressure, hallucinations, and seizures. Effects from the highs from these synthetic drugs are reported to last as few as several hours and as long as one week. Dr. Huffman stated that since so little research has been conducted on these compounds that using any one of them would be like, ''playing Russian roulette.''

In fact, Dr. Anthony Scalzo, a professor of emergency medicine at St. Louis University, reports that the compounds are significantly more potent than the active ingredients of marijuana. Dr. Scalzo states that what is troubling is the fact that the amount of compounds varies from product to product so no one can be sure exactly the amount of the drug they are putting in their body. Dr. Scalzo states that this can lead to significant problems such as altering of mind, addiction, injury, and even death.

According to various news articles across the nation, K2 can cause serious erratic and criminal behavior. In Mooresville, Indiana police arrested a group of teens after they were connected to a string of burglaries while high on K2. Another case in Honolulu, Hawaii shows police arrested a 23-year-old man after he tried to throw his girlfriend off an 11th floor balcony after smoking K2. A 14-year-old boy in Missouri nearly threw himself out of a 5th story window after smoking K2. Once the teen got over his high he denied having any suicidal intentions. Doctors believe he was hallucinating at the time of this incident.

K2 use is also causing serious health problems and increased visits to the

emergency room. A Louisiana teen said he became very ill after trying K2. The teen said he experienced numbness starting at his feet and traveling to his head. He was nauseous, light-headed and was having hallucinations. This teen stated that K2 is being passed around at school and that many people were trying it without fear, assuming it was safe because it was legal. A 21-year-old man, from Greenfield, Indiana repeatedly stabbed himself in the neck while hallucinating on K2.

Regrettably, K2 use also has deadly consequences. On June 6, 2010, David Rozga, a recent 18-year-old Indianola, Iowa high school graduate smoked a package of K2 along with his friends before going to a concert thinking it was harmless fun. According to his parents, David and his friends purchased this product at a mall in Des Moines after hearing about it from some college students who were home for the summer. After smoking this product, David's friends reported that David became highly agitated and terrified. When he got home, he found a family shotgun and committed suicide approximately 90 minutes after smoking K2. The Indianola police believe David was under the influence of K2 at the time of his death. David's parents and many in the community who knew David were completely shocked and saddened by this event. David was looking forward to starting his college career at the University of Northern Iowa in the fall. As a result, the Iowa Pharmacy Board placed an emergency ban on K2 products in Iowa beginning on July 21, 2010. A permanent ban is currently being considered in the legislature.

David's tragic death may have been the first case in the United States of synthetic drug use leading to someone's death, but sadly it was only the beginning. A month after David's tragic death, police report that a 28-year-old Middletown, Indiana mother of two passed away after smoking a lethal dose of K2. This woman's godson reported that anyone could get K2 easily because it can be sold to anybody at any price at any time. This last August, a recent 19-year-old Lake Highlands High School graduate in Dallas, TX, passed away after smoking K2. The medical examiner confirmed that this boy had K2 in his system at the time of his death. Even more disturbing is the involvement of synthetic drugs in a recent school shooting that occurred in Omaha, Nebraska in January of 2011. Robert Butler, Jr. shot and killed himself and Dr. Vicki Kaspar, the assistant principal at the school. Doctors have confirmed that Robert Butler had K2 in his system at the time of the shooting.

These incidents throughout the country give me great concern that synthetic drug use, especially K2 use, is a dangerous and growing problem. Many states, including Iowa, have acted to ban the sale and possession of the chemical compounds found in these products. Many more states, counties and communities throughout the country have proposed bans or are in the process of banning these products. The DEA has administratively scheduled five chemicals found in K2. However, this ban will only last for one year with an option to extend the ban for an additional 6 months. There is no guarantee that the chemicals will be permanently banned in the timeframe allowed.

It is time to stop the use and trafficking of these products before more tragedies occur. This is why I am pleased that my colleague, Senator FEINSTEIN, is joining me in introducing the David Mitchell Rozga Act. Although David Rozga is one victim of many from these terrible drugs, his tragic death highlights the damaging nature of these substances and the great loss that they incur to our society. This legislation will take the chemicals the DEA has identified within K2 products and places them as Schedule I narcotics with other deadly drugs like meth and cocaine. The legislation will also amend the Controlled Substances Act, doubling the timeframe the Drug Enforcement Administration and the Department of Health and Human Services have to emergency schedule substances from 18 months to 36 months. This will allow for dangerous substances to be quickly removed from the market while being studied for permanent scheduling. I am grateful that the Community Anti-Drug Coalitions of America, a group that represents more than 5,000 local community anti-drug coalitions throughout the nation, is endorsing this legislation to ban these dangerous synthetic drugs from our society.

It is clear that the sale and use of synthetic drugs is a growing problem. People believe, like David Rozga believed, these products are safe because they can buy them online or at the nearest shopping mall. We need to do a better job at educating the public and our communities about the dangers these products present and nip this problem in the bud before it grows and leads to more tragedy. I urge my colleagues to join us in supporting this important legislation.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 607. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land and for other purposes; to the Committee on Energy and Natural Recources.

Mr. WYDEN. Mr. President, today I rise to introduce Wilderness legislation to protect two of Oregon's natural treasures. This bill is a reintroduction of legislation that I introduced in the last Congress and I am pleased that Senator MERKLEY is again joining me in cosponsoring this legislation. Significant progress was made in the last Congress in moving the bill towards passage, but unfortunately it failed to get passed before the Congress ended. The legislation I introduce today reflects the work I undertook with the Energy and Natural Resources Committee and the Bureau of Land Management to prepare the bill for markup in the Energy and Natural Resources Committee.

The Cathedral Rock and Horse Heaven Wilderness Act of 2011 will do more than simply protect these areas. It will also help Oregon's economy, because visitors from all over the world come to my State to experience first-hand the unique scenic beauty of place like the lands preserved by this bill.

This legislation will consolidate what is currently a splintered ownership of land in this area and protect 17,340 acres of new Wilderness along the Lower John Day River. This is even more Wilderness than originally in the legislation I introduced in the last Congress. Thanks to an additional land exchange it was possible to add additional lands to the Wilderness proposal. The fractured land ownership in this area makes it difficult for visitors to fully appreciate these areas when they hike, fish or hunt there because of the scattered and misunderstood lines of private and public ownership. This bill will solve that problem and make these lands more inviting to visitors while giving the landowners more contiguous property to call home.

The area in question is stunning. The Cathedral Rock and Horse Heaven Wilderness proposals encompass dramatic basalt cliffs and rolling hills of juniper, sagebrush and native grasses. These new areas build on the desert Spring Basin Wilderness that was established last Congress as a result of legislation I introduced, and are located directly across the John Day River from Spring Basin.

With 500 miles of undammed waters, the John Day River is the second-longest free-flowing river in the continental United States and is a place that is cherished by Oregonians. The Lower John Day Wild and Scenic River offers world-class opportunities for outdoor recreation as well as crucial wildlife habitat for elk, mule deer, bighorn sheep and native fish such as salmon and steelhead trout. Through land consolidation between public and private landowners, this bill will allow for better management and easier public access for this important natural treasure. With the current fragmentation of public and private land ownership in the area, river campsites are limited. Many Federal lands among them can't be reached by the hikers, campers and other outdoors recreationists who could most appreciate them. With the equal-value land exchanges included in this bill, public lands would be consolidated into two new Wilderness areas. This would enhance public safety, improve land management, and increase public access and recreational opportunities. This solution will create an incredible, new heritage for public lands recreationists

who are an important factor in keeping Oregon's economy healthy and thriving.

Rafters of the John Day River can attest to the need for more campsites and public access to the Cathedral Rock area. Backcountry hunters will be able to scan the hillsides for elk, deer and game-birds without having to worry about accidentally trespassing on someone's private land. Anglers will be able to access nearly 5 miles of the John Day River that today are only reachable from privately owned lands. Likewise, such a solution ensures that local landowners can manage their lands effectively without running across unwitting trespassers.

One good example of the value of these land swaps is Young Life's Washington Family Ranch. This Ranch is home to a Christian youth camp that welcomes over 20,000 kids to the lower John Day area each year. This bill sets out private and public land boundaries that on the ground and these boundaries create a safer area for campers on the Ranch; this serves the children who visit the area well and ensures the continued viability of the Ranch, which, in turn, provides big economic dividends to the local community.

The Cathedral Rock and Horse Heaven Wilderness proposal is described as ''win-win-win'' by many stakeholders—nearly 5 miles of new river access for the public and protected land for outdoor enthusiasts; better management for private landowners and public agencies; and important habitat protections for sensitive and endangered species. This proposal is an example of the positive solutions that can result when varied, bipartisan interests in a community come together to craft solutions that will work for everyone. All three of the counties involved in this legislation, Wheeler, Wasco and Jefferson, have endorsed this proposal as well as a number of user and recreation groups. I especially want to thank the Oregon Natural Desert Association, Young Life and Forrest Reinhardt, and Matt Smith for their role in developing this collaborative solution that will benefit all Oregonians.

Oregon's wildlands play an increasingly important role in the economic development of our state, especially in traditionally rural areas east of the Cascades. Visitors come from thousands of miles away to hike, fish, raft and hunt in Oregon's desert Wilderness. Beyond tourism, the rich quality of life and the diverse natural amenities that we enjoy as Oregonians are key to attracting new businesses to Oregon. The Cathedral Rock and Horse Heaven Wilderness areas will help make sure that this rural area will enjoy the benefits that permanently connecting these disparate pieces of natural landscape will bring for generations to come.

By Mr. INHOFE:

S. 610. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. INHOFE. Mr. President, I rise today to bring to the Senate's attention H.R. 473. This is the HALE Scouts Act, and the House author is Congressman DAN BOREN, D–Okla. I am announcing today introduction of a companion measure in the Senate, and I look forward to working towards its enactment into law in the 112th Congress.

This bill authorizes the U.S. Forest Service to sell, at fair-market value, 140 acres of land in Southeast Oklahoma to an Oklahoma Boy Scouts group, the Indian Nations Council of Boy Scouts, which has a camp site adjacent to this land. This campsite hosts 6,500 campers every year and urgently needs the new expansion.

In the 110th Congress, this same bill passed the House by a vote of 370–2 in the form of H.R. 2675. The bill gained even more support in the 111th Congress passing through the House by a vote of 388–0 as H.R. 310. CBO has written that it has no cost, and the U.S. Forest Service testified before the relevant House subcommittee that it does not oppose the bill. Much work has gone into this bill to get it to this point, including hearings and House floor consideration. Senate passage represents final action necessary for its completion.

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

S. 611. A bill to provide greater technical resources to FCC Commissioners; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to reintroduce legislation that provides greater technical resources to the Commissioners of the Federal Communications Commission. Such resources are essential to making sound regulatory decisions and being a more effective technical agency—especially in this era of rapid innovation in the industries under the Commission's jurisdiction.

Specifically, the FCC Technical Expertise Capacity Heightening or ''FCC TECH'' Act would allow Commissioners'' to appoint a staff member—an electrical engineer or computer scientist—to provide in-depth technical consultation, and commission a study by the National Academy of Sciences on the technical policy decision-making process and the availability of technical personnel at FCC. The study would include an examination of the FCC's technical policy decision-making, current technical personnel staffing levels, and agency recruiting and hiring processes of technical staff and engineers, and make specific recommendations to improve these areas.

Over the past several years, I have shared the concerns voiced by the technical community and even some Commissioners themselves about the lack of technical resources and expertise at the FCC. Such concern is warranted. In 1948, the FCC had 720 engineers on staff; today, it has fewer than 270—an astonishing 63 percent reduction—even though the FCC now must face more technical issues concerning the Internet, advanced wireless communications, commercial cable & satellite industries, and broadband. It should be noted that engineering staff currently only accounts for a dismally low 14 percent of the FCC's workforce—in 1948 that figure was more than 50 percent.

A December 2009 report by the Government Accountability Office (GAO–10–79) provides additional evidence of the need for this legislation. The GAO concluded that ''weaknesses in FCC's processes for collecting and using information also raise concerns regarding the transparency and informed nature of FCC's decision-making process.'' Furthermore, the report found the ''FCC faces challenges in ensuring it has the expertise needed to adapt to a changing market place.''

So in a time when citizens are demanding more effective and efficient government and zero government waste, taking such steps as prescribed by this legislation will ensure the FCC is adequately equipped legally and technically to properly craft policy. It should be noted this legislation does not require new staff—it just makes better use of them. In addition, streamlining FCC processes and rulemakings will make sure the Commission keeps pace with the dynamics of the industry it oversees, which is important in order for U.S. companies to continue to be competitive in this global economy.

In a letter I wrote to Chairman Genachowski last year, I highlighted several outstanding spectrum proceedings that I urged the Commission to conclude. The proceedings I mentioned had a common characteristic that concerned me—all of them had been open for three years or longer, and another related proceeding had been pending for well over a decade. This regulatory delay and uncertainty due to the Commission's inaction adversely affects American businesses, which request technical waivers or file petitions to better compete domestically and internationally, and suppresses innovation and the jobs associated with it. We must make sure the Commission is a catalyst to innovation and jobs, not an inhibitor.

Even the general public is aware of the significant technical deficit that exists at the Commission and the importance of increasing its technical aptitude—one of the top public recommendations on the FCC's reform website, reboot.fcc.gov, is to ''require at least one FCC Commissioner to be an engineer.''

This Administration has stressed the importance of innovation being a vital component in our economic recovery, so allowing a shortage of technical

staff to exist at an agency responsible for regulating very technical industries that will be the main drivers for innovation is counterintuitive. The President has also placed a major emphasis on science, technology, engineering, and mathematics, STEM, education in order to enhance our nation's competitiveness and economic wellbeing in the global economy yet, engineers only constitute 14 percent of the FCC's workforce and, it is my understanding, there is only one engineer in a senior management role at the Commission today—the government's technical expert agency.

This legislation enhances technical resources at the FCC so it will be better equipped and more agile to address the ever-changing technical landscape from a regulatory perspective. If it isn't, our nation's technical leadership in this area will continue to erode and it will be even more difficult to lay the proper policy foundation necessary to meet future telecommunications needs. It is also an essential component to execute the FCC's recently released National Broadband Plan, which includes several technically complex initiatives.

Last Congress, several technical organizations expressed support for the legislation—the Institute of Electrical and Electronics Engineers, Society of Broadcast Engineers, Association for Computing Machinery, and the Association of Federal Communications Consulting Engineers. Also, prominent individuals in this field, such as Vint Cerf, and former Senior FCC Technical Officials Dale Hatfield, Dave Farber, and Robert Powers support the legislation.

In the past, Chairman Genachowski has stated ''the country expects the FCC to be an expert agency.'' Being an expert agency starts with having the technical expertise to comprehensively understand and examine the issues that are within its jurisdiction and also acting on those issues in a timely manner. If it doesn't, our nation's technical leadership in telecommunications could continue to erode due to regulatory bottlenecks that are created at the Commission from unresolved proceedings and petitions. Removing the bottlenecks that exist through streamlining processes and removing bureaucracy will reduce government expenses and waste over the long term.

This bill takes steps toward properly addressing glaring technical deficiencies at the Commission, which left unaddressed could continue to hamper American innovation and competitiveness. This is absolutely critical given how rapidly technologies are changing and the implications that regulation could have on the underlying technical catalysts of innovation. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this critical legislation.

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

S. 612. A bill to amend the Energy Policy and Confirmation Act to require the Secretary of Energy to develop and implement a strategic petroleum demand response plan to reduce the consumption of petroleum products by the Federal Government; to the Committee on Energy and Natural Resources.

Ms. SNOWE. Mr. President, I rise to introduce legislation with Senator MERKLEY that will provide the President of the United States with emergency powers to aggressively reduce the Federal Government's demand for energy.

The Strategic Petroleum Demand Response Act will be an additional tool to address rapidly rising energy prices by reducing our country's demand for oil. The political instability in the Middle East reminds us that this region, which holds the largest reserves of oil in the world, has had profound implications on our country's economy by dramatically affecting the price of oil. Although the attention has been on potential supply disruption, our country also consumes nearly 17 million barrels of oil per day and through aggressive measures the Federal Government can lead our country in reducing its energy bill, curtailing its consumption of oil, and reducing the price of oil for consumers.

As we encounter these price spikes, some have called for a release of oil from our country's strategic petroleum reserve. The fact is prior to releasing our country's strategic reserves we must develop policies that prioritize the Federal Government's consumption of these critical oil supplies. The Federal Government can reduce nonemergency travel, reduce congestion on the roads by providing flexible work hours, decrease the use of oil in heating and cooling buildings, and work with local and state governments to cut consumption as well. We must develop a strategic petroleum strategy that reflects the fact that prices are dictated by both supply and demand and the Strategic Petroleum Demand Response Act will address the demand side of the equation.

Since the start of the year the price for West Texas Intermediate has increased by 16 percent and the week of February 28 encountered the second highest net increase in gasoline prices in our country's history. While I strongly believe that we need to develop specific long-term strategies that build on the success of fuel economy standards and reduce our consumption of oil, this legislation will allow the President to take immediate and decisive action to address any energy crisis through both supply and demand.

By Mr. HARKIN (for himself, Ms. MIKULSKI, and Mr. SANDERS):

S. 613. A bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, ensuring that all students, regardless of background or ability, receive an education that gives them the opportunity to live a successful and fulfilling life has always been a major focus of my career in public service. To achieve this goal, I have fought especially hard for students with disabilities to have access to the general education curriculum and the services and supports they need to succeed, and to safeguard their rights under the Individuals with Disabilities Education Act, IDEA. That is why I am pleased to introduce the IDEA Fairness Restoration Act, which my colleague Rep. VAN HOLLEN will also be introducing in the House today. This critical legislation will remove the financial barrier that families, especially low- and middle-income families, face as they pursue their children's rights to the free, appropriate public education they deserve and are entitled to under the Fourteenth Amendment.

When Congress originally passed IDEA, we recognized the vital importance of parent and school collaboration in special education and required they jointly develop an Individualized Education Plan, IEP, to identify goals to promote the academic achievement of students with disabilities. In general, this partnership has served students well. There are, however, times when schools have not fulfilled their responsibilities to provide an appropriate education. In these cases, IDEA provides parents the right to challenge the schools through mediation and due process. To make their argument, families often need access to expert witnesses who can assess the student's needs and testify about whether the current IEP meets those needs. These expert witnesses are a resource that many families cannot afford, but without access to them, families may be unable to make their case.

When Congress amended IDEA in 1986, it recognized the financial barriers that parents face in pursuing due process to resolve disagreements with their school and specified in the Conference Committee Report that when the court finds in favor of the parents a judge could award attorney's fees, including ''reasonable expenses and fees of expert witnesses and the reasonable costs of any test or evaluation which is found to be necessary for the preparation of the parent or guardian's case.'' For years, parents who prevailed in judicial proceedings were awarded these fees, as Congress intended. But in 2006, the U.S. Supreme Court ruled in Arlington Central School District v. Murphy that courts could no longer award these fees because Congress made its intention explicit in the Conference Report rather than in statute. As a result, many parents are discouraged and even prevented from pursuing meritorious cases to secure the rights of their children. Low- and middle-income families are particularly hard hit.

This IDEA Fairness Restoration Act clarifies Congress' express intent that parents should recover expert witness fees, as they currently can do with attorneys' fees, if they prove that the school system has wrongfully denied their child an appropriate education as defined by IDEA. By including ''reasonable expenses and fees of expert witnesses and the reasonable costs of any test or evaluation which is found to be necessary for the preparation of the parent or guardian's case'' and reestablishing the right of judges to award such fees to parents who prevail in IDEA cases, as Congress intended, this legislation will level the playing field and restore the ability of low- and middle-income parents to be effective advocates for their children's educational needs.

This legislation is an essential step for protecting the rights of students with disabilities and ensuring that all families, regardless of their financial resources, can advocate for and protect their children's rights through due process.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 614. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal Court; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise today to introduce with Senator LIEBERMAN the Securing Terrorist Intelligence Act. Last Congress, the Senate Homeland Security and Governmental Affairs Committee heard testimony from the three top U.S. intelligence officials about the errors the Federal Government made in handling the unsuccessful 2009 Christmas Day terrorist plot. We dodged a bullet that day when Umar Farouk Abdulmutallab, a Nigerian-born terrorist, failed to detonate a bomb on Northwest flight 253 in the skies above Detroit.

While critical information was not shared prior to Abdulmatallab boarding that plane, a significant error also was committed by U.S. officials after that foreign terrorist had already been detained in Detroit, an error that may well have prevented the collection of valuable intelligence about future terrorist threats to our country. The error became clear during my questioning of the top intelligence officials at the committee's hearing held in response to this failed attack.

I was stunned to learn that the decision had been made to place this captured terrorist into the U.S. civilian criminal court system after just 50 minutes of interrogation—and without any consultation with the Director of National Intelligence, the Director of the National Counterterrorism Center, or the Secretary Homeland Security. That decision was critical. The determination to charge Abdulmutallab in civilian court likely foreclosed the collection of additional intelligence information. We know that the interrogation of captured terrorists can provide critical intelligence and save American lives, but our civil justice system, as opposed to the military detention and tribunal system established by Congress and the President, encourages terrorists to ''lawyer up'' and to stop answering questions.

Indeed, that was what happened in the case of Abdulmutallab. He had provided some valuable information to law enforcement officials immediately after his capture, and we likely would have obtained more information if we had treated this foreign terrorist as an enemy belligerent and had placed him in the military tribunal system. Unfortunately, once he was read his Miranda rights and given a lawyer at our expense, he was advised to cease answering questions, and that is exactly what he did.

That poor decision-making may well have prevented us from finding out more of the plot's organizers, planners, financiers, logistics support, and other key players. In addition, we may have found out more about future plots originating in Yemen targeting American citizens—possibly even the thwarted October 2010 printer cartridge attacks. Good intelligence is critical to our ability to stop terrorist plots before they are executed. We know that lawful interrogations of terrorist suspects can provide valuable intelligence. Deciding to charge Abdulmutallab in the civilian criminal system without even consulting three of our nation's top intelligence officials simply defies common sense.

It has been over a year since the arrest, and we are all very thankful that there has not been a successful terrorist attack in America since then. We all know, however, the threat persists. That is why we must redouble our efforts and ensure that when the next terrorist is captured, proper action is taken so we do not miss another opportunity to gain valuable intelligence that could save American lives.

To correct this failure and to ensure that our nation's senior intelligence officials are consulted before making the decision to try future foreign terrorists in civilian court, I am reintroducing a bill that would require this crucial consultation. I am very pleased to be joined by the Chairman of the Homeland Security Committee, Senator LIEBERMAN, who has been such a leader in this area.

Specifically, our bill would require the Attorney General to consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense before initiating a custodial interrogation of foreign terrorists or filing civilian criminal charges against them. These officials are in the best position to know what other threats the United States is facing from terrorists and to assess the need to gather more intelligence on those threats.

If there is a disagreement among the Attorney General and these intelligence officials regarding the appropriate approach to the detention and interrogation of foreign terrorists, then the bill would require the President to resolve the disagreement. Only the President would be permitted to direct the initiation of civilian law enforcement actions—balancing his constitutional responsibilities as Commander in Chief and as the nation's chief law enforcement officer.

To be clear, this legislation would not deprive the President of any investigative or prosecutorial tool. It would not preclude a decision to charge a foreign terrorist in our military tribunal system or in our civilian criminal justice system. It would simply require that the Attorney General coordinate and consult with our top intelligence officials before making a decision that could foreclose the collection of critical additional intelligence information.

This consultation requirement is not unprecedented. Section 811 of the Counterintelligence and Security Enhancements Act of 1994 requires the Director of the FBI and the head of a department or agency with a potential spy in its ranks to consult and periodically reassess any decision to leave the suspected spy in place so that additional intelligence can be gathered on his activities.

As the Senate Intelligence Committee noted in its report on the legislation that added the espionage consultation requirement:

> While prosecutorial discretion ultimately rests with the Department of Justice officials, it stands to reason that in cases designed to protect our national security—such as espionage and terrorism cases—prosecutors should ensure that they do not make decisions that, in fact, end up harming the national security.

The committee got it right. The committee went on to explain:

> [T]he determination of whether to leave a subject in place should be retained by the host agency.

The history of the espionage consultation requirement is eerily reminiscent of the lack of consultation that occurred in the case of Abdulmutallab. In espionage cases, Congress has already recognized that when valuable intelligence is at stake, our national security should trump decisions based solely on prosecutorial equities. This requirement must be extended to the most significant security threat facing our Nation—terrorism.

I encourage the Senate to act quickly on this important legislation. The changes proposed are modest. They make common sense. But the consequences of a failure to act could be a matter of life and death.

By Mr. REID (for himself and Mr. ENSIGN):

S. 617. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and

to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to reintroduce the Elko Motocross and Tribal Conveyance Act of 2011. This bill would transfer two small parcels of public land to Elko County and the Elko Indian Colony and provide an important economic development opportunity to the people of Elko County.

In my home State of Nevada, the Federal Government manages more than 87 percent of the land—more than 61 million acres in all. As a result, our communities come to their congressional delegation for help remedying problems that are often handled on the state or local level in other parts of the country.

The first part of our legislation would convey approximately 300 acres of public land managed by the Bureau of Land Management's, BLM, Elko Field Office to Elko County. This proposal is strongly supported by the local community as a way to provide for a variety of motorized recreational opportunities for both residents and visitors of Elko. Off-highway vehicles are a popular form of recreation throughout Nevada and our citizens enthusiastically support safe and sustainable motorized outdoor activities.

This legislation will help Elko County develop a centralized, multipurpose recreational facility on the western edge of the City of Elko with easy access to Interstate 80. The new park will draw OHV enthusiasts from across northeastern Nevada and beyond, providing a much needed economic boost to local businesses. Beyond the convenient location, economic benefits, and potential for diverse recreational opportunities at the proposed Elko Motocross Park site, this new facility will serve as a place for people to learn responsible use and enjoyment of these recreational vehicles.

Title two of our bill would direct the Secretary of the Interior to expand the Elko Indian Colony by taking approximately 373 acres of land into trust for the Elko Band to address their compelling need for additional land. The Elko Band is one of four constituent bands that make up the Te-Moak Tribe of Western Shoshone Indians of Nevada. Each Band has a separate reservation or colony in northeastern Nevada. While the Elko Band's population has steadily grown, their land base has remained the same for over 75 years.

The Elko Indian Colony has always been a thriving part of the greater Elko community. When Elko was established as a railroad town in 1868, Shoshone families lived nearby, working on the railroad as well as in the nearby mines and on local ranches. Despite government efforts to relocate the Elko Band in the late nineteenth century, these families persevered and remained in the Elko area. In 1918, President Woodrow Wilson created the Elko Indian Colony when he reserved 160 acres for the Shoshone Indians near Elko by executive order.

While more than half of the Te-Moak's Tribe's enrolled members continue to live and work in Elko, it is the unfortunate truth that over 350 tribal members must live outside of the colony. The Elko Colony has one of the smallest land bases of the four constituent bands and it lacks adequate land for housing and community development. Our legislation would address this need by making land available for residential development and for traditional uses, such as ceremonial gatherings, hunting and plant collecting.

It is always encouraging when communities come together to support projects like these and we are grateful for their collective work on this effort. This bill is vital to the growing communities we serve. We look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members of the Senate Energy and Natural Resources Committee to move this bill through their process.

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. 617

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 "Elko Motocross and Tribal Conveyance Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

Sec. 101. Definitions.
Sec. 102. Conveyance of land to county.

TITLE II—ELKO INDIAN COLONY EXPANSION

Sec. 201. Definitions.
Sec. 202. Land to be held in trust for the Te-moak Tribe of Western Shoshone Indians of Nevada.
Sec. 203. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

SEC. 101. DEFINITIONS.

In this title:

(1) CITY.—The term "city" means the city of Elko, Nevada.

(2) COUNTY.—The term "county" means the county of Elko, Nevada.

(3) MAP.—The term "map" means the map entitled "Elko Motocross Park" and dated January 9, 2010.

SEC. 102. CONVEYANCE OF LAND TO COUNTY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this section, the Secretary shall convey to the county, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 275 acres of land managed by the Bureau of Land Management, Elko District, Nevada, as generally depicted on the map as "Elko Motocross Park".

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the map; or

(B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—The land conveyed under this section shall be used only as a motocross, bicycle, off-highway vehicle, or stock car racing area, or for any other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act"), (43 U.S.C. 869 et seq.).

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the county to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (b).

(f) REVERSION.—If the land conveyed under this section ceases to be used for a public purpose in accordance with subsection (d), the land shall, at the discretion of the Secretary, revert to the United States.

TITLE II—ELKO INDIAN COLONY EXPANSION

SEC. 201. DEFINITIONS.

In this title:

(1) MAP.—The term "map" means the map entitled "Te-moak Tribal Land Expansion", dated September 30, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) TRIBE.—The term "Tribe" means the Te-moak Tribe of Western Shoshone Indians of Nevada, which is a federally recognized Indian tribe.

SEC. 202. LAND TO BE HELD IN TRUST FOR THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit and use of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 373 acres of land administered by the Bureau of Land Management, as generally depicted on the map as "Lands to be Held in Trust".

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) CONDITIONS.—

(1) GAMING.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(2) USE OF TRUST LAND.—

(A) IN GENERAL.—The Tribe shall use the land taken into trust under subsection (a) only for—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; or

(iii) residential or recreational development.

(B) OTHER USES.—If the Tribe uses any portion of the land taken into trust under subsection (a) for a purpose other than a purpose described in subparagraph (A), the Tribe shall pay to the Secretary an amount that is equal to the fair market value of the portion of the land, as determined by an appraisal.

(C) USE OF FUNDS.—Any amounts received by the Secretary under subparagraph (B) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(3) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under subsection (a), the Secretary, in consultation and coordination with the Tribe, may carry out any fuels reduction and other landscape restoration activities on the land that is beneficial to the Tribe and the Bureau of Land Management.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

By Mr. UDALL of New Mexico:

S. 619. A bill to assist in the coordination among science, technology, engineering, and mathematics efforts in the States, to strengthen the capacity of elementary schools, middle schools, and secondary schools to prepare students in science, technology, engineering, and mathematics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of New Mexico. Mr. President, who will develop a computer small enough to fit into our eyeglasses? Who will build the first fully-automated, completely sustainable house or hospital? Which country will successfully test time travel?

I hope that it will be the United States, but I am not confident. When we compare the science, technology, engineering and math, or STEM, success of students globally, we are not in the lead.

The President, Congress and our business community all agree that we must do better in order to compete and excel in STEM fields globally. If we are going to remain competitive, we must develop and retain high-quality math and science teachers. We must provide those teachers with strong professional development so they can develop higher-order thinking in their students. We must encourage higher education leaders to strengthen K–8 teacher education programs to provide a deeper understanding of the content knowledge necessary to teach math and science. We must engage students earlier about possible careers in STEM fields.

Our economic growth and our national security depend on a workforce skilled in STEM fields. The demand for scientists and engineers is expected to increase at four times the rate of other occupations. But our students just aren't performing well enough in math and science, and too few of them are pursuing careers in these technical fields.

The biggest problems we face as a global society—including problems with food and water supply, safe housing, economic prosperity and energy efficiency—require excellence in STEM fields. But students are entering our high schools without a strong foundation in STEM. And colleges are not sufficiently preparing a diverse group of STEM graduates to excel in graduate school and STEM careers.

According to the National Center for Education Statistics, about one-third of fourth graders and one-fifth of eighth graders cannot perform basic math computations. And U.S. high school seniors recently tested below the international average for 21 countries in mathematics and science. For example, only 34 percent of fourth graders, 30 percent of eighth graders, and 21 percent of 12th graders test ''proficient'' in science on the national assessment of educational progress, or NAEP. We must invest in our teachers, students and leaders to surpass students in the major European and Asian countries that we currently lag behind.

That is why today I am introducing the STEM Act, or STEM Support for Teachers in Education and Mentoring Act, will help us accomplish this goal.

The STEM Act would identify best teaching practices. It would strengthen networks of teachers, colleges and businesses for STEM collaboration. It would create meaningful opportunities for teacher training and mentoring. The STEM Act also would establish a planning grant program for states to identify STEM skills needed by the workforce, and develop effective State STEM networks for communication and collaboration among businesses, schools teachers and administrators, institutions of higher education, and nonprofit organizations.

Middle school is an important time in a student's career to be inspired by STEM possibilities. Our middle and high school teachers want more professional development to spark this interest. To give teachers and schools the tools they need to encourage and prepare students for STEM careers, the STEM Act would create training programs using best practice models of STEM master teachers, and provide summer institutes for current teachers and administrators to strengthen teacher effectiveness.

There are programs in my home state of New Mexico that are piloting some of these initiatives. These efforts demonstrate how to increase teacher effectiveness to help students learn STEM subjects, and create opportunities for students to be inspired to pursue a STEM field.

The Institute for Math and Science Education, IMSE, and the STEM Outreach Center at New Mexico State University help coordinate Pre K–20 STEM education efforts across the state and region. Faculty and staff in the College of Education created a network of mathematicians, scientists, educational researchers, and business and community leaders to facilitate research and outreach grants.

MC^2—Mathematically Connected Communities is building a statewide learning community of mathematics educators, mathematicians, and public school leaders. MC^2 offers summer mathematics academies to provide teachers with in-depth study of mathematics. It provides continuous professional development during the school year, helps create school district leadership teams, and develops web-based math resources. There is a similar program for science, called Scientifically Connected Communities, SC^2.

The Southern New Mexico Science, Engineering, Math and Aerospace Academy, SNM SEMAA, is a NASA-sponsored, after-school program for K–12 that helps students who are traditionally under-represented in the Science, Engineering, Math, Aerospace, and Technology, SEMAT, fields. SEMAA engages students and their parents in inquiry-based learning and research through innovative, hands-on experience with new technologies.

The Chemical Olympics organizes competitions in chemistry experimentation to increase interest in chemistry and the other sciences among secondary school students.

NASA Summer of Innovation is a collaboration between the New Mexico Space Grant Consortium and STEM Outreach Center to prepare educators from across my state to coordinate a month-long summer camp in their hometowns that are designed to introduce students to inquiry-based science.

Innovate-Educate encourages states to develop statewide networks that help create relationships and programs to advance STEM policies and best practices, aligned with industry needs.

As a Nation, we cannot afford to lag behind other countries in preparing our students to succeed in science, technology, engineering and math. I hope my colleagues will join me in supporting these STEM initiatives, and preparing our teachers and students to take us into the future.

By Mr. KOHL:

S. 623. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator GRAHAM to introduce the Sunshine in Litigation Act of 2011, a bill that will curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information hidden from the public. As we recognize Sunshine Week, this bipartisan, commonsense measure is an important step to improving transparency in our

courthouses by requiring judges to consider public health and safety before permitting secrecy agreements.

This problem of court secrecy has been occurring for decades, and most often arises in product liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The injured party often faces a large corporation that can spend a virtually unlimited amount of money defending the lawsuit, prolonging the time it takes to reach resolution. Facing a formidable opponent and mounting medical bills, a plaintiff often has no choice but to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

Plaintiffs get a respectable award, and the defendant is able to keep damaging information from getting out. But the American public incurs the loss because they remain unaware of critical public health and safety information that could potentially save lives.

This concern about excessive secrecy is warranted by the long history of tobacco companies, automobile manufacturers, pharmaceutical companies, medical device manufacturers, and others settling with victims and using the legal system to hide information which, if it became public, could protect the American people from future health and safety harms. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information, as well as personal identifying and classified information. This legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used for the sole purpose of hiding damaging information from the public, to protect a company's reputation or profit margin.

One of the most famous cases of abuse of secrecy orders involved Bridgestone/Firestone tires. From 1992 to 2000, tread separations of various Bridgestone and Firestone tires caused accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It wasn't until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late. More than 250 people had died and more than 800 were injured as a result of the defective tires.

If the story ended there, and the Bridgestone/Firestone cases were just an aberration, one might argue that there is no urgent need for legislation. But, unfortunately, the list of abuses goes on. There is the case of General Motors. Although an internal memo demonstrated that GM was aware of the risk of fire deaths from crashes of pickup trucks with ''side saddle'' fuel tanks, an estimated 750 people were killed in fires involving trucks with these fuel tanks. When victims sued, GM disclosed documents only under protective orders, and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

More recently, the world's largest automaker, Toyota, has faced a barrage of litigation relating to its recall of over 8 million cars due to sudden unintended acceleration problems, causing more than eighty deaths. After years of lawsuits, Congressional oversight hearings, and Toyota's efforts to keep settlements and product information secret, a California Federal judge finally made public thousands of previously sealed documents, noting that ''the business of this litigation should be in the public domain.'' Had a judge been required to weigh the public's interest in health and safety, as this legislation would require, perhaps we would have known more about the risks sooner and some of those lives could have been saved. Until we put the public interest on par with the interests of private litigants, public health and safety will remain at risk.

This very issue is currently before a Federal judge in Orlando, FL. There, the court is faced with deciding whether AstraZeneca can keep under seal clinical studies about the harmful side effects of an antipsychotic drug, Seroquel. Plaintiffs' lawyers and Bloomberg News sued to force AstraZeneca to make public documents discovered in dismissed lawsuits. In 2009, the court unsealed some of the documents at question, but denied requests to release AstraZeneca's submissions to foreign regulators and sales representatives' notes on doctors' meetings. Despite a recent $68.5 million settlement, continued efforts to unseal crucial documents proved unsuccessful. This is exactly the sort of case where we need judges to consider public health and safety when deciding whether to allow a secrecy order.

We are mindful of the risks to public health and safety that court secrecy orders can pose in the wake of last year's horrific BP oil spill in the Gulf of Mexico. As the parties continue to fight over crucial documents, injured parties continue to accept secret settlements. We can only hope that information vital to public health and safety, which could protect against the next disaster, is not being shielded from us as well.

The examples go on and on. At a 2007 hearing before the Senate Judiciary Committee Subcommittee on Antitrust, Competition Policy and Consumer Rights, Johnny Bradley Jr. described his tragic personal story that demonstrates the implications of court endorsed secrecy. In 2002, Mr. Bradley's wife was killed in a rollover accident allegedly caused by tread separation in his Cooper tires. While litigating the case, his attorney uncovered documented evidence of Cooper tire design defects. Through aggressive litigation of protective orders and confidential settlements in cases prior to the Bradleys' accident, Cooper had managed to keep the design defect documents confidential. Prior to the end of Mr. Bradley's trial, Cooper Tires settled with him on the condition that almost all litigation documents would be kept confidential under a broad protective order. With no access to documented evidence of design defects, consumers continue to remain in the dark about this life-threatening defect.

In 2005, the drug company Eli Lilly settled 8,000 cases related to harmful side effects of its drug Zyprexa. All of those settlements required plaintiffs to agree ''not to communicate, publish or cause to be published . . . any statement . . . concerning the specific events, facts or circumstances giving rise to [their] claims.'' In those cases, the plaintiffs uncovered documents which showed that, through its own research, Lilly knew about the harmful side effects as early as 1999. While the plaintiffs kept quiet, Lilly continued to sell Zyprexa and generated $4.2 billion in sales in 2005. More than a year later, information about the case was leaked to the New York Times and another 18,000 cases settled. Had the first settlement not included a secrecy agreement, consumers would have been able to make informed choices and avoid the harmful side effects, including enormous weight gain, dangerously elevated blood sugar levels, and diabetes.

There are no records kept of the number of confidentiality orders accepted by State or Federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond Bridgestone/Firestone, General Motors, Toyota, Seroquel, BP, Cooper Tire, and Zyprexa, secrecy agreements have also had real life consequences by allowing Dalkon Shield, Bjork-Shiley heart valves, and numerous other dangerous products and drugs to remain in the market. And those are only the ones we know about.

While some judges have already begun to move in the right direction by giving serious weight to public health and safety, we still have a long way to go. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that in any proposed secrecy order in a case pleading facts relevant to public health and safety, the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety.

Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine—by making a particularized finding of

fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board, and it does not place an undue burden on judges or on our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public. Since last Congress, we have made changes to make absolutely clear that this would apply only to those cases with facts relevant to public health and safety, and to ensure that there is no undue burden on judges or our courts. The time to focus some sunshine on public hazards to prevent future harm is now.

I urge my colleagues to support this important legislation.

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. 623

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 ''Sunshine in Litigation Act of 2011''.

SEC. 2. RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

''§ 1660. Restrictions on protective orders and sealing of cases and settlements

''(a)(1) In any civil action in which the pleadings state facts that are relevant to the protection of public health or safety, a court shall not enter, by stipulation or otherwise, an order otherwise authorized under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records unless in connection with such order the court has first made independent findings of fact that—

''(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

''(B)(i) the public interest in the disclosure of past, present, or potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

''(ii) the requested order is no broader than necessary to protect the confidentiality interest asserted.

''(2) No order entered as a result of the operation paragraph (1), other than an order approving a settlement agreement, may continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court makes a separate finding of fact that the requirements of paragraph (1) continue to be met.

''(3) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

''(4) This section shall apply even if an order under paragraph (1) is requested—

''(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

''(B) by application pursuant to the stipulation of the parties.

''(5)(A) The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise discoverable under rule 26 of the Federal Rules of Civil Procedure.

''(B) A court shall not approve any party's stipulation or request to stipulate to an order that would violate this section.

''(b)(1) In any civil action in which the pleadings state facts that are relevant to the protection of public health or safety, a court shall not approve or enforce any provision of an agreement between or among parties, or approve or enforce an order entered as a result of the operation of subsection (a)(1), to the extent that such provision or such order prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

''(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

''(c)(1) Subject to paragraph (2), a court shall not enforce any provision of a settlement agreement described under subsection (a)(1) between or among parties that prohibits 1 or more parties from—

''(A) disclosing the fact that such settlement was reached or the terms of such settlement, other than the amount of money paid; or

''(B) discussing a civil action, or evidence produced in the civil action, that involves matters relevant to the protection of public health or safety.

''(2) Paragraph (1) applies unless the court has made independent findings of fact that—

''(A) the public interest in the disclosure of past, present, or potential public health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

''(B) the requested order is no broader than necessary to protect the confidentiality interest asserted.

''(d) When weighing the interest in maintaining confidentiality under this section, there shall be a rebuttable presumption that the interest in protecting personally identifiable information relating to financial, health or other similar information of an individual outweighs the public interest in disclosure.

''(e) Nothing in this section shall be construed to permit, require, or authorize the disclosure of classified information (as defined under section 1 of the Classified Information Procedures Act (18 U.S.C. App.)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

''1660. Restrictions on protective orders and sealing of cases and settlements.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after such date.

By Ms. CANTWELL (for herself, Mr. VITTER, Mr. CARPER, Mr. COCHRAN, Mr. INOUYE, Ms. LANDRIEU, and Mrs. MURRAY):

S. 626. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I am pleased to join with my colleagues Senators VITTER, CARPER, COCHRAN, INOUYE, LANDRIEU, and MURRAY to introduce the American Shipping Reinvestment Act of 2011. This legislation will build on work Congress started in 2004 to strengthen the U.S. merchant marine, create needed jobs in U.S. ship building, and stimulate economic activity in our maritime sector.

Since our Nation's founding, the maritime sector has been integral to U.S. national security and economic security. American companies own and operate both U.S. flag ships and a significant number of vessels under international registries. The U.S. flag fleets of these companies generally are built in the United States and are manned with U.S. seafarers. These U.S. flag fleets support not only the shipbuilding industrial base in this country and the pool of qualified seafarers, but they also create the shipping assets that are needed for military sealift in time of war or national emergency.

Most people understand commercial shipping and understand that we maintain a fleet of ships for military purposes. What may not be as well known is that the international ships of some American-owned companies are part of what is called the effective U.S.-controlled fleet, EUSC fleet. The EUSC is the fleet of merchant vessels registered in certain foreign nations that are available for requisition, use, or charter by the U.S. Government in the event of war or national emergency.

For example, U.S. flag commercial vessels and their American crews transported the majority of the cargo, more than 25 million measurement tons of cargo, in support of Operations Enduring Freedom and Iraqi Freedom during the period of 2002–2008.

What people also may not know is that the EUSC fleet has been in decline for the past quarter century, largely because of U.S. tax policy. Following enactment of certain 1986 tax law changes, there was a precipitous decline in American-owned international shipping assets. To remain competitive, many American-owned shipping companies either became foreign companies or simply divested themselves of their foreign assets.

A 2002 study commissioned by the Department of Defense and performed by professors at the Massachusetts Institute of Technology found that the EUSC fleet dropped by 38 percent in terms of numbers of ships and nearly 55 percent in terms of deadweight tonnage between 1986 and 2000. Perhaps more importantly, these declines have been largely experienced in militarily-useful

vessel types. For example, the results of a 2002 DOD study found that if the EUSC fleet continues its present decline, DOD's ability to support U.S. military tanker requirements will diminish over time.

Fortunately, Congress recognized this problem in 2004 and addressed it by enacting the tonnage tax regime as part of the American Jobs Creation Act. Our legislation today builds on that policy by correcting an oversight in the 2004 act that has continued to stymie the ability of U.S. shipbuilding companies to invest in new ships in the United States.

We have very strong economic and national security reasons to support U.S. owned shipowning companies and to maintain a vibrant maritime industry in this country. We also have to continue to support needed changes in our tax code so that we provide operators of U.S. flag vessels in international trade the opportunity to be competitive with their tax-advantaged foreign competitors.

Notwithstanding the significant competitive disadvantages between 1986 and 2004 for American companies operating international ships, there continues to be several U.S. owned shipping companies with foreign operations, and our legislation is directed at helping them sustain and grow their U.S. flag fleets and to maintain their EUSC fleets. This bill will help these companies make needed investment in the U.S. economy, and create jobs in a way that also will enhance national security.

Specifically, the American Shipping Reinvestment Act of 2011 would repeal an outdated section of the Internal Revenue Code and allow U.S. shipping companies with foreign income earned prior to 1986 to reinvest it into the U.S. for the purpose of growing their U.S. flag operations.

Congress first included foreign shipping income in Subpart F in 1975, which meant that all shipping income was taxable at the full U.S. corporate tax rate no matter whether it was invested abroad or in the United States. However, a temporary rule, applicable to foreign shipping income earned from 1975 to 1986, continued to allow for deferral in cases where this income was reinvested in qualifying shipping activities. Section 955 of the Internal Revenue Code provided that this income would be included in gross income, i.e., taxed, immediately under Subpart F in the event of any net decrease in qualified shipping investments.

The American Jobs Creation Act of 2004 restored for shipping income the normal tax rule under which non-Subpart F income of foreign subsidiaries is not taxed by the United States until it is repatriated, generally as a dividend. In restoring the potential for deferral for certain shipping income, Congress in 2004 returned the treatment of shipping income to where it was prior to 1975.

Unfortunately, Congress did not address the rules under IRC Section 955 that apply to income earned between 1975 and 1986, thus creating a situation that this income is permanently stranded offshore. Our bill would repeal IRC Section 955 and will allow these stranded assets to be reinvested in the United States under the favorable tax terms that were in effect for other companies and industries in 2004. Specifically, the legislation provides a one-time opportunity for American-owned shipping companies to bring foreign source income back into the United States at a discounted tax rate for the purpose of expanding and growing our domestic maritime industry. Without the commonsense change in our legislation, these old, stranded assets will never return to the United States and never be subject to U.S. taxation.

The bill is guaranteed to create jobs for American workers with the funds being brought back into the U.S. economy—on the ships, in the shipyards building the ships, and in supporting businesses. The bill contains a provision that would recapture any tax benefits if a shipping company reduces its full-time U.S. employment levels.

This bill also would enhance U.S. national security interests by supporting shipyards that are vital to our defense industrial base, by enabling new U.S. flag tanker capacity to transport our Nation's energy products, and by providing DOD with critical assets—manpower and ships—necessary to help sustain military sealift.

The bill is strongly supported by maritime labor, shipyards, and ship owners and operators and can provide a boost to the U.S. maritime industry at a time when the U.S. is struggling to find its economic footing. The jobs created by this legislation are well-paying, long-term jobs in a crucial sector of our Nation's economy. I urge my colleagues to join me and my other original cosponsors in supporting this bill.

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. 626

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 ''American Shipping Reinvestment Act of 2011''.

SEC. 2. REPEAL OF QUALIFIED SHIPPING INVESTMENT WITHDRAWAL RULES.

(a) IN GENERAL.—Section 955 of the Internal Revenue Code of 1986 (relating to withdrawal of previously excluded subpart F income from qualified investment) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 951(a)(1)(A) of the Internal Revenue Code of 1986 is amended by adding ''and'' at the end of clause (i) and by striking clause (iii).

(2) Section 951(a)(1)(A)(ii) of such Code is amended by striking '', and'' at the end and inserting '', except that in applying this clause amounts invested in less developed country corporations described in section 955(c)(2) (as so in effect) shall not be treated as investments in less developed countries.''.

(3) Section 951(a)(3) of such Code (relating to the limitation on pro rata share of previously excluded subpart F income withdrawn from investment) is hereby repealed.

(4) Section 964(b) of such Code is amended by striking '', 955,''.

(5) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking the item relating to section 955.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations ending on or after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

SEC. 3. ONE-TIME TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR PREVIOUSLY UNTAXED FOREIGN BASE COMPANY SHIPPING INCOME.

(a) IN GENERAL.—In the case of a corporation which is a United States shareholder and for which an election under this section is made for the taxable year, for purposes of the Internal Revenue Code of 1986, there shall be allowed as a deduction in computing taxable income under section 63 of such Code an amount equal to 85 percent of the cash distributions which are received during such taxable year by such shareholder from controlled foreign corporations to the extent that the distributions are attributable to income—

(1) which was derived by the controlled foreign corporation in taxable years beginning before January 1, 2005, and

(2) which would, without regard to the year earned, be described in section 954(f) of such Code (as in effect before the enactment of the American Jobs Creation Act of 2004).

(b) INDIRECT DIVIDENDS.—A rule similar to the rule of section 965(a)(2) of the Internal Revenue Code of 1986 shall apply, determined by treating cash distributions which are so attributable as cash dividends.

(c) LIMITATION.—The amount of dividends taken into account under this section shall not exceed the amount permitted to be taken into account under paragraphs (1), (3) (determined by substituting ''December 31, 2008'' for ''October 3, 2004''), and (4) of section 965(b) of the Internal Revenue Code of 1986, determined as if such paragraphs applied to this section.

(d) TAXPAYER ELECTION AND DESIGNATION.—For purposes of subsection (a), a taxpayer may, on its return for the taxable year to which this section applies—

(1) elect to apply paragraph (3) of section 959(c) of the Internal Revenue Code of 1986 before paragraphs (1) and (2) thereof, and

(2) designate the extent, if any, to which a cash distribution reduces a controlled foreign corporation's earnings and profits attributable to—

(A) foreign base company shipping income (determined under section 954(f) of the Internal Revenue Code of 1986 as in effect before the enactment of the American Jobs Creation Act of 2004), or

(B) other earnings and profits.

(e) ELECTION.—

(1) IN GENERAL.—The taxpayer may elect to apply this section to—

(A) the taxpayer's last taxable year which begins before the date of the enactment of this Act, or

(B) the taxpayer's first taxable year which begins during the 1-year period beginning on such date.

(2) TIMING OF ELECTION AND ONE-TIME ELECTION.—Such election may be made for a taxable year—

(A) only if made on or before the due date (including extensions) for filing the return of tax for such taxable year, and

(B) only if no election has been made under this section or section 965 of the Internal Revenue Code of 1986 with respect to the same distribution for any other taxable year of the taxpayer.

(f) REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

(1) IN GENERAL.—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer's prior average employment, an additional amount equal to $25,000 multiplied by the number of employees by which the taxpayer's average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)) shall be taken into account as income by the taxpayer during the taxable year that includes the final day of such period.

(2) PRIOR AVERAGE EMPLOYMENT.—For purposes of this paragraph, the taxpayer's ''prior average employment'' shall be the average number of full time equivalent employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a).

(3) AGGREGATION RULES.—In determining the taxpayer's average employment level and prior average employment, all domestic members of a controlled group (as defined in section 264(e)(5)(B) of the Internal Revenue Code of 1986) shall be treated as a single taxpayer.

(g) SPECIAL RULES.—Rules similar to the rules of subsections (d) and (e) and paragraphs (3), (4), and (5) of subsection (c) of section 965 of the Internal Revenue Code of 1986 shall apply for purposes of this section.

(h) EFFECTIVE DATE.—This section shall apply to taxable years ending on or after the date of the enactment of this Act.

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. WHITEHOUSE, and Mr. TESTER):

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

Mr. LEAHY. Mr. President, this week, the Nation commemorates Sunshine Week, a time to educate the public about the importance of open government. In recognition of Sunshine Week 2011, I am pleased to join with Senator CORNYN to reintroduce the Faster FOIA Act of 2011, a bill to improve the implementation of the Freedom of Information Act, FOIA.

Senator CORNYN and I first introduced this bill in 2005 to address the growing problem of excessive FOIA delays within our Federal agencies. We reintroduced this bill in 2010, and the Senate unanimously passed it last year. This bill is the most recent product of our bipartisan work to help reinvigorate FOIA.

This bill will establish a bipartisan commission to examine the root causes of agency FOIA delays and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

While the Obama administration has made significant progress in improving the FOIA process, large backlogs remain a major roadblock to public access to information. A report released earlier this week by the National Security Archive found that only about half of the Federal agencies surveyed have taken concrete steps to update their FOIA policies in light of these reforms. In addition, twelve of the agencies surveyed by the National Security Archive had pending FOIA requests that were more than 6 years old, according to the report.

Senator CORNYN and I believe that these delays are simply unacceptable. And that is why we are introducing this bill.

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

Thomas Jefferson once wisely observed that ''information is the currency of democracy.'' I share this view. Indeed, we need look no further than the unfolding and historic events in the Middle East and North Africa for evidence of the truth of these words. The Faster FOIA Act will help ensure the dissemination of government information to the American people, so that our democracy remains vibrant and free.

I have said many times that open government is neither a Democratic issue, nor a Republican issue it is truly an American value and virtue that we all must uphold. As we celebrate Sunshine Week, it is in this bipartisan spirit that I join Americans from across the Nation in celebrating an open and transparent government. I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also thank Senator WHITEHOUSE who has cosponsored this bill. I urge all Senators to support the Faster FOIA Act.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 628. A bill to authorize the Secretary of the Interior to convey a railroad right of way between North Pole, Alaska, and Delta Junction, Alaska, to the Alaska Railroad Corporation; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that really has been 97 years in the making, legislation to authorize the land conveyances needed to permit the Alaska Railroad to be extended another 80 miles southeastward.

On March 12, 1914, Congress originally approved the Alaska Railroad Organic Act that authorized the construction of up to 1,000 miles of mainline track in Alaska, an effort to tie coastal Alaska with the Interior of my State. During the past century 470 miles of mainline track has been built tying Seward, Whittier and Anchorage located on either Prince William Sound or Cook Inlet with Fairbanks and Eielson Air Force base that is located just south of Fairbanks in the Interior of Alaska. Since 1923 when the current mainline track was finished being installed, there has been a dream by many to extend the railroad further, perhaps all the way to the Canadian border 270 miles away so the railroad could eventually be tied into North America's trans-continental rail network.

Today, joined by my colleague, Senator MARK BEGICH of Alaska, I introduce legislation to only authorize the land conveyances from the Federal Government to permit the railroad to reach Delta Junction, Alaska.

The reasons for the extension are many.

One reason is that the Department of Defense has large military training areas south of the Tanana River between Fairbanks and Delta Junction—some of the best areas for joint Army and Air Force training in the nation. Access to the Joint Pacific Area Range Complex, JPARC, is currently limited to ice roads in winter, but a railroad extension would permit vehicles to travel by low-cost rail to a staging area for joint military exercises that could be built immediately south of the river, reducing the time and cost of military exercises and permitting year-round training to occur more readily.

Delta Junction, the home of Ft. Greely, is also the site of an anti-missile defense installation that could also benefit from access to rail transportation.

Rail service to the area also would permit existing agricultural, mining and petrochemical industries to obtain supplies, reducing wear and tear on the Richardson Highway, currently the only means of access to the region. It would improve the economics for several mining deposits located along the 80-mile rail extension right of way, and should the railroad ever be extended further toward the border, it would open more than a dozen other known mineralized areas to potential economic development. A railroad would provide safer all-weather transportation than highways given Alaska's severe winter weather driving conditions.

Planning for such a rail extension has been underway for a number of years. In January 2010 the Surface Transportation Board approved the Environmental Impact Statement for the

rail extension. That means that a route already has been identified. This means that the estimate that this extension will require only roughly 950 acres of land to be purchased/conveyed to the railroad is a firm requirement based on an approved rail route and corridor.

The bill I introduce requires the railroad to pay the full appraised value for the land—an appraisal performed by an appraiser mutually acceptable to the Secretary of the Interior and the railroad—unless the government accepts railroad replacement property in lieu of cash payment. It requires the railroad to pay all surveying costs of the land transfer—surveying the largest likely cost of any land conveyance by the Federal Government. The bill models the transfer on the 1982 legislation that conveyed the railroad from Federal ownership to the State-based Alaska Railroad Corp., since there are now nearly 30 years of precedent and practice that should make the land conveyance issues involved in a rail extension clearer and easier to resolve.

This bill since it allows the secretary only to clear a right of way corridor does not impact the lone controversy that I am aware of involving the extension. That is the exact location of a bridge needed for the rail line to cross the Tanana River near Salcha. It is certainly my hope that the U.S. Army Corps of Engineers early this spring will follow the route approved in January 2010 and locate the bridge near Salcha, where it was cleared to go by the Surface Transportation Board after a four-year environmental review of the project. But whether the Corps approves the route, or whether EPA presses its concerns about the bridge, the bill will still be needed to authorize the right-of-way corridor over whatever final route wins approval.

For a host of reasons, it makes sense for the Alaska Railroad to be permitted to advance this extension, the first major extension of the railroad's track bed in Alaska since lines were run to Whittier during World War II in 1943. My hope is that this bill will receive a thoughtful review by the Senate Energy and Natural Resources Committee and be approved by Congress during the 112th Congress.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. BINGAMAN, Ms. CANTWELL, Mr. CRAPO, Mrs. MURRAY, Mr. RISCH, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 629. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce three pieces of legislation aimed at increasing the production of our hardest working renewable resource, one that often gets overlooked in the clean energy debate—hydropower. The first bill I would like to introduce today is the Hydropower Improvement Act of 2011, cosponsored by my colleagues Senators BINGAMAN, RISCH, CANTWELL, CRAPO, WYDEN, MURRAY, BEGICH, and WHITEHOUSE, true hydropower advocates. The Hydropower Improvement Act of 2011 seeks to substantially increase the capacity and generation of our clean, renewable hydropower resources that will improve environmental quality and support local job creation and economic investment across the Nation.

There is no question that hydropower is, and must continue to be, part of our energy solution. It is the largest source of renewable electricity in the United States. The 100,000 megawatts of hydroelectric capacity we now have today provide about seven percent of the Nation's electricity needs. Hydro-electric generation is carbon-free baseload power that allows us to avoid approximately 200 million metric ton of carbon emissions each year. Hydropower is clean, efficient, and inexpensive. Yet, despite its tremendous benefits I am constantly amazed at how some undervalue this important resource.

Perhaps it is because conventional wisdom dismisses our Nation's hydropower capacity as tapped out. That is simply not the case. If anything, hydropower is really an under-developed resource—something we certainly understand in my home State of Alaska where hydro already supplies 24 percent of the State's electricity needs and over 200 promising sites for further hydropower development have been identified. There is great potential for additional hydropower development in every state, not just Alaska.

According to the Obama administration, conventional hydropower facilities have the capacity to generate an additional 75,000 megawatts of power—a staggering amount of clean, inexpensive power. Now that doesn't seem possible until you realize that only three percent of the country's 80,000 existing dams are even electrified. Significant amounts of new capacity—anywhere between 20,000 and 60,000 megawatts—can be derived from simple efficiency improvements or capacity additions at existing facilities. Additional hydropower can be captured in existing manmade conduits and hydroelectric pumped storage projects can help reliably integrate other renewable resources that are intermittent, such as wind, onto our grid.

The Hydropower Improvement Act of 2011 seeks to substantially increase our Nation's hydropower capacity in an effort to expand clean power generation and create domestic jobs. The legislation establishes a competitive grants program and directs the Energy Department to produce and implement a plan for the research, development and demonstration of increased hydropower capacity. The bill provides the Federal Energy Regulatory Commission with the authority to extend preliminary permit terms; to work with federal resource agencies and stakeholders to make the review process for conduit and small hydropower projects more efficient; and to explore a possible two-year licensing process for hydropower development at non-powered dams and closed loop pumped storage projects. The act also calls for studies on the resource development at Bureau of Reclamation facilities and in conduit projects, as well as on suitable pumped storage locations. Importantly, by utilizing existing authorizations, the bill does not represent new funding.

It is my hope that as the Senate considers our Nation's long-term energy policy, we can finally recognize the important contribution the renewable resource of hydropower makes, and will continue to make, to our clean energy goals. This legislation is supported by the National Hydropower Association, the American Public Power Association, the Family Farm Alliance, the National Rural Electric Cooperative Association, the Edison Electric Institute, and the National Water Resources Association. I ask my colleagues to join me in supporting the Hydropower Improvement Act of 2011 to promote the further development of our most cost-effective, clean energy option.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 630. A bill to promote marine and hydrokinetic renewable energy research and development, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce legislation that is designed to speed up the development of renewable ocean energy—wave, current and tidal energy—across the nation and also in my home State of Alaska. The Hydrokinetic Renewable Energy Promotion Act of 2011 is cosponsored by my colleague from Alaska, Senator BEGICH.

Since 2004 I have had a strong interest in working to promote the research and development of marine hydrokinetic energy—the effort to produce electricity from waves, current and tidal energy—all of which is indirectly driven by the sun. With 70 percent of our planet covered with water, marine hydrokinetic energy has the potential to be a major source of the world's clean, non-carbon emitting power in the future.

The Electric Power Research Institute has estimated that our Nation's ocean resources could generate 252 million megawatt hours of electricity—63 percent of our entire electricity generation—if ocean energy gained the same financial and research incentives currently enjoyed by other forms of renewable energy.

In the 2005 Energy Policy Act, we started the process of leveling the playing field. In that bill, Congress authorized Federal research and included ocean energy in both the federal renewable energy purchase requirements and the federal production incentives. In the 2007 Energy Independence and Security Act, we authorized ocean energy research and demonstration centers. In 2008, we finally qualified ocean energy

to receive a renewable energy Production Tax Credit, although unfortunately at a lower rate than some other renewable energy resources receive.

The Hydrokinetic Renewable Energy Promotion Act of 2011, along with a related tax measure that I will discuss next, seeks to increase the industry's growth through additional federal aid. Specifically, the bill authorizes the Department of Energy to expand its research and development efforts on marine hydrokinetic energy via advanced engineering and integration systems. It further authorizes the Department to transfer environmental data throughout the industry in order to expedite environmental assessments and demonstration project approvals. The legislation calls for the creation of three testing facilities to be developed by states, universities, or non-profit entities to test marine hydrokinetic technology.

Importantly, the legislation directs the development of a Federal Marine-Based Energy Device Verification program. Through this program, the government will be able to certify the performance of new marine technologies in order to reduce market risks for utilities purchasing power from new devices. The bill also authorizes the Federal government to set up an adaptive management program and a fund to help pay for the regulatory permitting and development of new marine technologies. This program should help demonstration projects to win permitting approvals.

This bill further amends Section 803 from the Energy Independence and Security Act. This was a provision I had authored in that 2007 energy bill to create a renewable energy deployment grants program for all forms of renewable energy. That program has never been funded because it has been inaccurately perceived as an Alaska-only program. The amendments make clear that the renewable energy grants program is national in scope and is available to assist projects in high-cost areas, where power costs exceed 125 percent of the national average.

The Hydrokinetic Renewable Energy Promotion Act of 2011 is very similar to marine and hydrokinetic provisions that won the approval of the Senate Energy and Natural Resources Committee last Congress and were included in S. 1462, the American Clean Energy Leadership Act. This bill, however, is far less expensive, authorizing up to $225 million in aid over 3 years to jump start marine hydrokinetic power—substantially less than the $3.25 billion authorized by the original legislation. Moreover, the spending authorized in this legislation is offset via the reprogramming of previously un-utilized Congressional authorizations.

Coming from Alaska where there are more than 80 large communities located along the State's 34,000 miles of coastline and major river systems, it is clear that perfecting marine energy could be of immense benefit to the Nation. It simply makes good sense to harness the power of the sun, wind, waves, and river and ocean currents to make electricity. When the fuel is free, it's obviously economic to harness its power.

This legislation is designed to aid development nationally, but also in Alaska where several companies already have proposed test projects in the Yukon and Tanana Rivers and in Cook Inlet, along with Kachemak Bay and Inside Passage waters. Projects are under consideration at Eagle, Galena, Ruby, Tanana, in addition to near Anchorage, with others being considered near Homer and in Southeast.

This bill would allow the marine industry to be on a level playing field with other renewables such as wind, solar and geothermal power, all of which have received large budget increases in the President's fiscal year 2012 budget proposal. It would truly help the industry prove whether the technology can achieve the technical success and the economies of scale needed for it to become a major component of the nation's energy mix. I hope that Congress will give real consideration to the Hydrokinetic Renewable Energy Promotion Act of 2011, as well as the other bills that I am introducing today to aid hydroelectric development throughout the country.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 631. A bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce the Hydropower Renewable Energy Development Act of 2011, legislation to extend certain benefits and income tax provisions to energy generated by hydropower resources. This legislation is co-sponsored by my colleague from Alaska, Senator BEGICH.

We have an incredible amount of hydropower potential in my home State of Alaska. To date, we have almost 50 hydropower projects—in a range of sizes from the 126 megawatt Bradley Lake project to the 7 kilowatt Walsh Creek project—that produce about 24 percent of the State's electricity needs. Alaska is proof that the hydropower resource is not tapped out—not even close. Currently, there are 32 additional hydropower projects, just in Southeast, that are either under construction or on the drawing boards. Statewide there are another 200 areas that have been identified as promising sites for lake taps, run of river, pumped storage and even new hydroelectric reservoirs. With the proper financing, we could keep a dozen hydro construction companies fully employed in the State for a decade or even longer. That is just in Alaska. There are tremendous opportunities in each and every State to further develop this clean energy alternative.

Hydropower, by definition, is a renewable resource. It produces no carbon emissions and through rainfall and melting snowpacks it is able to be replenished. Yet there are some who would deny this important classification to the hydropower resource. The Hydropower Renewable Energy Development Act of 2011 directs that the generation of hydroelectric power be treated as a ''renewable'' resource for purposes of any Federal program or standard. This reclassification of hydroelectric generation should help to incent the further production of this important and often undervalued resource.

Next, the bill provides parity treatment for hydropower resources in the Production Tax Credit, PTC. Currently, companies that generate wind, solar, geothermal, and closed-loop biomass systems are eligible for the PTC which provides a 2.1 cent per kilowatt-hour, kWh, benefit for the first 10 years of a renewable energy facility's operation. Other technologies, such as incremental hydropower, certain generation at non-powered facilities, and wave and tidal receive a lesser value tax credit of 1.1 cent per kWh. The Hydropower Renewable Energy Development Act of 2011 eliminates the distinction between the two categories so that all qualified hydropower resources receive the full PTC credit. The bill further expands upon the types of hydropower resources that can qualify for the PTC, allowing new hydro generation, small hydropower under 50 megawatts, lake taps, and pumped storage facilities to qualify as well.

The Hydropower Renewable Energy Development Act of 2011 also carries this expanded qualification of hydropower to the Clean Renewable Energy Bonds, CREBS, program.

Because non-profits like rural electric cooperatives and public power providers are not eligible for the PTC due to their tax-exempt status, CREBS was created to encourage these entities to undertake renewable energy development as well. This program has been wildly popular and has been oversubscribed since its inception. There are endless possibilities for increased hydropower production by electric cooperatives and public power providers and they should be given the proper financial incentive to do so.

Finally, the bill provides for a 5-year accelerated depreciation period for equipment which produces electricity from marine and hydrokinetic energy, as well as conventional hydropower resources.

I ask my colleagues to support this hydropower tax legislation. The further development of this untapped renewable resource will help us meet our clean energy goals through the generation of carbon-free, baseload power. At a time of record unemployment, the addition of hydropower capacity throughout the nation will lead to hundreds of thousands of good paying, domestic jobs.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, and Mr. ENZI):

S. 633. A bill to prevent fraud in small business contracting, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce bipartisan legislation along with Senators LANDRIEU, MERKLEY, BROWN of Massachusetts, and ENZI, titled the Small Business Contracting Fraud Prevention Act of 2011.

In the past year, the Government Accountability Office, GAO, has identified vulnerabilities and abuses in virtually all of the SBA's contracting programs, including the 8(a) Business Development Program, the Historically Underutilized Business Zone, HUBZone, program, and the Service-Disabled Veteran-Owned small business, SDVOSB, program. Our legislation attempts to remedy the spate of illegitimate firms siphoning away contracts from the rightful businesses trying to compete within the SBA's contracting programs.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I take very seriously our responsibility of vigorous oversight. That is why, last December, Senator LANDRIEU and I sent a letter to the SBA highlighting the recent press headlines and GAO reports of fraud and abuse that have plagued the Agency's contracting programs. That letter stated unequivocally that our Committee's first priority this Congress is ensuring that ALL of the SBA's contracting programs are running efficiently, effectively, and free of exploitation. Adopting this critical small business legislation is an effective first step at ensuring all small businesses are competing fairly and honestly within the Federal marketplace.

As recently as Saturday March 12, the Washington Post, as part of an ongoing investigation, published an article titled, ''DC insiders can reap fortunes from federal programs for small businesses.'' This article states ''Government officials were not monitoring contracts for compliance with rules.'' The report exposes a glaring deficiency in contract oversight. Moreover, an SBA spokesperson is quoted as saying the SBA ''long ago transferred that authority to the Pentagon and other agencies.'' This hands-off attitude is unacceptable, and as I told the SBA Deputy Administrator at a recent Small Business Committee hearing, the ultimate authority for monitoring fraud lies with the SBA.

This legislation contains recommendations both from the SBA Inspector General and the GAO for combating these reports of fraud and addresses vulnerabilities in the Service-Disabled Veteran-Owned small business program, the HUBZone program, and the 8(a) program. Additionally, the bill will work to change the culture at SBA to make the process of suspensions and debarments more transparent.

In order to effectively execute the small business contracting programs, the SBA needs a comprehensive framework to provide effective certification, continued surveillance and monitoring, and robust enforcement throughout the SBA's contracting portfolio. This bill aims to increase criminal prosecutions as well as suspension and debarments for businesses found to have attained contracts through fraudulent means, and requires the SBA to submit a report to Congress annually detailing the specific data on all suspensions, debarments, and cases referred to the Department of Justice for criminal prosecutions.

To that end, the SBIR bill we are now debating on the Senate floor, includes stringent oversight and fraud prevention measures, requiring Inspectors General of participating Federal agencies to establish fraud detection measures, coordinate fraud-related information sharing between agencies, and provide fraud prevention related education and training to agencies administering the programs, among other initiatives.

As a senior member of the Senate Commerce Committee, I worked with the Chairman, Senator ROCKEFELLER, in developing this language following a 2009 committee investigation and hearing on the subject of fraud in the SBIR program. My amendment goes even further and provides the SBA more stringent oversight capacity across all the SBA contracting programs. It is SBA's duty to utilize every fraud prevention measure at its disposal and this amendment puts the tools in place to punish the bad actors that have infiltrated the SBA contracting programs.

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. 633

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 ''Small Business Contracting Fraud Prevention Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''8(a) program'' means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms ''HUBZone'' and ''HUBZone small business concern'' and ''HUBZone map'' have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(4) the term ''recertification'' means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 3. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Whoever'' and all that follows through ''oneself or another'' and inserting the following: ''A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person'';

(ii) by amending subparagraph (A) to read as follows:

''(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;'';

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking '', shall be'' and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

''(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act');''; and

(C) by adding at the end the following:

''(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

''(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

''(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.'';

(2) by striking subsection (e) and inserting the following:

''(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or

through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.''; and

(3) by adding at the end the following:

''(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

''(1) in order to allow any person to participate in any program of the Administration; or

''(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

''(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

''(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

''(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

''(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.''.

SEC. 4. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking ''means a veteran'' and all that follows and inserting the following: ''means—

''(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

''(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.''.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) VETERAN STATUS.—

''(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

''(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

''(B) register with—

''(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

''(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

''(2) VERIFICATION OF STATUS.—

''(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

''(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

''(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

''(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

''(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.''.

(c) INTEGRATION OF DATABASES.—Not later than 1 year after the date of enactment of this Act, the Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

SEC. 5. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

''(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

''(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

''(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

''(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

''(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

''(iv) the number of training sessions offered under the program; and

''(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).''.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

SEC. 6. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

''(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

''(i) DEFINITION.—In this subparagraph, the term 'interim period' means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

''(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

''(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

''(II) does not meet the applicable employment percentage—

''(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

''(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.''; and

(2) by adding at the end the following:

''(8) HUBZONE PROGRAM.—The term 'HUBZone program' means the program established under section 31.

''(9) HUBZONE MAP.—The term 'HUBZone map' means the map used by the Administration to identify HUBZones.''.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

''(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or''.

SEC. 7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 637. A bill to establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Earthquake Insurance Affordability Act. This bill makes important changes that will increase availability and reduce cost of catastrophic insurance for homeowners in California and other earthquake-prone Sstates.

The tragedy and devastation of the recent 9.0 earthquake in Japan was a real wakeup call for many of us. You see, the people of Japan are keenly aware of the risks of earthquakes. Every year, thousands of people participate in earthquake drills, and their building codes are the most advanced in the world. Japanese seismologists have the most sophisticated technology and monitoring systems. But all of this did little to protect them from an earthquake of this magnitude.

The people of California and much of the West Coast face a similar risk. The United States Geological Survey predicts a 99.7 percent chance that a magnitude 6.7 earthquake will strike in California in the next 30 years. The agency also predicts a 46 percent chance that a magnitude 7.5 percent or higher earthquake will strike California in the next 30 years.

The 2008 ShakeOut Scenario conducted by the US Geological Survey and FEMA modeled a 7.8 earthquake on the southern San Andres Fault. Though that quake was only 1/10th the size of the recent event in Honshu, Japan, FEMA estimated that a 7.8 earthquake in Los Angeles would result in 2,000 deaths and an economic loss of $213.3 billion.

The simple fact is that we cannot prevent earthquakes, so we must be prepared in the event one does occur. That is the only way we will be able to respond and recover quickly.

That is why I am introducing the Earthquake Insurance Affordability Act. This legislation allows non-profit state-run disaster insurance programs to receive federal guarantees if they need access to credit in the aftermath of a catastrophic disaster. Access to credit is critical in the immediate aftermath of disasters because the market will likely be disrupted and private institutions will be reluctant to lend the large sums necessary to facilitate a quick and meaningful recovery.

This Federal guarantee will be limited. The Secretary of Treasury must certify that recipients of each of the loan guarantee are able to repay debts within a reasonable timeframe. Moreover, my legislation ensures that the cost of the program is born by state programs, not the federal taxpayer. The Congressional Budget Office has estimated that my bill comes at no cost to the taxpayer.

But this legislation is about more than just access to credit—it will guarantee homeowners have access to affordable earthquake insurance coverage. This means homeowners will be able to quickly rebuild in the aftermath of an earthquake.

This legislation is necessary because most homeowner insurance policies do not cover earthquakes. In California, for instance, most homeowner insurance policies cover fire damage but not damage caused by earthquakes.

As a result, homeowners are often put in the position of either having to purchase expensive supplemental insurance or leaving their homes uninsured against these risks.

In order to help promote coverage for these risks, many states and the Federal Government have set up supplemental insurance programs that offer this coverage at affordable rates.

At the Federal level, the National Flood Insurance Program offers flood insurance to residents living in flood plains where private insurance is unavailable or too expensive.

Similar State-level programs exist in California, Florida, Texas, and other states to help residents protect their homes against catastrophic disasters. In my state, The California Earthquake Authority, CEA, was set up after the devastating 1994 Northridge earthquake to make earthquake insurance more affordable.

Unfortunately, many of these programs are not fully utilized. The California Earthquake Authority insures 70 percent of homeowners who purchase earthquake insurance in my state, but only 770,000 homeowners in California opted to buy such insurance. That means only 12 percent of Californians will be covered up if an earthquake hits.

The reason for such low use in that premiums and deductibles remain too high for the average consumer. A policy covering a $400,000 home and $60,000 of its contents costs an additional $1,105 per year, and that's on top of normal homeowners insurance. Even worse, with such high deductibles, policyholders must suffer near total collapse before they receive any payout. For most, this just isn't a good deal.

The reason for high-cost, high-deductible policies is that the CEA is forced to spend nearly $200 million each year to purchase reinsurance. This ensures that in the event of a major catastrophe, the CEA will still be able to pay out all of its claims. It is good policy for the CEA to incur this expense, and I commend their responsible business practices.

However, since 1994 the California Earthquake Authority has paid $2.5 billion in reinsurance premiums and only received back $250,000 in claims. It doesn't take a savvy businessman to see this isn't a good investment. But with minimal changes to federal law, the CEA and other state-run insurance programs can drastically reduce the

need for expensive reinsurance and substantially decrease the cost of their products.

The Earthquake Insurance Affordability Act makes these changes, allowing programs like the California Earthquake Authority to access sufficient capital following a disaster.

Let me be clear: this is not a bailout or a handout for states. The California Earthquake Authority is independent from the state and financially stable.

This bill would increase insurance coverage in California and the rest of the country and help consumers deal with losses that will occur when the next major disaster strikes.

Over the first 5 years this legislation is in effect, nearly half a billion dollars in reinsurance costs would be saved and passed along to consumers.

The California Earthquake Authority could cut premiums by 30 percent or deductibles by 50 percent.

This could result in at least 700,000 new California homeowners purchasing earthquake insurance.

Following major disasters, the federal government spends millions of dollars, and often billions, cleaning up the mess.

Katrina cost FEMA $7.2 billion.

The Northridge earthquake cost FEMA $7 billion.

Hurricane Andrew cost FEMA $1.8 billion.

By enacting the Earthquake Insurance Affordability Act and increasing the number of individuals with insurance, the cost of disaster recovery to the Federal Government could be substantially lower.

This is because FEMA cannot make payments to individuals who have insurance coverage. Therefore, every family that purchases earthquake insurance as a result of this bill, is one less family that FEMA may have to support when disaster strikes.

The bottom line is this: the next big earthquake is coming and we are not prepared for it. Families need to make sure they have earthquake preparedness plans, and homeowners need to evaluate the best ways to protect their homes. Structures need to be strengthened and all new buildings must be built to the highest standards. The Federal Government must also do its part, to help facilitate this preparedness.

The Earthquake Insurance Affordability Act will make great strides to help our country prepare for a major earthquake, and it does so without burdening the federal taxpayer. I urge my colleagues to quickly adopt this critical piece of legislation and help us better prepare for tragedy.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. MCCAIN, Mr. SCHUMER, Mrs. BOXER, and Mrs. HUTCHISON):

S. 638. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today Senator KYL and I are introducing two bills that will assist with alleviating the costs of illegal immigration for State and local governments—the SCAAP Reauthorization Act and the SCAAP Reimbursement Protection Act of 2011.

We are joined by Senators MCCAIN, SCHUMER, BOXER, and HUTCHISON.

Immigration is a federal responsibility, as is securing the Nation's borders. When the Federal Government fails to prevent illegal immigration, as it has for some time now, it needs to take responsibility for the consequences of this failure.

However, the burden of incarcerating illegal aliens who commit crimes in our country has fallen largely to the States, and it weighs heavily on them, especially during this time of economic uncertainty. Last year, the State of California spent an estimated $1 billion to incarcerate criminal aliens.

Understanding the expenses that States and localities bear, Congress enacted the State Criminal Alien Assistance Program, SCAAP, in 1994 as part of the Violent Crime Control Act. The program was designed to help reimburse States and local governments for the costs of incarcerating criminal aliens, and was last reauthorized in 2006 as part of a Department of Justice Reauthorization bill. The SCAAP Reauthorization bill that I am introducing today will reauthorize the program for an additional four years, until fiscal year 2015.

The second bill that we are introducing today is necessary to fix a switch in interpretation by the Justice Department.

Prior to 2003, the Department of Justice interpreted the SCAAP statute to include reimbursement to States and localities for incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses, and have been incarcerated for a minimum of 72 hours. However, in 2003, DOJ changed its interpretation, and began limiting reimbursement to the amount States and localities spend incarcerating convicted criminal aliens for at least 4 consecutive days.

Reimbursing States and localities only for the costs when a criminal alien is convicted and incarcerated for 4 consecutive days significantly undermines the goal of SCAAP that States and localities should not bear the burden of a broken Federal immigration system. The actual costs of this failed Federal system begin when these aliens are charged with a crime, transported, and incarcerated for any length of time.

This narrow interpretation by the Justice Department is even more devastating because SCAAP is consistently under-funded. The President's fiscal year 2012 budget request for SCAAP represents a 59 percent reduction below the fiscal year 2010 level and is far short of meeting the actual reimbursement costs of most States. As a result, SCAAP only reimburses States for a fraction of the costs of incarcerating criminal aliens. In 2009, Los Angeles County alone spent $116.6 million to house undocumented felons and received only $15.4 million in reimbursement payments.

The SCAAP Reimbursement Protection Act of 2011 will fix this problem by making it clear that States can be reimbursed for the full costs of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors.

When the Federal Government does not reimburse States and local governments for the costs of incarcerating criminal aliens, it is at the expense of local services and law enforcement. American communities simply cannot afford to shoulder the weight of our immigration policies.

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. 638

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 ''SCAAP Reimbursement Protection Act of 2011''.

SEC. 2. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. MCCAIN, Mr. SCHUMER, Mrs. BOXER, and Mrs. HUTCHISON):

S. 639. A bill to authorize to be appropriated $950,000,000 for each of the fiscal years 2012 through 2015 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

Mrs. FEINSTEIN. 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. 639

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 ''SCAAP Reauthorization Act''.

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

Subparagraph (C) of section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''2011.'' and inserting ''2015.''.

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

S. 640. A bill to underscore the importance of international nuclear safety

cooperation for operating power reactors, encouraging the efforts of the Convention on Nuclear Safety, supporting progress in improving nuclear safety, and enhancing the pubic availability of nuclear safety information; to the Committee on Foreign Relations.

Mr. AKAKA. Mr. President, I rise today to introduce the Furthering International Nuclear Safety Act of 2011 to enhance the implementation of the Convention on Nuclear Safety by taking a more systematic approach to improving civilian nuclear power safety. This legislation is cosponsored by Senator CARPER, and Representative FORTENBERRY is introducing a House companion bill.

The still unfolding nuclear emergency in Japan serves as a powerful reminder that the United States as a Nation, and as an influential member of the international community, must continually seek methods to enhance the safety posture of nuclear facilities worldwide.

This year, April 26 will provide us with another sobering reminder: the 26th anniversary of the Chernobyl disaster in Ukraine. The Chernobyl disaster was the worst nuclear power accident in history and made clear the need for international nuclear safety norms. According to a report commissioned by United Nations agencies, millions of people were exposed to high doses of radiation, and approximately 350,000 people were displaced from their homes. The countries most directly affected by the disaster suffered estimated economic damages on the order of hundreds of billions of dollars, while thousands of square miles of agricultural and forest lands were removed from service.

In the aftermath of this accident, over 50 countries, led by the United States, worked together to develop the Convention on Nuclear Safety. This convention was formally established in 1994, and the United States joined in 1999. Through the cooperative nature of the convention, which relies on peer-reviewed national reports and the sharing of best practices, countries that are party to the treaty work to improve their nuclear safety.

Although civilian nuclear power programs have become safer since Chernobyl, the unfolding disaster in Japan makes clear that we must not become complacent. In future months, Japan and the international community will assess the damage and how to prevent its recurrence. This bill will provide a stronger framework for United States engagement in that process.

Currently, there are nearly 450 civilian nuclear power reactors operating in 31 countries around the world, and at least 65 more are under construction. Countries such as Jordan, the United Arab Emirates, Thailand, and Vietnam have started or expressed interest in civilian nuclear power programs. The global expansion of nuclear power should be accompanied by greater attention to nuclear safety.

Last year, the Government Accountability Office, GAO, completed a review of the Convention on Nuclear Safety in which GAO obtained the views of 40 parties to the Convention while carefully protecting individual respondent information. GAO found that the Convention has been very successful in improving nuclear safety but made recommendations to the United States Government that would enhance the Convention's effectiveness.

The bill I am introducing today will implement GAO's recommendations and additional steps to improve nuclear safety worldwide. This bill urges the United States delegate to the Convention to take certain actions to enhance international nuclear safety. This includes the United States advocating that parties to the Convention more systematically assess their own progress through the broader use of performance metrics. Additionally, to increase access to information about nuclear safety, the delegate to the Convention will encourage parties to post their annual reports and answers to questions from other parties on the International Atomic Energy Agency's, IAEA, public website. IAEA will be encouraged to offer additional support, such as providing additional technical support; assistance as needed for parties' national reports; and support for Convention meetings, including language translation services. Further, the United States delegate will encourage all countries that have or are considering establishing a civilian nuclear power program to join the Convention. Finally, this bill calls for the Secretary of State to lead the development of a United States Government strategic plan for international nuclear safety cooperation for operating nuclear power reactors and to report on progress made in implementing this bill.

International nuclear safety deserves our Nation's ongoing attention. As we continue to support Japan's efforts to prevent further deterioration at the damaged nuclear facilities, and as we approach the 25th anniversary of the Chernobyl disaster, we should be mindful that the use and expansion of nuclear power needs to be combined with supreme vigilance and concern for safety.

I urge my colleagues to join me in supporting this legislation.

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. 640

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 ''Furthering International Nuclear Safety Act of 2011''.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To recognize the paramount importance of international nuclear safety cooperation for operating power reactors.

(2) To further the efforts of the Convention on Nuclear Safety as a vital international forum on nuclear safety.

(3) To support progress in improving nuclear safety for countries that currently have or are considering the development of a civilian nuclear power program.

(4) To enhance the public availability of nuclear safety information.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Energy and Commerce of the House of Representatives; and

(F) the Committee on Oversight and Government Reform of the House of Representatives.

(2) CONVENTION.—The term ''Convention'' means the Convention on Nuclear Safety, done at Vienna September 20, 1994, and ratified by the United States April 11, 1999.

(3) MEETING.—The term ''meeting'' means a meeting as described under Article 20, 21, or 23 of the Convention.

(4) NATIONAL REPORT.—The term ''national report'' means a report as described under Article 5 of the Convention.

(5) PARTY.—The term ''party'' means a nation that has formally joined the Convention through ratification or other means.

(6) SUMMARY REPORT.—The term ''summary report'' means a report as described under Article 25 of the Convention.

SEC. 4. UNITED STATES EFFORTS TO FURTHER INTERNATIONAL NUCLEAR SAFETY.

The President shall instruct the United States official serving as the delegate to the meetings of the Convention on Nuclear Safety pursuant to Article 24 of the Convention to use the voice, vote, and influence of the United States, while recognizing that these efforts by parties are voluntary, to encourage, where appropriate—

(1) parties to more systematically assess where and how they have made progress in improving safety, including where applicable through the incorporation of performance metric tools;

(2) parties to increase the number of national reports they make available to the public by posting them to a publicly available Internet Web site of the International Atomic Energy Agency (IAEA);

(3) parties to expand public dissemination of written answers to questions raised by other parties about national reports by posting the information to a publicly available Internet Web site of the IAEA;

(4) the IAEA to further its support of the Convention, upon request by a party and where funding is available, by—

(A) providing assistance to parties preparing national reports;

(B) providing additional assistance to help prepare for and support meetings, including language translation services; and

(C) providing additional technical support to improve the safety of civilian nuclear power programs; and

(5) all countries that currently have or are considering the establishment of a civilian nuclear power program to formally join the Convention.

SEC. 5. STRATEGIC PLAN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in cooperation with the heads of other relevant United States Government agencies, shall submit to the appropriate congressional committees the United States Government's strategic plan and prioritized goals for international nuclear safety cooperation for operating power reactors.

SEC. 6. REPORTS.

(a) REPORT ON IMPLEMENTATION OF STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the issuance of each of the first two summary reports of the Convention issued after the date of the enactment of this Act, the Secretary of State, in cooperation with the heads of other relevant United States Government agencies, shall submit to the appropriate congressional committees a report that—

(A) describes the status of implementing the strategic plan and achieving the goals set forth in section 5; and

(B) enumerates the most significant concerns of the United States Government regarding worldwide nuclear safety and describes the extent to which the strategic plan addresses these concerns.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(b) REPORT ON UNITED STATES EFFORTS TO FURTHER INTERNATIONAL NUCLEAR SAFETY.—Not later than 180 days after the issuance of each of the first two summary reports of the Convention issued after the date of the enactment of this Act, the United States official serving as the delegate to the meetings of the Convention shall submit to the appropriate congressional committees a report providing the status of achieving the actions set forth in section 4.

By Mr. DURBIN (for himself, Mr. CORKER, Mr. REID, Mr. ROBERTS, Mr. CARDIN, Mr. ISAKSON, Mr. LEAHY):

S. 641. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, on March 22, countries around the world will celebrate World Water Day—a day to mark the progress we have made protecting this most important resource and to reflect on the many challenges we still face in providing clean, safe water to the world's poor.

In 2005, Congress in a bipartisan effort, passed the Senator Paul Simon Water for the Poor Act to establish American leadership on this issue. The bill had the support of then-Majority Leader Bill Frist and then-Congressman Henry Hyde in the House. President George W. Bush signed the bill into law.

The bill was appropriately named after my predecessor in the Senate, Paul Simon, who was years ahead of many others recognizing the importance of water.

This act has already done a great deal to help bring clean water and sanitation to the world's poor. But we can do more.

That is why today Senators CORKER, REID, ROBERTS, CARDIN, ISAKSON, LEAHY, and I are reintroducing the Senator Paul Simon Water for the World Act. This bill would improve the original Water for the Poor Act—by strengthening America's ability to provide clean water and sanitation to 100 million of the world's poor within six years of enactment.

Tragically, today nearly 1 billion people still lack access to safe drinking water, and more than 2 billion still lack basic sanitation. Lack of access to stable supplies of water is reaching critical proportions, particularly for agricultural purposes. And the problem will only worsen with rapid urbanization worldwide. Experts suggest that another 1.2 billion people will lack access to clean water and sanitation within 20 years.

The overall economic loss in Africa alone due to lack of access to safe water and basic sanitation is estimated at $28.4 billion a year. In many poor nations, women and girls walk 2 or 3 hours or more each way, every day, to collect water that is often dirty and unsafe.

The United Nations estimates that women and girls in sub-Saharan Africa spend a total of 40 billion working hours each year collecting water. That is equivalent to all of the hours worked in France in a year. Clearly, the world needs to do more to help with such a basic human need.

Last year, the Senate passed the Water for the World Act with 33 cosponsors representing the broad political spectrum of the Senate. You see, American leadership in providing the world's poor with this most basic of human needs has always been bipartisan in the past—and it should be today.

As we celebrate World Water Day next week, let's renew our commitment to making sure the world's poor have access to water and sanitation need by sending this critical piece of legislation to the President's desk.

The Water for the World Act is not an effort to create vast new programs, but rather to focus our foreign assistance on a comprehensive, strategic series of investments related to water and sanitation. These are simple, common-sense steps that will make a real difference in people's lives.

Our legislation would make the United States a leader in trying to meet Millennium Development Goals for drinking water and sanitation, which is to reduce by half the proportion of people without safe water and sanitation by 2015. The bill targets aid to areas with the greatest need and helps build the capacity of poor nations to meet their own water and sanitation challenges.

The Water for the World Act also supports research of clean water technologies and regional partnerships to find solutions to shared water challenges. The bill provides technical assistance—best practices, credit authorities, and training—to help countries expand access to clean water and sanitation. Our development experts will design the assistance based on local needs.

The bill also would strengthen the capacity of USAID and the State Department to implement development assistance efforts related to water and ramp up U.S. developmental and diplomatic leadership.

And lastly, the bill includes a 25 percent cost share for these water and sanitation programs—requiring USAID to partner with universities, philanthropies, and other donors in meeting the key goals.

USAID's sustained commitment to addressing water and sanitation issues has been invaluable in combating poverty and disease worldwide. In fact, USAID recently announced the position of a Senior Water Coordinator, Chris Holmes, whom I had the pleasure of meeting this week. I applaud USAID Administrator Shah for taking this important step that will save lives.

Not only is helping people access clean water and sanitation the right thing to do, it is the smart thing to do. For example, research shows that for every dollar put into clean water and sanitation, $8 in returns are gained in health, education and economic productivity.

Water scarcity can also be a source of conflict and economic calamity. Without reliable supplies of water, farmers struggle to grow crops, and areas once abundant with water are slowly becoming barren. Quite simply, no other issue is more important to human health, peace and security than access to sustainable supplies of water.

Helping other nations is in our national interest. Some say that now is not the time to invest in poor nations half a world away, when our economy is in crisis and so many Americans are hurting. That view is understandable. Recovering from this recession and rebuilding our economy for the long term must be, and is, our government's top priority.

But investing in clean water for the world is a smart strategy that will make our foreign assistance dollars achieve more—something we need in these hard economic times.

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. 641

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 ''Senator Paul Simon Water for the World Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) Water scarcity has negative consequences for agricultural productivity and food security for the 1,200,000,000 people who, as of 2010, suffer from chronic hunger and seriously threatens the ability of the world to more than double food production to meet the demands of a projected population of 9,000,000,000 people by 2050.

(7) According to the November 2008 report entitled, ''Global Trends 2025: A Transformed World'', the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(8) According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than ⅕ of the world population relies on freshwater that is either polluted or excessively withdrawn.

(9) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(10) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should help undertake a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to enable first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) within 6 years of the date of enactment of this Act through direct funding, development activities, and partnerships; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

''(e) SENIOR ADVISOR FOR WATER.—

''(1) IN GENERAL.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall designate a senior advisor to coordinate and conduct the activities described in this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121). The Advisor shall report directly to the Administrator and be known as the 'Senior Advisor for Water'. The initial Senior Advisor for Water shall be the individual serving as the USAID Global Water Coordinator as of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010.

''(2) DUTIES.—The Advisor shall—

''(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

''(B) develop and oversee implementation in high priority countries of country-specific water strategies and expertise, in coordination with appropriate United States Agency for International Development Mission Directors, to enable the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation through direct funding, development activities, and partnerships within 6 years of the date of the enactment of the Senator Paul Simon Water for the World Act of 2011; and

''(C) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene in a manner that—

''(i) is consistent with sound water resource management principles; and

''(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration; and

''(D) integrate water strategies with country-specific or regional food security strategies.

''(3) CAPACITY.—The Advisor shall be designated appropriate staff and may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

''(4) FUNDING SOURCES.—The Advisor shall ensure that at least 25 percent of the overall funding necessary to meet the global goal set forth under paragraph (2)(B) is provided by non-Federal sources, including foreign governments, international institutions, and through partnerships with universities, civil society, and the private sector, including private and corporate foundations.

''(f) SPECIAL COORDINATOR FOR INTERNATIONAL WATER.—

''(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the 'Special Coordinator'), who shall report to the Under Secretary for Democracy and Global Affairs. The initial Special Coordinator shall be the individual serving as Special Coordinator for Water Resources as of the date of the enactment of the Senator Paul Simon Water for the World Act of 2011.

''(2) DUTIES.—The Special Coordinator shall—

''(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

''(i) sustainable access to safe drinking water, sanitation, and hygiene;

''(ii) integrated river basin and watershed management;

''(iii) global food security;

''(iv) transboundary conflict;

''(v) agricultural and urban productivity of water resources;

''(vi) disaster recovery, response, and rebuilding,

''(vii) pollution mitigation; and

''(viii) adaptation to hydrologic change due to climate variability; and

''(B) ensure that international freshwater issues are represented—

''(i) within the United States Government; and

''(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

''(3) SUPPORT STAFF.—The Special Coordinator shall be designated appropriate staff to support the duties described in paragraph (2).''.

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (b), by adding at the end the following: ''The Special Coordinator for International Water established under section 135(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h(f)) shall take actions to ensure that the safe water and sanitation strategy is integrated into any review or development of a Federal strategy for global development, global health, or global food security that sets forth or establishes the United States mission for global development, guidelines for assistance programs, and how development policy will be coordinated with policies governing trade, immigration, and other relevant international issues.'';

(2) in subsection (c), by adding at the end the following: ''In developing the program activities needed to implement the strategy, the Secretary shall consider the results of the assessment described in subsection (e)(9).''; and

(3) in subsection (e)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government's efforts are reaching and supporting the goal of enabling first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

''(8) recommendations on what the United States Government would need to do to achieve and support the goals referred to in

paragraph (7), in support of the United Nation's Millennium Development Goal on access to safe drinking water; and

''(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, nongovernmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe, affordable, drinking water and sanitation.''.

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

''SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the 'Secretary' and the 'Administrator', respectively), in consultation with host country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in coordination with mission directors in high priority countries, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

''(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

''(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

''(C) encourage behavior change to reduce individuals' risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

''(2) EXPANSION.—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

''(3) CAPACITY.—The Secretary and the Administrator—

''(A) should designate appropriate staff with relevant expertise to carry out the strategy developed under section 6; and

''(B) may utilize, as needed, interagency details or partnerships with universities, civil society, and the private sector to strengthen implementation capacity.

''(b) DESIGNATION.—The United States Agency for International Development Mission Director for each country receiving a 'high priority' designation under section 6(f) and for each region containing a country receiving such designation shall report annually to Congress on the status of—

''(1) designating safe drinking water and sanitation as a strategic objective;

''(2) integrating the water strategy into a food security strategy;

''(3) assigning an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

''(4) coordinating with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.''.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

In addition to the requirements of section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) the Administrator should—

(1) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

(2) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

(3) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

(4) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

(5) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on food security, HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.

SEC. 9. MONITORING AND EVALUATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) achieving United States foreign policy objectives requires the consistent and systematic evaluation of the impact of United States foreign assistance programs and analysis on what programs work and why, when, and where they work;

(2) the design of assistance programs and projects should include the collection of relevant baseline data required to measure outcomes and impacts;

(3) the design of assistance programs and projects should reflect the knowledge gained from evaluation and analysis;

(4) a culture and practice of high quality evaluation should be revitalized at agencies managing foreign assistance programs, which requires that the concepts of evaluation and analysis are used to inform policy and programmatic decisions, including the training of aid professionals in evaluation design and implementation;

(5) the effective and efficient use of funds cannot be achieved without an understanding of how lessons learned are applicable in various environments and under similar or different conditions; and

(6) project evaluations should be used as sources of data when running broader analyses of development outcomes and impacts.

(b) COORDINATION AND INTEGRATION.—To the extent possible, the Administrator shall coordinate and integrate evaluation of United States water programs with the learning, evaluation, and analysis efforts of the United States Agency for International Development aimed at measuring development impact.

SEC. 10. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: ''The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of changes to water supplies and agricultural productivity in 10, 25, and 50 years.''.

SEC. 11. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS AND EFFICIENCY OF UNITED STATES EFFORTS TO PROVIDE SAFE WATER AND SANITATION FOR DEVELOPING COUNTRIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the effectiveness and efficiency of United States efforts to provide safe water and sanitation for developing countries.

(b) ELEMENTS.—In preparing the report required by subsection (a), the Comptroller General shall, at a minimum—

(1) identify all programs (and respective Federal agencies) in the Federal Government that perform the mission of providing safe water and sanitation for developing countries, including capacity-building, professional exchanges, and other related programs;

(2) list the actual costs for the implementation, operation, and support of the individual programs;

(3) assess the effectiveness of these programs in meeting their goals;

(4) assess the efficiency of these programs compared to each other and to programs to provide similar aid performed by nongovernmental organizations and other governments, and identify best practices from this assessment;

(5) identify and assess programs that are duplicative of each other or of efforts by nongovernmental organizations and other governments;

(6) assess whether appropriate oversight of these programs is being conducted by Federal agencies, especially in the programs in which Federal agencies are utilizing contractors instead of government employees to perform this mission; and

(7) make such recommendations as the Comptroller General considers appropriate.

By Mr. LEAHY:

S. 642. A bill to permanently reauthorize the EB-E Regional Center Program; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing the Creating American Jobs Through Foreign Capital Investment Act. This bill does one simple thing: It makes the EB–5 regional center program permanent. The EB–5 Regional Center Program has been highly successful since its inception in 1992, but it has always lacked the security of assured continuity. Extending the program by a few years at a time hampers the growth of the program and creates a disincentive for immigrant investors to bring their capital investments to the United States. EB–5 regional center programs have drawn jobs and millions of investment dollars to struggling communities and regions of our country. We can expand these job-creating

programs and allow new regional centers to compete for investments with quality projects—if the EB–5 authorization is made permanent in law.

The State of Vermont and Vermont entrepreneurs recognized the potential of this program early on, and Vermont gained regional center status in 1997. Our State and the Vermont entrepreneurs who took advantage of the regional center planned their projects with great care. As a result, both the State and our entrepreneurs have successfully attracted investors and created jobs. Other states have taken note of Vermont's success, and today there are now about 135 designated regional center programs across the country, which are creating jobs in States like Alabama, Arizona, California, Florida, Iowa, and New York, to name just a few.

A regional center program is an economic engine for the state or region in which it is located. In a small state like Vermont, the economic activity generated by EB–5 projects at resorts like Jay Peak and Sugarbush has created direct jobs in those communities. Some of those jobs are for the construction and expansion phase, and others are for long-term employees of the resorts. These resort expansions bring more tourists to Vermont to enjoy skiing and summertime activities. Then there are the multiplier effects of these projects. Our visitors spend money while skiing and touring Vermont, supporting other Vermont businesses with every purchase they make. The economic activity is not limited to tourism, and there are other innovative projects in the pipeline in Vermont—projects like biotechnology; water purification; and manufacturing. Because the entire State of Vermont is a designated regional center, there is great potential for diversity both in terms of projects and geographic location.

The Regional Center program attracts foreign investors seeking legal permanent residency and a chance to invest in the American economy. Investors must pledge a minimum of $500,000 to a project within a Regional Center, and they independently apply for EB–5 visas. If approved by U.S. Citizenship and Immigration, USCIS, foreign investors are granted conditional 2-year green cards. After 2 years, these investors must provide proof that they have created at least 10 jobs as a result of their investments, and that they have met additional investment requirements set by USCIS.

The Federal Government authorizes approximately 388,000 green cards each year. Out of that number, only 10,000 annually are reserved for the EB–5 program. The vast majority of the green cards issued by our Government are family-based and available to anyone who meets the admissibility criteria, irrespective of personal wealth. It is true that this program requires a significant up-front investment from a prospective immigrant, but that does not disadvantage others who wish to become permanent residents. Most importantly, that investment directly benefits American communities and workers at no cost to American taxpayers. Similar programs have long yielded extraordinary economic benefits for the people of Canada, Australia and other countries.

There is virtually no substantive opposition to the EB–5 program. Most elected officials will agree that creating jobs and capital investment is a good, bipartisan goal.

The bill I introduce today makes the program permanent, but I am also working on a broader package of improvements to the EB–5 program to modernize it and ensure it operates efficiently, and as Congress intended. We must make sure that the immigration agency has the tools it needs to keep the program free from fraud and abuse. We must offer stakeholders an efficient process with fair standards so that they have confidence in the program. I am developing legislation in consultation with stakeholders and agency officials to make changes that will bring about lasting improvements for everyone involved.

The EB–5 regional center program is one small corner of our overall immigration system—and it is one that generates tangible, ongoing economic benefits for Americans in the form of jobs and capital investment in local communities. It is an American success story, and we can build on its success with a continuing charter, with careful cultivation, and with appropriate oversight.

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. 642

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 ''Creating American Jobs Through Foreign Capital Investment Act''.

SEC. 2. PERMANENT REAUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place such term appears; and

(2) in subsection (b), by striking ''until September 30, 2012''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—DESIGNATING SEPTEMBER 2011 AS ''CAMPUS FIRE SAFETY MONTH''

Mr. LAUTENBERG (for himself, Ms. COLLINS, Mr. LEVIN, Mr. SANDERS, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committtee on the Judiciary:

S. RES. 104

Whereas, each year, States across the Nation formally designate September as Campus Fire Safety Month;

Whereas, since January 2000, at least 143 people, including students, parents, and children have died in campus-related fires;

Whereas 85 percent of those deaths occurred in off-campus residences;

Whereas a majority of college students in the United States live in off-campus residences;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems had been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants;

Whereas many college students live in off-campus residences, fraternity and sorority housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas college students do not routinely receive effective fire safety education during their time in college;

Whereas it is vital to educate young people in the United States about the importance of fire safety to help ensure fire-safe behavior by young people during their college years and beyond; and

Whereas, by developing a generation of fire-safe adults, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2011 as ''Campus Fire Safety Month''; and

(2) encourages administrators of institutions of higher education and municipalities across the country—

(A) to provide educational programs to all students during September and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

SENATE RESOLUTION 105—TO CONDEMN THE DECEMBER 19, 2010, ELECTIONS IN BELARUS, AND TO CALL FOR THE IMMEDIATE RELEASE OF ALL POLITICAL PRISONERS AND FOR NEW ELECTIONS THAT MEET INTERNATIONAL STANDARDS

Mr. DURBIN (for himself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CARDIN, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KYL, Mr. BARRASSO, Mr. UDALL of Colorado, Mr. KIRK, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas the people of Belarus have lived under the brutal dictatorship of Alexander Lukashenko for almost 2 decades;