(Mr. COCHRAN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 211

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 211 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. PRYOR (for himself and Mr. ALEXANDER):

S. 695. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I come to the floor today to introduce legislation with Senator ALEXANDER of Tennessee that I believe will have a dramatic impact on the safety of our Nation's highways and interstates, called the Commercial Driver Compliance Improvement Act. This bill will require the Department of Transportation's Federal Motor Carrier Safety Administration FMCSA, to implement regulations requiring the use of electronic on-board recording devices, EOBRs, for motor carriers in order to improve compliance with Hours-of-Service, HOS, regulations. Requiring the use of these technologies in motor carriers will not only improve compliance with HOS regulations, but it will also reduce the number of fatigued commercial motor vehicle drivers on the road. This will have a profound impact on highway safety and reduce accidents and fatalities on our highways and interstates.

Hours-of-Service regulations place limits on when and how long commercial motor vehicle drivers may drive. These regulations are based on an exhaustive scientific review and are designed to ensure truck drivers get the necessary rest to drive safely. In developing HOS rules, the FMCSA reviewed existing fatigue research and worked with nongovernmental organizations like the Transportation Research Board of the National Academies and the National Institute for Occupational Safety. HOS regulations are designed to continue the downward trend in truck driving fatalities and maintain motor carrier operational efficiencies.

Unfortunately, compliance with HOS regulations is often spotty due to inaccurate reporting by drivers as they are only required to fill out a paper log, a tracking method that dates back to the 1930s. Inaccurate reporting may result from an honest mistake or an intentional error by a driver seeking to extend his work day. These inaccuracies can lead to too much time on the road, leaving the driver fatigued and placing other drivers at risk. After listening to the many interest groups and experts on this issue in meetings and Commerce, Science and Transportation Committee hearings, I have come to learn that there is an available and affordable twenty-first-century technology that can ensure accurate logs, enhance compliance, and reduce the number of fatigued drivers on the road. They are being used today, and they are producing results. I believe that widespread utilization of these devices as soon as possible will significantly reduce further loss of life resulting from driver fatigue.

Our legislation will require motor carriers to install in their trucks an electronic device that performs multiple tasks to ensure compliance with HOS regulations. These devices must be engaged to the truck engine control module and capable of identifying the driver operating the truck, recording a driver's duty status, and monitoring the location and movement of the vehicle. Requiring electronic log books that are integrally connected to the vehicle engine as this bill requires will dramatically increase the accuracy of information submitted for hours of service compliance. Our bill will also require these recording devices to be tamper resistant and fully accessible by law enforcement personnel and Federal safety regulators only for purposes of enforcement and compliance reviews.

While I understand that some drivers may be reluctant to transition to electronic logging devices, I strongly believe that the safety benefits of the use of these devices far outweigh the costs. I don't want to see more lives lost due to driver fatigue resulting from log book manipulation. I also believe that with the rapid development of electronic technology, especially in the wireless telecommunications area, we will see strong competition among EOBR manufacturers and reduced costs for these technologies. In addition, the price of these products should go down as the demand increases through regulatory requirement to utilize this equipment.

Senator ALEXANDER and I are not alone in calling for this technology to be more widely used by commercial vehicles. There are a number of Senators, including Senator LAUTENBERG, who have long been strong proponents of implementing the use of this technology. In addition, multiple Federal agencies and nongovernmental organizations have recognized the benefits of this technology and called for its widespread use.

For example, Mr. Francis France of the Commercial Vehicle Safety Alliance stated at the April 28, 2010, Senate Committee on Commerce, Science, and Transportation hearing on Oversight of Motor Carrier Safety Efforts that,

> All motor vehicles should be equipped with EOBRs to better comply with Hours of Service laws . . . CVSA has been working with a broad partnership to help provide guidance to achieve uniform performance standards for EOBRs.

Similarly, the Chairman of the National Transportation Safety Board, the Honorable Deborah Hersman, stated at the same hearing that,

> For the past 30 years, the NTSB has advocated the use of onboard data recorders to increase Hours of Service compliance . . . the NTSB recommended that they be required on all commercial vehicles.

During the same hearing, Ms. Jacqueline S. Gillan, with the Advocates for Highway and Auto Safety, stated that,

> We regard the mandatory, universal installation and use of EOBRs as crucial to stopping the epidemic of hours of service violations that produce fatigued, sleep-deprived commercial drivers . . . at very high risk of serious injury and fatal crashes.

I have also heard from Administrator Ferro of the FMCSA on her thoughts of how EOBRs would enhance compliance and improve highway safety. The FMCSA recently implemented a rule to require that these devices be mandated for truck drivers and trucking companies that have been found to be noncompliant with FMCSA rules. These rules will be effective in June 2012. It is my understanding that the FMCSA is looking to expand these requirements to include more motor carriers, and I support those efforts as they reflect the qualities and intent of this legislation.

Finally, in addition to the support from safety advocates and federal transportation safety officials, I have also heard from a number of Arkansas trucking companies currently utilizing this technology. These companies have

experienced reductions in driver fatigue, increases in compliance, and reductions in insurance premiums. The executives of these companies, which include J.B. Hunt and Maverick U.S.A. among others, support the expanded use of these devices to increase compliance, improve highway safety, and level the playing field among the industry. I agree with their views on the importance of widespread utilization of this safety and compliance device.

The Commercial Driver Compliance Improvement Act, if enacted, will require the Department of Transportation to issue regulations within eighteen months from enactment to require commercial motor vehicles used in interstate commerce to be equipped with electronic onboard recorders for purposes of improving compliance with hours of service regulations. The regulation will apply to commercial motor carriers, commercial motor vehicles, and vehicle operators subject to both hours of service and record of duty status requirements three years after the date of enactment of this Act. This population represents a vast majority of drivers and carriers who operate trucks weighing 10,001 pounds or more involved in interstate commerce. It will cover one hundred percent of over-the-road, long-haul truck drivers.

I urge my colleagues in the Senate to recognize the importance of this technology in saving lives on our nation's highways and interstates. I also ask for their support for this legislation and help in moving it to the President as quickly as possible. It is my hope that we move this legislation through the Senate no later than the Surface Transportation Reauthorization legislation that the Senate will take up in the near future.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. ROCKEFELLER, and Ms. MURKOWSKI):

S. 699. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. President, I am pleased to introduce the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2011, along with Senators BARRASSO, ROCKEFELLER and MURKOWSKI. It is critical that we work toward reducing our greenhouse gas footprint while producing safe and secure, clean energy here in America. I believe this bill will go far to incentivize early project developers to start reducing carbon dioxide emissions through carbon capture and geologic sequestration.

This bipartisan bill establishes a national program through the Department of Energy to facilitate up to 10 commercial-scale carbon capture and sequestration projects. There is a clear need to address both the issues of liability and adequate project financing for early-mover projects. The program in this bill is a strong step to building confidence for project developers demonstrating that the projects will be conducted safely while addressing the growing concerns of reducing greenhouse gas emissions from industrial facilities, such as coal and natural gas power plants, cement plants, refineries and other carbon intensive industrial processes. Such an early movers program will go far also assisting project developers and regulators to better understand and characterize any risks which may be associated with long-term geologic sequestration of carbon dioxide.

In addition, this legislation maps out a clear framework for long-term assurance for geological storage sites. It is essential to consider the issue of safe, long-term storage of carbon dioxide and take the steps needed for site stewardship during the injection phase, directly after site closure and for long-term preventative maintenance of the geologic storage facility.

Many stakeholders associate maintenance issues with liability concerns. In my view, these are two separate issues. Maintenance is essential for reducing risk and limiting liabilities at a storage site, and it is critical to have robust monitoring, accounting, and verification of an injected carbon dioxide plume at each of the storage sites that would continue well past site closure. With a proper site maintenance program developed for each project, risk will be minimized and developers will have greater confidence that liabilities will not be incurred. This legislation will require science-based monitoring and verification of the injected carbon dioxide plume throughout the life of the project to well beyond the closure phase. This bill is consistent with the current efforts to provide a strong regulatory framework for safe geologic storage of carbon dioxide through the Underground Injection Control Program under the Safe Drinking Water Act.

As carbon capture and sequestration projects grow in both scale and number, there will be an increasing need to train qualified regulators to oversee the permitting, operation, and closure of geologic storage sites. This bill also creates a grant program whose goal is to train personnel at State agencies which will oversee the regulatory aspects of geologic storage of carbon dioxide.

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. 699

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 ''Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2011''.

SEC. 2. LARGE-SCALE CARBON STORAGE PROGRAM.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by inserting after section 963 (42 U.S.C. 16293) the following:

''SEC. 963A. LARGE-SCALE CARBON STORAGE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

''(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide each year from industrial sources into a geological formation.

''(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(b) PROGRAM.—In addition to the research, development, and demonstration program authorized by section 963, the Secretary shall carry out a program to demonstrate the commercial application of integrated systems for the capture, injection, monitoring, and long-term geological storage of carbon dioxide from industrial sources.

''(c) AUTHORIZED ASSISTANCE.—In carrying out the program, the Secretary may enter into cooperative agreements to provide financial and technical assistance to up to 10 demonstration projects.

''(d) PROJECT SELECTION.—The Secretary shall competitively select recipients of cooperative agreements under this section from among applicants that—

''(1) provide the Secretary with sufficient geological site information (including hydrogeological and geophysical information) to establish that the proposed geological storage unit is capable of long-term storage of the injected carbon dioxide, including—

''(A) the location, extent, and storage capacity of the geological storage unit at the site into which the carbon dioxide will be injected;

''(B) the principal potential modes of geomechanical failure in the geological storage unit;

''(C) the ability of the geological storage unit to retain injected carbon dioxide; and

''(D) the measurement, monitoring, and verification requirements necessary to ensure adequate information on the operation of the geological storage unit during and after the injection of carbon dioxide;

''(2) possess the land or interests in land necessary for—

''(A) the injection and storage of the carbon dioxide at the proposed geological storage unit; and

''(B) the closure, monitoring, and long-term stewardship of the geological storage unit;

''(3) possess or have a reasonable expectation of obtaining all necessary permits and authorizations under applicable Federal and State laws (including regulations); and

''(4) agree to comply with each requirement of subsection (e).

''(e) TERMS AND CONDITIONS.—The Secretary shall condition receipt of financial assistance pursuant to a cooperative agreement under this section on the recipient agreeing to—

''(1) comply with all applicable Federal and State laws (including regulations), including a certification by the appropriate regulatory authority that the project will comply with

Federal and State requirements to protect drinking water supplies;

''(2) in the case of industrial sources subject to the Clean Air Act (42 U.S.C. 7401 et seq.), inject only carbon dioxide captured from industrial sources in compliance with that Act;

''(3) comply with all applicable construction and operating requirements for deep injection wells;

''(4) measure, monitor, and test to verify that carbon dioxide injected into the injection zone is not—

''(A) escaping from or migrating beyond the confinement zone; or

''(B) endangering an underground source of drinking water;

''(5) comply with applicable well-plugging, post-injection site care, and site closure requirements, including—

''(A)(i) maintaining financial assurances during the post-injection closure and monitoring phase until a certificate of closure is issued by the Secretary; and

''(ii) promptly undertaking remediation activities for any leak from the geological storage unit that would endanger public health or safety or natural resources; and

''(B) complying with subsection (f);

''(6) comply with applicable long-term care requirements;

''(7) maintain financial protection in a form and in an amount acceptable to—

''(A) the Secretary;

''(B) the Secretary with jurisdiction over the land; and

''(C) the Administrator of the Environmental Protection Agency; and

''(8) provide the assurances described in section 963(c)(4)(B).

''(f) POST INJECTION CLOSURE AND MONITORING ELEMENTS.—In assessing whether a project complies with site closure requirements under subsection (e)(5), the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether the recipient of financial assistance has demonstrated continuous compliance with each of the following over a period of not less than 10 consecutive years after the plume of carbon dioxide has stabilized within the geologic formation that comprises the geologic storage unit following the cessation of injection activities:

''(1) The estimated location and extent of the project footprint (including the detectable plume of carbon dioxide and the area of elevated pressure resulting from the project) has not substantially changed and is contained within the geologic storage unit.

''(2) The injection zone formation pressure has ceased to increase following cessation of carbon dioxide injection into the geologic storage unit.

''(3) There is no leakage of either carbon dioxide or displaced formation fluid from the geologic storage unit that is endangering public health and safety, including underground sources of drinking water and natural resources.

''(4) The injected or displaced formation fluids are not expected to migrate in the future in a manner that encounters a potential leakage pathway.

''(5) The injection wells at the site completed into or through the injection zone or confining zone are plugged and abandoned in accordance with the applicable requirements of Federal or State law governing the wells.

''(g) INDEMNIFICATION AGREEMENTS.—

''(1) DEFINITION OF LIABILITY.—In this subsection, the term 'liability' means any legal liability for—

''(A) bodily injury, sickness, disease, or death;

''(B) loss of or damage to property, or loss of use of property; or

''(C) injury to or destruction or loss of natural resources, including fish, wildlife, and drinking water supplies.

''(2) AGREEMENTS.—Not later than 1 year after the date of the receipt by the Secretary of a completed application for a demonstration project, the Secretary may agree to indemnify and hold harmless the recipient of a cooperative agreement under this section from liability arising out of or resulting from a demonstration project in excess of the amount of liability covered by financial protection maintained by the recipient under subsection (e)(7).

''(3) EXCEPTION FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT.—Notwithstanding paragraph (1), the Secretary may not indemnify the recipient of a cooperative agreement under this section from liability arising out of conduct of a recipient that is grossly negligent or that constitutes intentional misconduct.

''(4) COLLECTION OF FEES.—

''(A) IN GENERAL.—The Secretary shall collect a fee from any person with whom an agreement for indemnification is executed under this subsection in an amount that is equal to the net present value of payments made by the United States to cover liability under the indemnification agreement.

''(B) AMOUNT.—The Secretary shall establish, by regulation, criteria for determining the amount of the fee, taking into account—

''(i) the likelihood of an incident resulting in liability to the United States under the indemnification agreement; and

''(ii) other factors pertaining to the hazard of the indemnified project.

''(C) USE OF FEES.—Fees collected under this paragraph shall be deposited in the Treasury and credited to miscellaneous receipts.

''(5) CONTRACTS IN ADVANCE OF APPROPRIATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary The Secretary may enter into agreements of indemnification under this subsection in advance of appropriations and incur obligations without regard to section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), or section 11 of title 41, United States Code (commonly known as the 'Adequacy of Appropriations Act').

''(B) LIMITATION.—The amount of indemnification under this subsection shall not exceed $10,000,000,000 (adjusted not less than once during each 5-year period following the date of enactment of this section, in accordance with the aggregate percentage change in the Consumer Price Index since the previous adjustment under this subparagraph), in the aggregate, for all persons indemnified in connection with an agreement and for each project, including such legal costs as are approved by the Secretary.

''(6) CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—

''(A) IN GENERAL.—An agreement of indemnification under this subsection may contain such terms as the Secretary considers appropriate to carry out the purposes of this section.

''(B) ADMINISTRATION.—The agreement shall provide that, if the Secretary makes a determination the United States will probably be required to make indemnity payments under the agreement, the Attorney General—

''(i) shall collaborate with the recipient of an award under this subsection; and

''(ii) may—

''(I) approve the payment of any claim under the agreement of indemnification;

''(II) appear on behalf of the recipient;

''(III) take charge of an action; and

''(IV) settle or defend an action.

''(C) SETTLEMENT OF CLAIMS.—

''(i) IN GENERAL.—The Attorney General shall have final authority on behalf of the United States to settle or approve the settlement of any claim under this subsection on a fair and reasonable basis with due regard for the purposes of this subsection.

''(ii) EXPENSES.—The settlement shall not include expenses in connection with the claim incurred by the recipient.

''(h) FEDERAL LAND.—

''(1) IN GENERAL.—The Secretary concerned may authorize the siting of a project on Federal land under the jurisdiction of the Secretary concerned in a manner consistent with applicable laws and land management plans and subject to such terms and conditions as the Secretary concerned determines to be necessary.

''(2) FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.—In determining whether to authorize a project on Federal land, the Secretary concerned shall take into account the framework for geological carbon sequestration on public land prepared in accordance with section 714 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1715).

''(i) ACCEPTANCE OF TITLE AND LONG-TERM MONITORING.—

''(1) IN GENERAL.—As a condition of a cooperative agreement under this section, the Secretary may accept title to, or transfer of administrative jurisdiction from another Federal agency over, any land or interest in land necessary for the monitoring, remediation, or long-term stewardship of a project site.

''(2) LONG-TERM MONITORING ACTIVITIES.—After accepting title to, or transfer of, a site closed in accordance with this section, the Secretary shall monitor the site and conduct any remediation activities to ensure the geological integrity of the site and prevent any endangerment of public health or safety.

''(3) FUNDING.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, such sums as are necessary to carry out paragraph (2).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(B) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

''(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide from industrial sources over the lifetime of the project.'';

(C) in subsection (b) (as so redesignated), by striking ''IN GENERAL'' and inserting ''PROGRAM'';

(D) in subsection (c) (as so redesignated), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(E) in subsection (d)(3) (as so redesignated), by striking subparagraph (D).

(2) Sections 703(a)(3) and 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3), 17252) are amended by striking ''section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3))'' each place it appears and inserting ''section 963(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(d)(3))''.

SEC. 3. TRAINING PROGRAM FOR STATE AND TRIBAL AGENCIES.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall establish a program to provide grants for employee training purposes to State and tribal

agencies involved in permitting, management, inspection, and oversight of carbon capture, transportation, and storage projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $10,000,000 for each of fiscal years 2010 through 2020.

By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 703. A bill to amend the Long-Term Leasing Act, and for other purposes; to the Committee on Indian Affairs.

Mr. BARRASSO. Mr. President, I rise today to introduce S. 703, the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011, otherwise known as the HEARTH Act.

For far too long, bureaucratic red tape has prevented Indian tribes from pursuing economic development and homeownership opportunities on tribal trust lands. For many years, Indian tribes have expressed concerns about the Federal laws and regulations governing surface leases of tribal trust lands.

The delays and uncertainties inherent in the Bureau of Indian Affairs' lease approval process, as well as the restrictions on the duration of lease terms, create serious barriers to the ability of tribes to plan and carry out economic development and other land use activities on tribal lands.

The HEARTH Act would give Indian tribes the discretion to adopt their own surface leasing regulations and, once those regulations are approved by the Secretary of the Interior, the authority to enter into surface leases of tribal lands without any further approval of the Secretary. The HEARTH Act would provide our nation's Indian tribes with new tools with which to expedite the productive and beneficial use of their lands.

In the 111th Congress, the Committee on Indian Affairs approved a very similar version of this bill but the full Senate did not act on the measure.

Before I conclude, I would like to thank Senator AKAKA, the Committee's new Chairman, for his leadership on this issue and for agreeing to cosponsor this bill with me. I would also like to thank Senators THUNE, TIM JOHNSON, TESTER, and TOM UDALL for cosponsoring this important legislation.

In closing, I urge my colleagues to help us expand economic opportunity on tribal trust lands by moving S. 703 expeditiously.

Mr. AKAKA. Mr. President, I rise today speak as an original cosponsor of an amendment to the Long Term Leasing Act of 1955. I am pleased to be an original cosponsor on this legislation which was introduced by my colleague on the Senate Indian Affairs Committee, Mr. BARRASSO.

The Helping, Expedite and Advance Responsible Tribal Homeownership Act of 2001, also known as the HEARTH Act of 2011, amends the Long Term Leasing Act of 1995. That act allows tribes or individual Indians to lease their lands for up to 25 years for certain purposes, including economic development, housing, education, agricultural, and natural resource development. The current act requires the Secretary of the Interior to approve each individual lease. It can take up to 2 years for each lease to be approved. Often this bureaucratic delay leads to the loss of economic development and other opportunities for tribes.

Since the enactment of the Nonintercourse Act of June 30, 1834, and predecessor statutes, land transactions with Indian tribes were prohibited unless specifically authorized by Congress. Congress enacted the act of August 9, 1955, commonly known as the Long-Term Leasing Act to overcome the prohibitions contained in the Nonintercourse Act. The Long-Term Leasing Act permitted some land transactions between Indian tribes and non-Federal parties—specifically, the leasing of Indian lands. The act required that leases of Indian lands be approved by the Secretary of the Interior and limited to terms of 25 years.

Today, each individual lease of Indian lands still requires approval by the Secretary of the Interior. The HEARTH Act of 2011, would allow each tribe to develop its own leasing regulations. Those regulations would then be submitted to the Secretary of the Interior for approval. Thereafter, the tribes would be able to approve their own leases, so long as they are consistent with their regulations.

This amendment to the Long-Term Leasing Act will have a significant impact on streamlining the leasing process for tribes. It will reduce delays in entering into economic development opportunities, providing housing and developing natural resources on Indian lands.

I thank Mr. BARRASSO for his leadership on this critical legislation. My cosponsors are well aware of the positive impact this legislation will have economic opportunities for tribes. I urge my colleagues to join me in supporting the passage of this legislation.

By Mr. WYDEN (for himself, Mr. CRAPO, Mr. ENZI, Ms. CANTWELL, Mr. SCHUMER, and Mr. MERKLEY):

S. 704. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the U.S. Outdoor Act. In the Pacific Northwest, spending time in the great outdoors is a part of life. Our magnificent mountains, our clear rivers and streams, and our majestic forests provide for a quality of life that is, in my view, unparalleled. Unfortunately, the outerwear that enables us to enjoy these wonderful treasures is more expensive than it needs to be. This is because under current law, the United States imposes steep tariffs on outdoor performance outerwear like jackets and pants used for skiing and snowboarding, mountaineering, hunting, fishing and dozens of other outdoor activities.

These high tariffs—and let us call them what they are, taxes—were originally implemented to promote an import substitution policy. They were imposed to discourage American consumers from buying outerwear that was manufactured overseas, even if those were superior products. Today, there is no domestic outerwear industry to really protect with these tariffs, yet consumers are still paying through the teeth for products like snow pants and rain jackets. These tariffs are hammering the pocketbooks of millions of American consumers, and they harm the businesses that are engaged in promoting enjoyment of the great outdoors.

But we can fix this in a way that helps American producers better compete globally in an environmentally sustainable manner, and relieves consumers of artificially high costs. But it is more than just reducing costs and promoting innovation.

To me, the Outdoor Act is also about encouraging our kids and members of our community to get outside, to be active, and to appreciate and protect our natural treasures. I want to associate myself with the efforts of the First Lady, Michelle Obama, who is leading an important initiative to get people—especially kids—moving and eating healthier. I see the Outdoor Act, which makes getting outside to hike, bike, or fish more affordable as complementary of the First Lady's efforts.

I am proud that this legislation enjoys support from both sides of the political aisle and especially pleased that my friend, Senator CRAPO from Idaho, is helping to lead the charge with this initiative. Furthermore, I am happy that this legislation is supported by domestic textile and apparel companies as well as the performance outerwear designers and retailers. This all makes sense given that it will spur outdoor recreation and consumption of goods to support these activities. The outdoor recreation industry accounts for $730 billion dollars and 65 million jobs across the United States, with 73,000 jobs in Oregon. With this bill, we can potentially create even more jobs by increasing the purchasing power of consumers of outdoor goods, by saving them money on unnecessary tariffs.

The U.S. OUTDOOR Act eliminates the import duty for qualifying recreational performance outerwear, bringing duties that can be as high as 28 percent down to zero. It also establishes the Sustainable Textile and Apparel Research, STAR, fund, which invests in U.S. technologies and jobs that focus on sustainable, environmentally conscious manufacturing, helping textile and apparel companies work towards minimizing their energy and

water use, reducing waste and their carbon footprint, and incorporating efficiencies that help them better compete globally. I urge my colleagues to take a look at this legislation and to work with me to move it toward becoming law.

By Mr. DURBIN (for himself and Mr. VITTER):

S. 707. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, it might come as a surprise to some to learn that dog breeders who sell animals directly to consumers over the internet are not subject to any Federal regulation. Under the Animal Welfare Act, wholesale dog dealers have to have a Federal license and are subject to U.S. Department of Agriculture inspection. Wholesale dog dealers typically sell their puppies to retail pet stores. But the law exempts any ''retail pet store'' from the same licensing and inspection requirements, because there was a day when you bought a dog either from a licensed breeder or from a store, who bought their dogs from a licensed breeder.

While it is not defined in statute, the exemption for retail pet stores has been interpreted to mean any outlet that sells dogs directly to the public. With the advent of the internet, many people buy puppies and dogs from breeders that are not licensed. There are plenty of responsible breeders across the country who care about and take great pains to properly look after the dogs in their care. But this statutory loophole leaves the door wide open for unscrupulous and negligent commercial dog breeders.

Today, I am reintroducing the Puppy Uniform Protection and Safety, or PUPS, Act with my colleague Senator VITTER. The PUPS Act would require breeders who sell more than 50 dogs a year directly to the public to obtain a license from the USDA.

This licensing process is simple and inexpensive, but it allows for better oversight of the facilities that keep dogs to ensure that they are complying with minimum Federal standards.

The media regularly reports stories about dogs rescued from substandard facilities—where dogs are housed in stacked wire cages and seriously ill and injured dogs are routinely denied access to veterinary care. This inhumane treatment has a direct bearing on the physical and mental health of the dogs. I have heard from veterinarians in Illinois, who share heart-breaking tales of families who welcomed new puppies into their homes, only to learn later that the animals had serious health or behavioral problems. In some cases, these puppies could be treated, but often at great expense to their owners.

My bill would also require that dogs and puppies housed at all licensed breeding facilities have space to run around, something we all know dogs love to do, on a surface that is solid, or at the very least non-wire.

It is my hope that extending and improving oversight of this industry through the PUPS Act will help protect the welfare of puppies and dogs in Illinois and across the country. Americans should feel confident about the health and well-being of the dog that they welcome into their family.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. INHOFE):

S. 710. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, I join the Senator from South Dakota, Mr. THUNE, in cosponsoring a bill to modernize the tracking of hazardous waste. The federal waste law requires the tracking of hazardous waste from ''cradle to grave.'' This tracking system is designed to provide an enforceable chain of custody for hazardous wastes. The law provides a strong incentive for transporters to manage the waste in a responsible fashion. The U.S. Environmental Protection Agency's economic analysis estimates that over 139,000 regulated entities track between 2.4 and 5.1 million shipments a year.

This system provides for appropriate stewardship of the hazardous waste products of our modern world. Unfortunately, the tracking system itself is in serious need of modernization.

Currently, the tracking is handled entirely through a paper manifest system. The paperwork burden is enormous. Each manifest form has seven or eight copies, which currently must be manually filled out and signed with pen and ink signatures, physically carried with waste shipments, mailed to generators and state agencies, and finally stored among facility records.

The paperwork burden is so great that 22 States and the EPA do not even collect copies of the forms. Those that do so get their copies months after the waste has been shipped. In the vast majority of cases, the only time regulators look at the manifests is during inspections or after a disaster to identify the responsible parties.

Under the Thune-Cardin bill, the paper manifest will be replaced by an electronic manifest. The bill sets up a funding system for the manifest paid for by the users of the system, the generators, and waste companies that handle hazardous waste.

An e-manifest system would remove a tremendous paperwork burden, assist the States in receiving data more readily in a format they can use, improve the public's access to waste shipment information and save over $100 million every year. First responders could get data in real-time. That is why groups as varied as Dow Chemical, Sierra Club and the Association of State, Territorial, Solid Waste Management Officials support this bill.

EPA does not have the funding to set up this system, so the bill uses a unique way to contract for the work. Companies will ''bid'' to set up the system at their cost and risk. They will be paid back on a per manifest basis by the users, waste generators, and handlers. This puts the burden on the private company or companies to meet the needs of the users of the system. The legislation is needed so that the funds collected go to the operation of the program rather than go to the general treasury.

A hearing was held on this issue in 2006 on a similar bill, S. 3871 introduced by Senators THUNE, JEFFORDS, and INHOFE. No serious objections were made at that time and strong support was expressed by all the witnesses including EPA.

In September of 2008, an equally similar bill introduced by Senator THUNE was reported favorably out of the Senate Environment and Public Works Committee and passed the Senate. Unfortunately, the House did not take up the measure.

This is legislation that is overdue. I ask members to join us in supporting this legislation which has garnered the backing of industry, states, and environmental groups. It is time for the waste manifest system to move into the 21st century.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 119—RECOGNIZING PAST, PRESENT, AND FUTURE PUBLIC HEALTH AND ECONOMIC BENEFITS OF CLEANER AIR DUE TO THE SUCCESSFUL IMPLEMENTATION OF THE CLEAN AIR ACT

Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mr. KERRY, Mr. REID, Mr. HARKIN, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. FRANKEN, Mrs. MURRAY, Mr. CARDIN, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. INOUYE, Mrs. SHAHEEN, Mr. DURBIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. COONS, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. WYDEN, Mr. NELSON of Florida, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 119

Whereas for more than 40 years since passing with strong bipartisan support, the Clean Air Act (42 U.S.C. 7401 et seq.) has saved lives and protected public health in the United States while creating jobs and enhancing national security;

Whereas the Clean Air Act has saved hundreds of thousands of American lives since 1970;

Whereas the Clean Air Act has helped industry in the United States lead the way in