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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by His Eminence Archbishop Oshagan Choloyan from the Eastern Prelacy of the Armenian Apostolic Church of America in New York City.

The guest Chaplain offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Almighty God, eternal guide of humankind, we seek the grace of Your wisdom in our lives and in the lives of our leaders. We thank You in the name of the Armenian people for Your divine mercy in providing them a safe refuge in this blessed country, the United States of America, where they were delivered from the depths of despair of genocide and welcomed with new life. We beseech You to spare all of Your children from tyranny and persecution.

Reveal Your infinite Spirit to the Members of this Senate, that they may be inspired toward a greatness of purpose and ennobled in their request for good governance. We offer to You our sacrifices upon the altar of freedom in an act of redemption for all of humankind with hope of harmony, compassion, and tolerance. We stand before You today and ask this in Your Name and for Your glory. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, the Senate is now considering the motion to proceed to S. 1925, the Violence Against Women Reauthorization Act.

The Republicans will control the first half hour, and the majority will control the second half hour this morning. The Republicans will also control the time from 11:30 to 12:30 today. The majority will control the time from 12:30 to 1:30 p.m.

At 2 p.m. the Senate will resume consideration of the postal reform bill. There will be several rollcall votes—six to eight votes—at that time in order to complete action on the bill.

POSTAL REFORM

I am very gratified about the work that has been done over the last many months, which will culminate today in the passing of this postal bill. It has been extremely difficult. Lots of people have worked on this bill, and it has been a bipartisan effort. It is going to send a message to the House that we can do big things.

It is an important piece of legislation—one of the biggest and most complicated we have dealt with in a long time. As I said, I am gratified, and I congratulate and applaud Senators LIEBERMAN, COLLINS, and others on our side—especially Senator TOM CARPER, who worked hard with the chairman and ranking member and many others who were stalwarts. We saw that yesterday when there was an effort to bring the bill down. That was the first vote we took. Senators stood at their desks in the Chamber on a bipartisan basis and indicated how important this legislation is. It was a very important day for the American people.

VIOLENCE AGAINST WOMEN ACT

We will be on this legislation I announced dealing with violence against women. Each year about 5 million Americans are victims of violence by their spouses or partners. Every single day 3 women are killed at the hands of their abusers, and every day 9 or 10 are beaten very badly. They are hospitalized, and some have permanent injuries from their abusers. We authorize and ensure in this law that the police have the tools to more effectively stop this and prosecute those people who are the abusers.

As I said yesterday, I held hearings many years ago on this subject, and the one issue that was pronounced so clearly is that in many instances the only thing that helps these abusers is to send them to jail. It works better than counseling, better than threats, and people should realize we need law enforcement to have better ways of approaching these calls they get all the time.

I also mentioned yesterday that in Las Vegas one of our prized police officers, a sergeant on the police force for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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many years, was called to a scene along with one of the junior police officers, and he was killed as soon as he walked in the door. This is an important piece of legislation. It has 61 cosponsors, and we should pass it.

STUDENT LOANS

Madam President, the Senate has a long list of things to do. One of the things we have to do is stop the raising of interest rates on students who borrow money to go to school. We were fortunate to reduce this rate from 6.8 percent to 3.4 percent. We cut it in half. We did this in 2007. We had just obtained a majority in the Senate, and we worked on this very hard. It went to President Bush, he signed the law, and rightfully so.

Everyone should understand this is a bill that was signed by President Bush. We need to go back to what he signed. We cannot have these rates go up. If we don't act by July 1, more than 7 million students will be forced to pay an average of $1,000 more each year for these student loans. College is already unaffordable for too many people. I hope we can get this done.

I am going to stop my comments because I was, of course, impressed by the remarks of the guest Chaplain. Many years ago I went to the Armenian Church, and it was a wonderful experience. I say to my friend from Rhode Island, to whom I will yield in a second, we went to Armenia after that very brutal winter when the Turks had cut off the oil to Armenia. The Armenians cut down a lot of trees, and they survived. Most said they could not. It was a brutal winter. Peace Corps volunteers were there and not one left Armenia, even though they suffered along with the Armenian people.

So I have fond memories of my visit to Armenia. I understand the resiliency of the people of Armenia, and I remember visiting that church.

I yield to my friend, the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. I thank the leader for yielding.

WELCOMING THE GUEST CHAPLAIN

Mr. REED. Madam President, I am honored to be here today to welcome His Eminence Archbishop Oshagan Choloyan. Archbishop Choloyan serves as the Prelate of the Eastern Prelacy of the Armenian Apostolic Church of America. He has led the Eastern Prelacy since 1998, and he plays a significant role as the spiritual shepherd for several thousand Armenian Americans from Maine to Florida and west to Texas.

In Rhode Island, we are extremely blessed to have the Archbishop as such a strong spiritual and community leader. We continue to benefit from his wisdom, his compassion, and his generous spirit. It is an honor to have him here today as we not only listen to his moving and thoughtful words, but also as we commemorate the 97th anniversary of the Armenian genocide.

Ninety-seven years ago, on April 24, 1915, the Young Turk leaders of the Ottoman Empire summoned and executed over 200 Armenian community leaders and intellectuals, beginning an 8-year campaign of oppression and massacre. By 1923, nearly 1½ million Armenians were killed, and over a half million survivors were exiled. These atrocities affected the lives of every Armenian living in Asia Minor and, indeed, throughout the world.

The survivors of the Armenian genocide, however, persevered due to their unbreakable spirit, their steadfast resolve, and their deep commitment to their faith and their families. They went on to enrich their countries of emigration, including the United States, with their centuries-old customs, their culture, and their innate decency.

In fact, not only were the Ottomans unable to destroy the Armenian Empire, they strengthened it. And the participation of Armenians worldwide has made this world a much better place. Indeed, my home State is a much better place. That is why today we not only commemorate this grave tragedy but celebrate the traditions, the contributions, and the extraordinary hard work and decency of the Armenian Americans and Armenians throughout the world.

This year I once again join my colleagues in encouraging the United States to officially recognize the Armenian genocide. Denial of this history is not consistent with our country's sensitivity to human rights and our dedication to the highest and noblest principles that should govern the world. We must continue to educate our young people against this type of hatred and oppression so we can seek to prevent such crimes against humanity in the future. It was indeed an honor to be here to listen to the wise words of the Archbishop, to hear his prayer, his reflection, and to go forth knowing that he is a powerful force in our country for tolerance and decency. I thank him for being here today.

With that, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1925, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Nevada is recognized.

Mr. HELLER. Madam President, I rise today in support of the Violence Against Women Reauthorization Act.

I am glad the Senate is finally considering this important legislation, and I am proud to be the crucial 60th cosponsor of the bill. I commend Chairman LEAHY for producing a bill that enjoys broad bipartisan support, and I look forward to swift passage of the VAWA reauthorization.

Violence in all its forms is unacceptable, but it is particularly horrifying when it takes place in the home, which should be a sanctuary for all who live there. Yet a recent CDC report found that nearly half of all women living in my home State of Nevada at the time of the survey experienced domestic violence at some point in their lifetime. This statistic is sickening and unacceptable. Women and children often feel powerless to escape abusive or dangerous situations, which too often end in tragedy.

My home State knows this sad reality all too well. Nevada is ranked first in the Nation for women murdered by men in domestic violence. Sadly, our State has appeared in the top three States in this horrific category in the last 7 years. Thankfully, organizations throughout the State of Nevada work tirelessly to help those jeopardized by domestic violence. While these groups have faced significant challenges due to funding cuts in recent years, they are doing their best with what they have to provide assistance to families who need it most.

According to last year's Nevada Census of Domestic Violence Services, nearly 500 Nevadans received crisis assistance through Nevada's domestic violence programs on a single day; 272 found refuge in emergency shelters or temporary housing; 204 received nonresidential assistance. Staff and volunteers fielded an average of six hotline calls every hour. Despite the best efforts of our State's domestic violence programs, 25 cases of unmet requests for services were reported on a single day due to shortage of funds and staff. That means thousands of Nevadans could not access the services they needed last year.

Nevada's struggling economy has limited State resources to help those who are affected by domestic violence. Reauthorization of VAWA will provide greater certainty for organizations that work hard every day to prevent and address domestic violence. I trust this bill will ensure and enable domestic violence programs to plan for the future and serve even more Americans in need. Importantly, this bill will also

further prevention efforts that, hopefully, will result in reducing domestic violence and help our Nation's most vulnerable.

I am also pleased this legislation reauthorizes programs vital to the National Council of Family and Juvenile Court Judges. The National Council has made a strong impact in courts throughout the Nation by teaching judges innovative strategies that equip them to appropriately assist families and young people who face significant hardships. I cannot be more proud of the positive changes the National Council is effecting in courtrooms and communities in Nevada and nationwide, and I am glad this bill will further their efforts.

As a fiscal conservative, I am also glad this bill was written with full awareness of the fiscal crisis our Nation is facing. This legislation repeals duplicative provisions and programs, creating a more efficient system. I encourage my colleagues to use this bill as a model when considering additional reauthorizations this year. We must not forget the need to implement commonsense budgetary practices across the board in order to put our Nation on a path to long-term fiscal responsibility.

While not perfect, I am pleased the Senate is proceeding with this bill and trust it will further the important goal of reducing violence in all its forms. This bipartisan effort is an example of how Members of Congress should be working together to solve the problems facing our Nation and protecting those who have no voice. I look forward to the passage of the VAWA reauthorization measure and believe it will truly make a difference in the lives of countless women in Nevada and throughout the United States.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

NATIONAL ENERGY POLICY

Mr. MORAN. Madam President, as certainly every Kansan and all Americans know, our gas prices are on the rise and the U.S. economy continues to struggle. I believe one of the most important things Congress can do now is to facilitate the production of affordable energy in this country. In Kansas, we have the third highest number of highway miles in any State in the country, so higher fuel prices are particularly difficult for Kansans who drive long distances each day for work and school. When business owners pay more for fuel, they have less to invest in their businesses and fewer resources to use to hire new employees.

In our State, higher fuel prices increase operating costs for farmers and ranchers who produce much of our Nation's food supply. One Kansas farmer feeds 155 people. The global food supply is threatened when food producers have to pay high costs to plant, harvest, and transport their production.

Higher gas prices don't just affect the farmer or rancher filling their equipment; they also affect every American as they shop at their grocery store. While producers have to pay higher fuel costs, so do the folks who transport the goods to market. So that increased cost gets passed on to the consumer. We all are paying more.

For the United States to remain competitive in this global economy, Congress must develop a comprehensive national energy policy. No single form of energy can provide all the answers. High fuel prices and an uncertain energy supply will continue until we take serious steps toward increasing the development of our own natural resources.

Our country has some of the most plentiful, affordable, and reliable energy sources available. Our own Congressional Research Service has reported the United States has greater energy resources than China, Saudi Arabia, and Canada combined. Unfortunately, access to those resources continues to be restricted.

Technological advances have made the exploration, extraction, and transportation of oil and gas safer and more efficient. Yet the Obama administration has repeatedly blocked efforts to expand energy production. In the President's State of the Union Address, he claimed oil and gas production has increased under his leadership. While private lands are being further developed, and energy production is being increased on those private lands, energy production on Federal lands has actually decreased. According to the Department of the Interior, oil production on Federal property fell by 14 percent and natural gas production fell by 11 percent last year.

The failure to explore and develop our vast natural resources on Federal lands hit an unfortunate milestone last week. Ten years ago, the Senate failed to open a fractional portion of the Arctic National Wildlife Reserve for responsible resource development. Those opposed to developing that small portion of that vast area claimed the resources available in ANWR would not reach the market for 10 years. Well, here we are, 10 years later, no closer than we were in 2002 to gaining our energy independence.

American businesses involved in the oil and gas industry can bring these resources to market and send a strong signal to the world that the United States is serious about energy security. Yet rather than allowing these companies to deploy their expertise and increase production, there are those who say oil and gas companies deserve even more taxes—a tax increase. Raising taxes on the very businesses tasked with locating, extracting, and distributing the fuel to power our economy would do nothing to lower costs and reduce our dependence on foreign oil. In fact, it would do exactly the opposite.

When the Congressional Research Service analyzed President Obama's fiscal year 2012 budget proposal last year to raise taxes on the oil and gas companies, they concluded those efforts would have the effect of ''decreasing exploration, development and production while increasing prices and increasing the nation's foreign oil dependence.'' The nonpartisan Congressional Research Service says these taxes would reduce domestic supply and hurt consumers.

To increase domestic production, I have sponsored the 3–D Act, which would require the administration to reverse their cancellation of dozens of oil and gas leases, open areas previously restricted to responsible oil and gas development, such as the Arctic National Wildlife Reserve, and streamline the environmental review process that continually ties up worthy projects in costly bureaucracy and litigation.

The administration is also delaying projects that will improve our energy's infrastructure. The President's denial of TransCanada's Keystone XL Pipeline permit delayed an important project that would create thousands of jobs and bring billions to the U.S. economy. This private investment in energy infrastructure is exactly the type of investment the President should be encouraging. Construction projects create jobs and boost local economies.

For example, back home in Kansas, Clay County is a small, lowly populated county. Their utility sales to TransCanada could quadruple their overall sales and add more than $½ million to the local economy every year. This would be a significant boost to the county's economic development.

President Obama's own Jobs Council cited the pipeline construction as a way to boost the economy in their year-end report released January of this year, stating:

> Policies that facilitate safe, thoughtful and timely development of pipeline, transmission and distribution projects are necessary to facilitate the delivery of America's fuel and electricity and maintain the reliability of our nation's energy system.

But TransCanada's project has been stalled as the company works to seek a new route through the State of Nebraska, to our north. But instead of putting the entire project on hold, we would be much better off if we would allow construction to begin in areas not subject to this rerouting so jobs could be created and our Nation could have greater access to more reliable energy. S. 2041, which I have sponsored, would do that.

Renewable energy must also play a role in supplying our energy needs as new technologies allow for the increased commercialization of renewable fuels. Kansas is a leader in wind production and second only to Texas in wind resource potential. Innovation in biofuel production has also increased our ability to develop additional energy from renewable sources available in my home State of Kansas.

Nuclear energy is a necessary component that will help us supply our country's future energy needs and allow our country to be less reliant on energy

from other nations. I will continue to support initiatives to spur growth in the nuclear energy industry, including initiatives to streamline regulatory compliance.

Energy exploration must be accompanied by energy conservation. When Americans drive more efficient vehicles and occupy energy-conserving buildings, they not only consume less energy, they save money. At a time when gas prices continue to climb, we need to be looking for more innovative ways to help consumers save money on energy bills.

Congress must develop a comprehensive national energy policy—a policy based upon the free market principles that say we can find the resources necessary to meet our country's needs. We must develop our domestic sources of oil, natural gas, and coal, encourage the development of renewable energy sources, and promote conservation.

Not only would the development of our Nation's resources reduce our dependence on foreign energy, it would also provide our economy can with a reliable, affordable fuel supply. If future generations of Americans are to experience the quality of life we enjoy today, the time to address our energy needs is now.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, I know we have not yet concluded the postal reform bill, but I come to the floor to speak on an amendment I intend to offer on the reauthorization of the Violence Against Women Act. The amendment I intend to offer is one that enjoys bipartisan support, and I hope as more Senators learn about the content of this amendment and how it will strengthen the Violence Against Women Act, they will join me and Senator MARK KIRK of Illinois, Senator BENNET of Colorado, as well as Senator VITTER from Louisiana. I believe it will strengthen the Violence Against Women Act we will vote on, presumably later today, but probably tomorrow.

I am also happy to have the support of the Rape Abuse and Incest National Network—RAINN—PROTECT, and the Texas Association Against Sexual Assault, as well as Bexar County District Attorney Susan Reed, whose office is in San Antonio, TX. She has worked with us on this amendment, and we have benefited from her counsel and that of her staff. We have the support as well of San Antonio Police Chief William McManus.

At its core, this amendment would help end the nationwide rape kit backlog while improving law enforcement tools to crack down on violent criminals who target women and children for sexual assault.

To give a little context, in the course of an investigation, law enforcement officials will collect DNA evidence in something called a rape kit. These are generally bodily fluids that can be tested, because of their DNA signature, against a bank of DNA evidence for a match. In fact, this is a very powerful tool for law enforcement because it will literally identify someone from this DNA match in a way nothing else can. This DNA evidence can also, for those who care, as we all do, about making sure the innocent are not held in suspicion or convicted for crimes they didn't commit, be so powerful as to literally exclude, in some instances, suspects of criminal conduct.

The nationwide rape kit backlog is a national scandal—one that many people don't know very much about—and it has serious consequences for sexual assault victims. The truth is we don't know about the full scope of the problem, but one estimate is there are as many as 400,000 untested rape kits currently sitting in labs and on police station shelves across the Nation, each one of them holding within itself the potential to help solve a serious crime and, in the process, take a rapist off the streets and provide a victim with the justice they deserve.

Take, for example, the case of Carol Bart. Carol is from Dallas, TX. In 1984, Ms. Bart was kidnapped and raped at knife point outside her Dallas apartment. Although she submitted herself for rape kit testing immediately following the crime, her kit was not tested until 2008—24 years later. When it was tested 24 years after the rape kit specimens were collected, it yielded a match for a serial sex offender who had attempted to rape another woman only 4 months later after he raped Ms. Bart.

This is one of the most important reasons why this evidence is important, because the fact is people who commit sexual assaults are not one-time offenders. They do it many times, and often they do it until they are caught. But because the rape kit in Ms. Bart's case was not tested for 24 years after the crime, the statute of limitations had run, meaning that her attacker could not be brought to justice for that particular crime.

Statutes of limitations serve a worthwhile purpose under ordinary circumstances. They are designed to make sure charges are brought on a timely basis, while witnesses' memories are fresh and they can identify the perpetrator and the like. But in this instance, what it concealed was an injustice because, in fact, this late testing—24 years after the fact—meant her attacker could not be brought to justice for that particular crime.

Take also the case of Helena Lazaro, who was raped outside of Los Angeles in 1996 when she was just a teenager. Ms. Lazaro's rape kit sat untested for more than 13 years after her assault. When it was finally tested in 2009, it yielded a match to a repeat offender who had raped several women at knifepoint in Indiana and Ohio.

There are countless, I am sorry to say, examples of similar tragedies across the country, only a handful of which are actually reported on the front pages of our major newspapers. And some of these victims, of course, have merely suffered in silence in towns and communities across our country.

One thing is clear: While DNA evidence is powerful evidence, we have not yet adapted our administration of testing nor the capacity to inventory these kits in a way to make sure they are tested on a timely basis, and we have not kept up with that. But that is what this amendment hopes to do.

According to a 2011 report by the National Institute of Justice:

> [c]urrent Federal programs to reduce backlogs in crime laboratories are not designed to address untested evidence stored in law enforcement agencies.

As a matter of fact, one of the problems in requiring an inventory of these untested rape kits is often the National Institute of Justice and law enforcement personnel don't even categorize a rape kit as untested until it actually is in the hands of the laboratory. So many of them sit in evidence lockers, never making their way to the labs, and are not identified as backlogged. So there are two distinct types of rape kit backlogs: the well-known backlog of untested rape kits that have already been submitted for testing and the hidden backlog of kits in law enforcement storage that have not been submitted for testing, as you can see, sometimes over a span of 13 years in one case and 24 years in the next. This amendment would help us learn more about this hidden backlog and ultimately help State and local law enforcement officials to end it.

One of my experiences during the 4 years I was attorney general of Texas was that many local jurisdictions simply did not have the expertise or experience or the knowledge to deal with new technology, whether it is Internet crimes or whether it is this new, powerful DNA tool. It is not so new now, and in urban areas it is not as big of a problem. In New York City, for example, I am sure they are quite sophisticated when dealing with this sort of evidence but less so in smaller towns and communities across the country.

The justice for victims amendment would reserve 7 percent of existing Debbie Smith Act grant funding for the purpose of helping State and local governments to conduct audits of their rape kit backlogs. In my hometown of San Antonio, the police department recently conducted such an audit of their evidence storage facilities using similar grant funding from the State of Texas. They identified more than 5,000—and that is just in San Antonio alone—untested sexual assault kits, of which 2,000 they determined should be submitted promptly for testing. My amendment would use existing appropriations to encourage more audits like this.

The amendment would also add accountability to the audit process by requiring grantees of these funds to upload critical information about the

size, scope, and status of their backlog into a new sexual assault evidence forensic registry. This valuable information would also help the National Institute of Justice better target the approximately $100 million of existing appropriations already available for this type of testing. In the spirit of open government, the amendment would also require the Department of Justice to publish aggregate, non-personally identifying information about the rape kit backlog on an appropriate Internet Web site.

To ensure that these audit grants do not take resources away from actual testing, my amendment would increase the amount of Debbie Smith Act appropriations required to be spent directly on laboratory testing from the 40 percent currently in the underlying Leahy bill, which will be the base bill, to 75 percent. So what it will do is it will actually take more of the funding that Congress intended be used to process rape kits and do actual testing and return it to that core function.

A comprehensive approach to crime prevention and victims' rights also requires updated tools for Federal law enforcement officials to target fugitives and repeat offenders. My amendment addresses this need by including bipartisan language authored by Senator JEFF SESSIONS that would authorize the U.S. Marshals Service to issue administrative subpoenas for the purpose of investigating unregistered sex offenders and would actually be limited to that narrow purpose. This provision would allow the Marshals Service to swiftly obtain time-sensitive tracking information, such as rent records and credit card statements, without having to go through the grand jury process, which may or may not be necessary depending on the circumstances. Such authority is urgently needed given the long and complicated paper trail that fugitive sex offender investigations often entail.

My amendment would also guarantee that we hand down tough punishments—appropriately so—to some of the worst crimes against women and children. For example, it includes enhanced sentencing provisions for aggravated domestic violence resulting in death or life-threatening bodily injury to the victim, aggravated sexual abuse, and child sex trafficking. I think preventing these horrible crimes is at the heart of the purpose of the Violence Against Women Act, and we should take the opportunity to improve the underlying bill by adopting this amendment and send a message to would-be perpetrators and child sex traffickers. If you commit some of the worst crimes imaginable in the United States, you should have the certain knowledge that you will be tracked down and that you will receive tough and appropriate punishment.

Finally, thanks to the great work of Senator MARK KIRK of Illinois, my amendment would further shed light on one of the greatest scourges of our time; that is, child prostitution and the trafficking that goes along with it.

The so-called adult entertainment section of the popular online classified Web site backpage.com is nothing more than a front for pimps and child sex traffickers. A lot has been written in the New York Times on this topic. On this Web site, young children and coerced women are openly advertised for sale in the sex trade. In fact, this Web site has been affirmatively linked to dozens of cases of child sex trafficking. Let me give a few recent examples.

Last month, Ronnie Leon Tramble was sentenced to 15 years in prison for interstate sex trafficking through force, fraud, and coercion. Tramble forced more than five young women and minors into prostitution over a period of at least 5 years throughout the State of Washington. He repeatedly subjected his victims to brutal physical and emotional abuse during this time, while using backpage.com to facilitate their prostitution.

In February of this year, Leighton Martin Curtis was sentenced to 30 years in prison for sex trafficking of a minor and production of child pornography. Curtis pimped a 15-year-old girl throughout Florida, Georgia, and North Carolina. He prostituted the girl to approximately 20 to 35 customers per week for more than a year and used backpage.com to facilitate these crimes.

According to human trafficking experts, a casual review of the backpage.com adult entertainment Web site reveals literally hundreds of children being sold for sex every day. This is absolutely sickening and should be stopped with all the tools available to us. We should no longer stand idle while thousands of children and trafficked women are raped, abused, and sold like chattel in modern-day slavery on the Internet. My amendment would therefore join all 50 State attorneys general in calling on backpage.com to remove the adult entertainment section of its Web site. Again, I would like to thank Senator KIRK for his leadership on this issue. Every case of sex trafficking or forced prostitution is modern-day slavery—nothing more, nothing less—and we should do everything in our power to ensure this practice is eradicated in the United States of America.

I believe the justice for victims amendment would reduce the rape kit backlog, take serial perpetrators off the street, and ultimately reduce the number of victims of sex violence. I ask my colleagues to join me in considering this amendment, which already enjoys bipartisan support, and I hope it will get much broader bipartisan support. I hope my colleagues will join with me in strengthening the reauthorization of the Violence Against Women Act by cosponsoring and supporting this amendment. Our constituents and victims of these heinous crimes deserve nothing less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, before the Senator from Texas leaves the floor, I was going to ask that I be added as a cosponsor to his very worthwhile amendment.

STUDENT LOAN DEBT

Mr. MCCONNELL. Madam President, one of the most heartbreaking yet underreported consequences of the Obama economy is the extent to which college graduates today are stepping out into a world where the possibilities no longer seem endless. Unlike generations past, today's college graduates are more likely to end up either unemployed or back at home with mom and dad, saddled with student loan debt that they are to end up with for the rest of their lives. And they don't tend to have the opportunity to get that job of their dreams.

For a great many of them, the excitement and the promise of President Obama's campaign 4 years ago have long since faded as their hopes collided with an economy that he has done so much to reshape. So it is understandable that the President is so busy these days trying to persuade these students that the struggles they face or will soon face have more to do with a piece of legislation we expect to fix than with his own failed promises. It is understandable that he would want to make them believe the fairy tale that there are villains in Washington who would rather help millionaires and billionaires than struggling college students. But that doesn't make this kind of deception any more acceptable.

Today the President will hold another rally at which he will tell students that unless Congress acts, their interest rates will go up in July. What he won't tell them is that he cared so little about this legislation that created this problem 5 years ago that he didn't even show up to vote for it and that once he became President, he didn't even bother to include a fix for this problem in his own budget.

Look, if the President was more interested in solving this problem than in hearing the sound of his own voice or the applause of college students, all he would have to do is pick up the phone and work it out with Congress. We don't want the interest rates on these loans to double in this economy. We don't want today's graduates to have to suffer any more than they already are as a result of this President's failure to turn the economy around after more than 3 years in office. Really, the only question is how to pay for it. Democrats want to pay for it by raiding Social Security and Medicare and by making it even harder for small businesses to hire. We happen to think that at a time when millions of Americans and countless college students can't even find a decent job, it makes no sense whatsoever to punish the very businesses we are counting on to hire them. It is counterproductive and clearly the wrong direction to take.

So let's be honest. The only reason Democrats have proposed this particular solution to the problem is to get Republicans to oppose it and to make us cast a vote they think will make us look bad to voters they need to win in the next election. Earlier this week they admitted to using the Senate floor as an extension of the Obama campaign. So no one should be surprised that they opted for a political show vote over a solution.

What Republicans are saying is let's end the political games and solve the problem like adults. This is an easy one. The only real challenge in this debate is coaxing the President off the campaign trail and up to the negotiating table to get him to choose results over rallies. We can solve the problems we face if only he will let us do it.

HONORING OUR ARMED FORCES

STAFF SERGEANT GARY L. WOODS, JR.

Mr. McCONNELL. Madam President, with great sadness I wish to report to my colleagues today that our Nation and my home State of Kentucky have lost a brave and valiant soldier who pledged his life to protecting others. SSG Gary L. Woods, Jr., of Shepherdsville, KY, was killed on April 10, 2009, in Mosul, Iraq, in a terrorist suicide bomber attack. He was 24 years old.

For his service to America, Staff Sergeant Woods received several medals, awards, and decorations, including the Bronze Star Medal, the Purple Heart, two Army Commendation Medals, three Army Achievement Medals, two Army Good Conduct Medals, the National Defense Service Medal, three Iraq Campaign Medals with Bronze Service Stars, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, two Noncommissioned Officers Professional Development Ribbons, the Army Service Ribbon, and three Overseas Service Ribbons.

Staff Sergeant Woods, who went by Lee, was born on June 24, 1984, on a Sunday. ''He had very light brown hair and beautiful blue eyes,'' remembers Lee's mother, Becky Johnson. ''He was my first-born child and my only son.''

Lee grew up in Shepherdsville, where he attended Roby Elementary School, Bullitt Lick Middle School, and Bullitt Central High School, from which he graduated in 2002. In school he participated in Bullitt County's Gifted and Talented Program, and was a member of the academic team in both middle school and high school.

Lee also loved music. He played the trumpet, baritone, and trombone in school and sang in the concert choir. He taught himself how to play piano at age 6. He played the guitar, too, and took a guitar with him on two tours in Iraq to entertain his friends. Lee also played the drums.

''Before returning from his second tour he ordered a set of drums and had them delivered to my house,'' Becky remembers. ''When he came home on family leave, he had to set them up the minute he got there, and played them in my basement for a full week. I would give anything to hear him beat on those drums again!''

Lee also enjoyed drawing pictures, fishing, camping, and woodworking. He was obviously a talented young man. But his mother will always remember music as one of his greatest loves.

During his sophomore year at high school, Lee joined Junior ROTC. It was then that he first had the idea to one day join the service. In January 2003, Lee told his mother that he had joined the Army.

Becky was surprised at first, but when Lee laid out his argument, she could see that he had given the opportunity serious thought and was excited about the future. ''I knew at that instant that my son had become one heck of a man,'' she says. ''He had listened to me all those years after all. I couldn't say anything except, 'I love you and I will always support you 110 percent.' ''

Lee entered active service in February 2003, and did his basic training at Fort Knox, in my home State of Kentucky. He graduated as a tank armor crewman and deployed on his first of three missions to Iraq from August 2003 to March 2004. Lee's second Iraq deployment lasted from March 2005 to February 2006.

After his second deployment, Lee got a reassignment to the First Battalion, 67th Armor Regiment, 4th Infantry Division, based in Fort Carson, CO. He deployed for the third and final time to Iraq in September 2008, and received a promotion to staff sergeant soon afterwards in December.

In January 2009, one of Lee's fellow soldiers and close friends, Darrell Hernandez, was killed, and Lee escorted his friend back home in February. ''Soon after returning from this, he volunteered for a mission that would take his own life and the lives of four other U.S. soldiers,'' Becky remembers.

That mission put Lee in a convoy of five vehicles that on April 10, 2009, exited the gates of Forward Operating Base Marez in Mosul, Iraq. Shortly after leaving the base, a dump truck sped towards the convoy. Lee was driving the fifth and last vehicle.

Lee drove to put his gunner in position to fire on the dump truck. But tragically, that dump truck detonated with 10,000 pounds of explosives, killing Staff Sergeant Gary L. Woods, Jr., and four other American soldiers.

''The FBI says [that the dump truck's] destination was [the forward operating base at] Marez,'' says Lee's mother Becky. ''If in fact the FOB was the target, these five men saved the lives of thousands of soldiers on the FOB.''

On the same day that Lee acted heroically to save his fellow soldiers at the cost of his own life, half a world away Becky Johnson heard the knock at the door that all military families dread.

''Those men in the dress-green uniforms with the highly polished black shoes came to my house,'' she remembers. ''Yes, I noticed their shoes, because that was all I could look at while they asked me if I was Becky Johnson. I told them no as my husband stood behind me shaking his head yes.''

We are thinking of Staff Sergeant Woods's loved ones as I recount his story for my colleagues today, Mr. President, including his mother and stepfather, Becky and Pat Johnson; his father and stepmother, Gary and Debbie Woods; his sister, Britteny Lynn Woods; his two half-brothers, Courtney and Troy Woods; his half-sister, Heather Woods; his step-sister, Mandy Maraman; his two step-brothers, Newman and Corey Johnson; his grandmother, Nancy Ratliff; and many other beloved family members and friends.

Staff Sergeant Woods's loss in the line of duty is tragic. However, as small a comfort as it may be, I am pleased to report that his family may take some solace in the fact that a terrorist connected to the suicide bombing that caused Lee's death was arrested in Edmonton, Canada, and Lee's family can look forward to the prosecution of this terrorist and justice for Lee.

Becky Johnson intends to attend the trial and speak in the sentencing phase. May she and her family have the strength they will surely need to endure this process, and may they find peace in its final outcome.

I ask my Senate colleagues to join me in saying to the family of Staff Sergeant Woods that our Nation is forever grateful to them and recognizes the great cost they have paid. This Nation will never forget the heroism of SSG Gary L. Woods, Jr., or his great service and sacrifice.

Madam President, I yield the floor.

HONORING MEADOW BRIDGE HIGH SCHOOL

Mr. MANCHIN. Madam President, I rise to speak about the importance of teaching our young people to embrace their right—and responsibility—to participate in our democratic election process and to highlight a West Virginia high school that has an outstanding record for going the extra mile to encourage their students to register and vote.

As Americans, there is no greater freedom or responsibility than our right to vote. Our country was born because brave men and women fought tirelessly and endured countless hardships to win their voting rights. In fact, even young people had to fight for this right. It was West Virginia's own Senator Jennings Randolph, who was elected to serve with our beloved Robert C. Byrd, who relentlessly advocated for the 26th amendment to the Constitution so Americans could vote starting at age 18. In 1971, the measure finally passed. What few people know is he worked on that for over 20 years.

Senator Randolph believed, as I do, that every vote counts, and as important, I believe every voter has the right and responsibility to take an active

role in our electoral process. I tell young people all the time they cannot just sit on the sidelines and watch life happen; they have to get in the game and get active. Voting not only gives us the opportunity to have our voices heard but also to have a real impact on setting the priorities for America's future.

As secretary of state from 2000 to 2004, in which position I was proud to serve in my great State of West Virginia, I made it a priority to educate young people all over West Virginia on the electoral process and to encourage them to get involved. At that time very few people knew that if someone was 17 years of age and would turn 18 years of age before the general election, they could still vote in a primary at 17. So we educated them and we went around to every school. To make the goal a reality, we established a program called Sharing History and Reaching Every Student, or the acronym SHARES, a program which was tremendously successful. I am proud to say, during my tenure, we registered 42,000 high school students to vote. Eleven years after the SHARES Program began, it is my privilege to stand on the Senate floor and recognize a school that is truly committed to carrying on this tradition and passing it down to each senior class and generation that has come after them. I am so pleased they have joined me in the gallery today.

Every year for the past 11 years, the staff members at Fayette County's Meadow Bridge High School have registered 100 percent of their senior class. Think about that, 100 percent. It is truly an incredible accomplishment. I am unaware of any other school in our great State or in the entire Nation that has registered every student in their senior class for 11 years. This school and this year the class gathered together in the school's cafeteria so they could register at the same time. This is not only a testament to the tradition established at Meadow Bridge High School but also to the students and their commitment to their community and their civic responsibility.

I congratulate the Meadow Bridge High School students, their faculty and staff, under the leadership of their principal Al Martine, for their commitment to our democracy. I also challenge every high school, not just in West Virginia but in New York and every other State, to follow their example—an unbelievable example. We must work together to engage our young people in national issues and encourage them to participate in the democratic process by getting our young adults involved. They are not children anymore. The world is growing up so fast around them, and we are preparing them to be active and passionate leaders for the future. They cannot stand on the sidelines and we as Americans cannot afford to let them stand on the sidelines. We need them in the game now. They can forge the future.

This is not a Democratic or Republican or Independent issue but one all Americans can and should embrace for the future of our great Nation. We see so many divides in this great Capitol of ours with so many of our colleagues. Everyone comes here for the right reason. The right reason truly is sitting in the gallery today and back home, the children and young adults who are going to make the difference and lead the next generation.

I, for one, do not intend to turn over to this generation the keys to a country in worse shape than when we received them. I do not want to be the first person in our country's history to say we did not do a better job than the previous generation. We are going to work hard. But the unbelievable commitment they made, the knowledge they have about the importance of voting, shows me this next generation will take us to a new level. I am proud that West Virginians all over our State, but most importantly Meadow Bridge High School, are leading that example. I thank them and appreciate the effort they made in setting the example for all.

I yield the floor and notice the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BEGICH. I rise to support S. 1925, the Violence Against Women Act. It is not every day that we vote on a law that actually saves lives, but this one does. The Senate needs to send the simple and important message that America will not tolerate violence against its women, children, and families. We must do our part to reduce domestic violence and sexual assault. It is time for us to step up and make sure this happens now.

I look forward to casting my vote for the reauthorization, hopefully very soon. Truly this legislation, as we continue to move forward, is headed in the right direction. There is bipartisan support with 61 Members in this Chamber signed on as cosponsors, and lots of good work on this bill has been done in the Judiciary Committee. All of us have heard from prosecutors, victim service providers, judges, health care professionals, and victims themselves.

Unfortunately, the fight to protect women and families from violence is far from over. The Violence Against Women Act was first passed just 18 years ago. It has not been reauthorized since 2006. The law has made a difference. We are making progress, and we know a great deal more about domestic violence than when the law was first written. Services for victims has improved. More communities provide safe shelters. Local, State, and Federal laws are stronger.

Listen to the national statistics: Since the law was first passed in 1994, the number of women killed by an intimate partner has dropped 30 percent, and annual rates of domestic violence against women have decreased by two-thirds. The VAWA law saves lives and works. Yet there are too many awful stories and inexcusable numbers, especially in my home State.

Alaska continues to have some of the worst statistics in the country. Three out of every four Alaskans have or know someone who has experienced domestic or sexual violence. Child sexual assault in Alaska is almost six times the national average. Out of every 100 adult women in Alaska, nearly 60 have experienced intimate partner violence, sexual violence, or both. The rape rate in Alaska is nearly 2½ times the national average, and it is even worse for Alaska Native women.

In Alaska's rural and native communities, domestic violence and sexual assault is far too common. Our numbers are often far worse than the rest of the country, and clearly we have to continue to do more work in this area. We are insisting that Alaskan tribes retain their current authority to issue civil protective orders, and I am working on a separate bill to expand resources for Alaskan tribes in their fight against violence. So one can see why I am standing here today. We need to do something about this—not someday, not next year, but truly today.

I have been around for 3 years now, and I am not shy about having my say in a good political fight. But in this case, on this issue, truly, I have no patience. It is hard to believe we even have to debate the law that protects people from abuse and sexual violence. It is truly a piece of legislation we should move forward on and vote. We need fewer victims, whoever they are—women, kids, White, Black, American Indian, Alaska Natives, immigrants, lesbian and gay people, even men.

As a former mayor in a city and State with a higher rate of abuse than the rest of the country, I know this issue. I was responsible for the municipal department that prosecuted domestic violence cases. I was also responsible for the police investigating these cases and the agencies providing health services to victims and funding to shelters. With the support of the entire community, we pooled our efforts. Using resources from the State and local government and businesses and nonprofits alike, we improved services for victims of child sexual abuse.

But intervention and better treatment is not enough—far from it. Domestic and sexual violence is a public health epidemic. So what we need is prevention, and this reauthorization effort is just that, the right step in eventually stopping this epidemic.

In Alaska the Violence Against Women Act dollars are used in our biggest cities and our smallest villages.

Funding goes to every corner of the State, including the Emmonak Women's Shelter in remote southwest Alaska, the Aleut community of St. Paul in the North Pacific Ocean, the AWARE Shelter in urban Juneau, and many others throughout Alaska.

We asked the Alaska Network on Domestic Violence and Sexual Assault for their stories and examples of how VAWA is helping real families. Here is just one. It is uncomfortable to hear, but it is why we need to act now.

A shelter in rural Alaska helped a young woman after she suffered a domestic assault by the father of their 3-year-old child. When she had asked the father for money for food, he choked her and threw her to the ground in front of the child. She reported this was the third such instance of violence, and she could not live there anymore. She spent time in a shelter recovering from her injuries and working to find safe housing in her home village. She also attended DV education groups and received a referral for legal services to assist her with her custody order.

Months later the shelter program received a call from this quiet young woman. She and her child were safe and doing well. She read all the books recommended to her by the shelter to understand the cycle of domestic violence. She was looking for suggestions on more reading material to continue her education on the topic. Now it is hoped that the young woman will become a leader in her community so she can help educate others and work to end domestic violence in Alaska.

There are stories of rape and murder from all over the country. Need we hear more? It is time to reauthorize VAWA.

Before I yield the floor, I have one more bit of business. I want to thank the shelter staff, the police, the court system employees, the advocates and everyone else, who work so hard to protect women, children, and families across this country.

To the victims of domestic violence, there is truly hope. We will work with them to break the cycle of violence and to bring an end and a change in this area.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TESTER. Madam President, I rise to speak about an issue that affects everybody in my community. Although it is hard to imagine right now, some of the people we serve fear for their own lives, not because of a terrorist attack or a natural disaster; they are afraid that somebody who is supposed to love them or support them will hurt or even kill them. This is an upsetting issue, but one we need to face head on, and I am glad we are addressing it today.

Domestic violence and sexual assault are harsh realities. They know no class, race, or economic limitations. Although we have made good progress curbing domestic and sexual violence over the past decade, we still have a lot of work to do.

The legislation before us takes another step toward our goal of ending domestic and sexual violence. It might not go far enough for some, but it is progress, and I am proud to support it.

Over the years, the Violence Against Women Act has helped reduce the rates of domestic and dating violence, sexual assault, and stalking, but the numbers are still stunning. This bill gives us an opportunity to help victims get out of a dangerous situation. We have an obligation to pass this reauthorization of the Violence Against Women Act.

Unfortunately, Montana is no different from the rest of the Nation. There were almost 5,000 cases of domestic violence or sexual assault in 2011, and 10 percent of them involve Montana's kids.

Federal funding is crucial for Montana shelters, crisis lines, mental health services, and victim advocates. The domestic and sexual violence programs in Montana rely heavily on Violence Against Women Act funding to keep women and children safe and to administer the important programs we have operating in Montana. It will also promote changes in the culture of law enforcement, pushing governments and courts to treat violence against women and children as a serious violation of criminal law and to hold the offenders accountable.

The Violence Against Women Act helped a constituent of mine in Billings rebuild her life after she was the victim of domestic violence. Maria Martin was beaten by her boyfriend. He threatened to kill her and her three daughters. Her cries for help were answered by the police who rescued her from a violent attack, but it is the programs supported by the Violence Against Women Act that helped Maria rebuild her life.

The Violence Against Women Act provides funding to strengthen law enforcement, prosecution, and victim services. Each community has flexibility to use these funds in ways that respond to folks most in need and take into account unique cultural and geographic factors. This is especially important for a rural State such as Montana.

I am proud of my work with the Judiciary Committee to ensure that the set-aside of funding for sexual assault services does not disadvantage service providers in Montana who often offer many services in one place. I wish to thank Chairman LEAHY for his efforts to address this important issue.

For States and cities with specialized programs, this wasn't a big concern. In Montana and other rural States, we have county and regional service coalitions. That means funds must be flexible enough so that we can serve everyone who walks in. If rural areas had to carve out funds for each type of service, people wouldn't get what they need to regain their footing. The next closest facility might be 90 miles away. That is not a referral; it is not help; it is another obstacle for folks who are already facing a life-threatening situation.

Domestic violence crimes also take a heavy toll on those who survive the violence. The vast majority of survivors report lingering effects such as posttraumatic stress disorder, a serious injury directly from the abuse, missing school or work, higher frequencies of headaches, chronic pain, and poor physical and mental health.

And while domestic violence affects every community, every race, and every rung of the economic ladder, the problem is even more severe in Montana's Indian country. In fact, violence against Native women and children is at an epidemic level. As Montana's only member of the Senate Indian Affairs Committee, I have had several hearings on domestic and sexual violence. American Indian women suffer from violent crime at a rate 3½ times greater than the national average. Nearly 40 percent of all Native American women will experience domestic violence. One in three will be sexually assaulted in her lifetime. Murder is the third leading cause of death among Indian women.

In response to our hearing, I was proud to join Chairman AKAKA and many others on the committee in introducing the Stand Against Violence and Empower Native Women Act, or SAVE Native Women Act, which is now included in the bill before us today.

We owe it to the women and children of Montana to intervene—to provide resources to those programs which are on the ground, and to providers who are in the trenches. They offer safe havens, including support and educational services to help survivors of sexual or domestic violence break free of the cycle of violence. They help children who have lived with violence understand and make sense of what has happened so that they are less likely to get entangled in future abusive relationships. They help survivors gain the strength and the know-how to advocate for themselves in the legal system and in their relationships.

By passing this bill now, we will continue to make progress toward empowering communities to protect all citizens, particularly the most vulnerable—women and children. As I stated before, this is not just an opportunity; this is an obligation that we have to improve our communities, and I urge my colleagues to support it.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STUDENT LOAN INTEREST RATES

Mr. DURBIN. Madam President, next month students all over the United States will begin graduating from college. There is a lot of pride in that experience. Family and friends will gather and celebrate. These young graduates are going to be filled with hope and expectation, and gratitude to those who helped them reach this milestone in their lives. But they are also going to be graduating with debt—in some cases massive amounts of debt.

Ninety-six percent of for-profit college students will graduate with a debt of $33,000. Fifteen percent of them—one out of six—will default on their loans within 2 years. There is now more than $1 trillion in outstanding student loan debt. As I have mentioned on the Senate floor several times, a little over a year ago, for the first time in history, student loan debt in America surpassed credit card debt.

One of the reasons there has been such a huge influx is that college costs continue to rise at unsustainable rates. Tuition fees at 4-year schools have rocketed up 300 percent from 1990 through 2011. Over the same period, broad inflation was just 75 percent. Even health care costs rose at half the rate of the cost of higher education.

The average for-profit college costs $30,900 a year in tuition and fees. Private nonprofit institutions are not too far behind. The average tuition and fees run about $26,600. Schools with larger endowments charge even more—upwards of $50,000 to $57,000 in total fees. They use their endowment to give students large financial aid packages, which is admirable, but it has consequences. The elevated sticker price for these schools provides for-profit colleges the cover to raise their prices to similar levels.

Let me remind you, for-profit schools, for-profit colleges in America get up to and more than 90 percent of their revenue directly from the Federal Government. They are 10 percent away from being Federal agencies.

Students graduating this year have one advantage: If they took out Federal subsidized loans, their interest rate is low. In 2007, Congress set interest rates on subsidized Federal student loans for the last several years. Current graduates have low, affordable interest rates on their Federal loans, ranging from 6.8 percent to 3.4 percent, depending on the year they took out the loan.

Graduates next year may not be so lucky. The interest rate goes up to 6.8 percent for all unless Congress acts. That is because these interest rates are set to double for 740 million students across the country on July 1 and will only be changed if Congress acts. That is going to affect 365,000-plus borrowers in my State of Illinois. Each borrower in Illinois will save $1,000-plus over the lifetime of their loan if current interest rates of 3.4 percent continue. Across the State, borrowers will save a total of $387,000.

Every week in my office we hear from students who would be directly affected by interest rate increases. One of them is George Jacobs, a constituent of mine and a graduate of the International Academy of Design and Technology in Chicago, a for-profit college owned by the Career Education Corporation.

Every day of his life, George Jacobs regrets that he ever attended this school. He is 29 years old. His current private student loan balance has ballooned to $107,000. The original loan was $60,000. But with a variable interest rate, George has been paying anywhere from 7 percent to 13.9 percent. Combine that with his Federal loan balance, and his total outstanding student loan debt is $142,000. George is not even 30 years old, and he already has the debt the size of some people's mortgages on their homes. Unlike a lot of his peers who attend for-profit colleges, George has a job in his field of study. His annual salary is $45,000, but since his lender will not let him consolidate his loans, his monthly payment is $1,364. Half of his income goes to pay his loan.

Unfortunately, because of high interest rates, very little of his payment reduces the principal. He does not know when he will possibly pay off this loan. When asked if he has tried to work out a plan with his lender, he says: They won't talk to me. They just don't care.

George was the first in his immediate family to attend college. He did not ask people for advice on financial matters. He trusted the school. George was subjected to high-pressure sales that some for-profit colleges use.

Reflecting on that experience now, George believes the school took advantage of him. He believes the school's primary focus is to identify people they can make money off of. George owes about $29,000 in Federal loans. With low interest rates, his monthly payment is $230 a month on the Federal loans—an amount he says is not a real problem.

He is married, and although he and his wife own a car, he does not think they will ever qualify for a mortgage. He is 29 years old.

George is not the only one affected by the private student loans. His parents are in their fifties. To help George, they cosigned his private student loans. They cannot refinance the mortgage on their home because of George's outstanding debt.

There was a story in the Washington Post about 2 weeks ago of a woman—a grandmother—who now has her Social Security check garnished because she was kind enough to cosign her granddaughter's college loan. Her granddaughter has defaulted. Her grandmother is watching her Social Security check reduced.

Making college affordable should not be partisan. It affects everybody. Just this week, during a news conference in Pennsylvania, Gov. Mitt Romney acknowledged the tough job market new graduates face and expressed support for keeping interest rates low. He said:

> I fully support the effort to extend the low interest rate on student loans . . . . temporary relief on interest rates for students . . . in part because of the extraordinarily poor conditions in the job market.

Higher education is not a luxury anymore. It is part of the American dream that many of us bought into and invested in. An educated workforce will make us a stronger nation. By 2018, 63 percent of jobs will require postsecondary education. Keeping debt levels low and manageable for college graduates is essential.

George Jacobs, like so many other students I have spoken about on this floor, is going to spend the rest of his young adult life paying for student loans. There has always been a lot of talk around here about mortgage crises—and rightly so—but think about the 17- and 18- and 19-year-old students signing away their income for the next 30 years before they can even dream of owning a home.

When we get back from the break in about 10 days, we are going to consider legislation on making sure student loan interest rates are manageable. There is more to this issue. We have to deal with the reality the President raised in his State of the Union Address. This spiraling cost of higher education is unsustainable and unfair—fundamentally unfair.

We say to the young people: Get educated for your future.

They follow our advice and walk into the student loan trap. Unfortunately, many for-profit schools are the worst offenders. These schools have enrollment that has grown 225 percent over the past 10 years. According to the Chronicle of Higher Education, the enrollment of for-profit colleges in my State has grown 556 percent over the last 10 years. They enrolled 1.2 million students in 2009. In the 2008–2009 academic year, the GAO found for-profit colleges took in $24 billion in title IV aid; 4-year for-profit schools an average of $27,900 a year before aid, as compared to $16,900 for public 4-year universities.

The chief executives at most of the for-profit schools—parent companies—make many times more than their counterparts in nonprofit schools. Remember, 90 percent-plus of their revenue comes directly from the Federal Government. These are not great entrepreneurs; these are folks who have

managed to tap into one of the most generous Federal subsidies in the law.

Five years ago, we gave them a break. In the bankruptcy bill, we said private for-profit schools will be the only private loans in America that are not dischargeable in bankruptcy, which means you carry them to the grave. So the for-profit schools give these private loans to students, and their parents sign up for them. When it is all said and done, they end up saddled with this impossible debt for a lifetime. That is not even to go to the question about whether they are receiving any kind of valuable education in the process.

For-profits, incidentally, spent 21 percent-plus of their expenses on instruction—21 percent on instruction. It was 29.5 percent at public institutions, 32.7 percent at private nonprofit institutions.

USA Today reported that for-profits educate fewer than 10 percent of students, take in 25 percent of all Federal aid to education, and account for 44 percent of defaults among borrowers. Remember those numbers: 10, 25, and 44. They are taking in 10 percent of the students, taking in 25 percent of all the Federal aid to education, and 44 percent of the defaults on student loans are attributable to these for-profit schools.

According to the Project on Student Debt, 96 percent of for-profit college students graduate with some debt, compared to 72 percent of private nonprofit grads, 62 percent of public school grads. The Project on Student Debt also reported that borrowers who graduated from for-profit 4-year programs have an average debt of $33,000, compared to $27,600 at private nonprofits, $20,000 at public schools.

Last year, the Department of Education released a report showing that for-profit schools have a student loan default rate overall of 15 percent, compared with 7.2 percent at public schools, 4.6 percent at private nonprofit schools. If I were to stand before you and talk about any other business in America, heavily subsidized by the Federal Government—beyond 90 percent of all the revenues they take in—that is luring students and their families into unmanageable debt, I would hope both sides of the aisle would stand and say that is unacceptable. How can we subsidize an operation that is causing such hardship on students and their families—a hardship they are going to carry for a lifetime.

George Jacobs, at age 29, is writing off the possibility of ever owning a home because he signed up at one of those for-profit schools in my State.

The Senate HELP Committee also discovered that out of $640 million in post-9/11 GI benefits, a bill we were all proud to vote for, out of the $640 million that flowed to for-profit schools in the last academic year, $439 million went to the largest 15 publicly traded companies. For-profit colleges are receiving $1 out of every $2 in military tuition assistance, according to the Department of Defense, and more than 60 percent of education benefits available to military spouses go to for-profit schools.

This is significant. We capped Federal aid to for-profit schools at 90 percent of their revenue, but we created an exception for the GI bill. So some of them are up to 95 percent Federal subsidy and still we have these terrible results and terrible indebtedness.

Students at for-profit colleges have lower success rates than similar students in public and nonprofit colleges, including graduation rates, employment outcomes, debt levels, and loan default rates. Yet the Department of Defense is paying more to for-profit schools for the GI bill than public and nonprofit institutions.

I wish to have printed in the RECORD, along with my remarks, an article that appeared in the Wall Street Journal on Wednesday, April 18. It tells the story of Jodi Romine, who between the ages of 18 and 22 took out $74,000 in students loans. She attended Kent State University, a public university in Ohio. It seemed like a good investment at the time. But now it is going to delay her career, her marriage, and her decision to have children.

Ms. Romine's $900-a-month loan payments eats up 60 percent of the paycheck she earns as a bank teller in South Carolina, the best job she could get after graduating from college.

Her fiancé spends 40 percent of his paycheck on student loans. They each work more than 60 hours a week and volunteer where they can to help the local high school's football and basketball teams. Ms. Romine works a second job as a waitress, making all her loan payments on time. She cannot buy a house. They cannot visit their families in Ohio as often as they would like or spend money to even go out.

Plans to marry or have children are on hold, says Ms. Romine, ''I am just looking for some way to manage my finances.'' This is an indication of a debt crisis that is coming. It is different, I would agree, than the mortgage debt crisis we faced. Smaller in magnitude, perhaps, but no less insidious and no less of a problem for us when it comes to the growth of our economy.

I have a couple bills pending. One of them goes to a very basic question: Should any college, public, private, profit, nonprofit, be allowed to lure a student into a private student loan when they are still eligible for government loans? In other words, should that not be one of the causes for a discharge in bankruptcy? It is fraud. It is fraud to say to that student: You have to take out this private student loan, even though the school knows that student is still eligible for low-interest rate accommodating Federal loans. They are luring them into a debt that is unnecessary and a debt which is crushing, in some circumstances.

At the very minimum, that should be considered fraud in a bankruptcy court, and that debt should be dischargeable in bankruptcy because of the failure of the school to disclose that the student still has eligibility for a Federal loan.

Secondly, I know I am probably crying in the wilderness, but I still find it inconceivable that the only private sector business loan in America that is not dischargeable in bankruptcy goes to these heavily subsidized for-profit schools. First, we lured them with Federal money—90 percent-plus—and then we turn around and say: And we will protect you. When the student who is likely to default ends up defaulting, we will make sure they still have the debt, carrying it to the grave. What were we thinking to give this one business this kind of fantastic Federal subsidy and this kind of amazing support in the Bankruptcy Code?

I ask unanimous consent to have printed in the RECORD, along with that article from the Wall Street Journal, a recent article from Barron's of April 16.

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

[From the Wall Street Journal, Apr. 17, 2012]

TO PAY OFF LOANS, GRADS PUT OFF MARRIAGE, CHILDREN

(By Sue Shellenbarger)

Between the ages of 18 and 22, Jodi Romine took out $74,000 in student loans to help finance her business-management degree at Kent State University in Ohio. What seemed like a good investment will delay her career, her marriage and decision to have children.

Ms. Romine's $900-a-month loan payments eat up 60% of the paycheck she earns as a bank teller in Beaufort, S.C., the best job she could get after graduating in 2008. Her fiancé Dean Hawkins, 31, spends 40% of his paycheck on student loans. They each work more than 60 hours a week. He teaches as well as coaches high-school baseball and football teams, studies in a full-time master's degree program, and moonlights weekends as a server at a restaurant. Ms. Romine, now 26, also works a second job, as a waitress. She is making all her loan payments on time.

They can't buy a house, visit their families in Ohio as often as they would like or spend money on dates. Plans to marry or have children are on hold, says Ms. Romine. ''I'm just looking for some way to manage my finances.''

High school's Class of 2012 is getting ready for college, with students in their late teens and early 20s facing one of the biggest financial decisions they will ever make.

Total U.S. student-loan debt outstanding topped $1 trillion last year, according to the federal Consumer Financial Protection Bureau, and it continues to rise as current students borrow more and past students fall behind on payments. Moody's Investors Service says borrowers with private student loans are defaulting or falling behind on payments at twice prerecession rates.

Most students get little help from colleges in choosing loans or calculating payments. Most pre-loan counseling for government loans is done online, and many students pay only fleeting attention to documents from private lenders. Many borrowers ''are very confused, and don't have a good sense of what they've taken on,'' says Deanne Loonin, an attorney for the National Consumer Law Center in Boston and head of its Student Loan Borrower Assistance Project.

More than half of student borrowers fail to max out government loans before taking out

riskier private loans, according to research by the nonprofit Project on Student Debt. In 2006, Barnard College, in New York, started one-on-one counseling for students applying for private loans. Students borrowing from private lenders dropped 74% the next year, says Nanette DiLauro, director of financial aid. In 2007, Mount Holyoke College started a similar program, and half the students who received counseling changed their borrowing plans, says Gail W. Holt, a financial-services official at the Massachusetts school. San Diego State University started counseling and tracking student borrowers in 2010 and has seen private loans decline.

The implications last a lifetime. A recent survey by the National Association of Consumer Bankruptcy Attorneys says members are seeing a big increase in people whose student loans are forcing them to delay major purchases or starting families.

Looking back, Ms. Romine wishes she had taken only ''a bare minimum'' of student loans. She paid some of her costs during college by working part time as a waitress. Now, she wishes she had worked even more. Given a second chance, ''I would never have touched a private loan—ever,'' she says.

Ms. Romine hopes to solve the problem by advancing her career. At the bank where she works, a former supervisor says she is a hard working, highly capable employee. ''Jodi is doing the best she can,'' says Michael Matthews, a Beaufort, S.C., bankruptcy attorney who is familiar with Ms. Romine's situation. ''But she will be behind the eight-ball for years.''

Private student loans often carry uncapped, variable interest rates and aren't required to include flexible repayment options. In contrast, government loans offer fixed interest rates and flexible options, such as income-based repayment and deferral for hardship or public service.

Steep increases in college costs are to blame for the student-loan debt burden, and most student loans are now made by the government, says Richard Hunt, president of the Consumer Bankers Association, a private lenders' industry group.

Many private lenders encourage students to plan ahead on how to finance college, so ''your eyes are open on what it's going to cost you and how you will manage that,'' says a spokeswoman for Sallie Mae, a Reston, Va., student-loan concern. Federal rules implemented in 2009 require lenders to make a series of disclosures to borrowers, so that ''you are made aware multiple times before the loan is disbursed'' of various lending options, the spokeswoman says.

Both private and government loans, however, lack ''the most fundamental protections we take for granted with every other type of loan,'' says Alan Collinge, founder of StudentLoanJustice.org, an advocacy group. When borrowers default, collection agencies can hound them for life, because unlike other kinds of debt, there is no statute of limitations on collections. And while other kinds of debt can be discharged in bankruptcy, student loans must still be paid barring ''undue hardship,'' a legal test that most courts have interpreted very narrowly.

Deferring payments to avoid default is costly, too. Danielle Jokela of Chicago earned a two-year degree and worked for a while to build savings before deciding to pursue a dream by enrolling at age 25 at a private, for-profit college in Chicago to study interior design. The college's staff helped her fill out applications for $79,000 in government and private loans. ''I had no clue'' about likely future earnings or the size of future payments, which ballooned by her 2008 graduation to more than $100,000 after interest and fees.

She couldn't find a job as an interior designer and twice had to ask lenders to defer payments for a few months. After interest plus forbearance fees that were added to the loans, she still owes $98,000, even after making payments for most of five years, says Ms. Jokela, 32, who is working as an independent contractor doing administrative tasks for a construction company.

By the time she pays off the loans 25 years from now, she will have paid $211,000. In an attempt to build savings, she and her husband, Mike, 32, a customer-service specialist, are selling their condo. Renting an apartment will save $600 a month. Ms. Jokela has given up on her hopes of getting an M.B.A., starting her own interior-design firm or having children. ''How could I consider having children if I can barely support myself?'' she says.

[From Barron's, Apr. 16, 2012]

WHAT A DRAG!

(By Jonathan R. Laing)

AT $1 TRILLION AND CLIMBING, THE GROWING STUDENT-LOAN DEBT COULD BE A BURDEN ON ECONOMIC GROWTH FOR DECADES TO COME.

You don't need a Ph.D. in math to know that student-loan debt is compounding at an alarming rate. In the last six weeks alone, two new government reports have detailed the growing student debt burden, which has no doubt contributed to the weak economic recovery and could remain a drag on growth for decades to come. First came a report early last month from the Federal Reserve Bank of New York stating that the $870 billion in loans carried by some 37 million present and former students exceeded the money owed by all Americans for auto loans, as of the Sept. 30 end of the government's 2011 fiscal year. It's also greater than credit-card debt. The report went on to note that delinquencies, officially reported at about 10% of outstanding loans, were actually more than twice that number when things like loan-payment deferrals for current full-time students were properly accounted for.

But that was just prelude for a speech in late March, when an official of the new federal watchdog agency, the Consumer Financial Protection Bureau, asserted that total student debt outstanding actually topped $1 trillion. The Fed, it seems, failed to account for much of the interest that had been capitalized, or added to outstanding loan balances on delinquent and defaulted loans.

The cause of the binge is the unfortunate concatenation of steeply rising tuitions in the face of stagnating family incomes, a precipitous decline in states' funding of public universities and two-year colleges, and the burgeoning of avaricious for-profit colleges and universities—which rely on federally guaranteed student loans for practically all of their revenue, in exchange for dubious course offerings.

Ever-rising tuitions are the biggest part of the problem. As the chart nearby shows, tuition and fees at four-year schools rocketed up by 300% from 1990 through 2011. Over the same period, broad inflation was just 75% and health-care costs rose 150%.

However you apportion blame, it boils down to this: Two-thirds of the college seniors who graduated in 2010 had student loans averaging $25,250, according to estimates in a survey by the Institute for College Access & Success, an independent watchdog group. For students at for-profit schools, average per-student debt is even greater for training in such fields as cosmetology, massage therapy, and criminal justice, as well as more traditional academic subjects.

Whether you have kids in school or they've long since graduated, this is a big deal. Graduates lugging huge debt loads with few job opportunities to pay them off are reluctant to buy cars, purchase homes, or start families. Family formations, a key bulwark to home prices, have been in a seemingly inexplicable funk over the past five years or so.

Prospects are even more harrowing for defaulters on student debt. They are virtually excluded from the credit economy, unable to get mortgages, take out auto loans, or even obtain credit cards. ''We are creating a zombie generation of young people, larded with debt, and, in many cases dropouts without any diploma,'' says Mark Zandi, the chief economist at Moody's Analytics.

Debt taken on by students pursuing professional degrees in graduate schools is even more daunting. Federal Reserve Chairman Ben Bernanke turned some heads in an aside during congressional testimony last month when he said that his son, who is in medical school, would probably accumulate total debt of $400,000 before completing his studies. Law students, even at non-elite law schools, often run up debt of as much as $150,000 over the course of earning their degrees. This even though top-paying law jobs at major corporate law firms are shrinking, consigning many graduates to lives of relative penury. Many are resorting to lawsuits against their schools, charging, with some justification, that the schools gilded the employment opportunities that awaited graduates.

It's not just students who are being crushed by student-debt loads. Kenneth Lin, of the credit-rating Website Credit Karma, found something astounding when he examined credit reports on literally millions of households nationwide. Student debt borrowing by the 34-to-49 age cohort has soared by more than 40% over the past three years, faster than for any other age group. He attributes this in large part to bad economic times that prompted many to seek more training to enhance their career prospects. This is also the age group that the for-profit schools mercilessly mine with late-night television ads, online advertising, and aggressive cold-calling to entice with their wares.

Also, some folks in their 30s are obviously having trouble paying off student loans taken out earlier in their lives because of high unemployment rates and disappointing career outcomes. According to the aforementioned Fed report, the 30-to-39 age group owes more than any other age decile, with a per-borrower debt load of $28,500. They're followed by borrowers between the ages of 40 and 49, who had outstanding balances of $26,000. This is what happens to folks when loans go delinquent or fall into default (nine missed payments in a row), as back interest is added to principal and collection costs mount.

Parents, too, are getting caught up in the student-loan debt explosion. Loans to parents to help finance their kids' post-secondary education have jumped 75% since the 2005–06 school year, to an estimated $100 billion in federally backed loans; this according to data compiled by Mark Kantrowitz, the publisher of the authoritative student-aid Website FinAid.org. That's certainly a painful burden to bear for baby boomers, who are fast approaching retirement bereft of much of the home equity they'd been counting on to finance their golden years.

To be sure, student loans aren't the debt bomb that many doomsayers claim, poised to destroy the U.S. financial system as the residential-mortgage-market collapse nearly did. Moody's Mark Zandi ticks off a number of reasons why:

Student loans are just one-tenth the size of the home-mortgage market. Subprime mortgages, including alt-A, option ARMs (adjustable-rate mortgages), and other funky constructs, were bundled into $2.5 trillion worth of securitizations at their peak, ensuring that the damage wrought by their collapse

spread far and wide, destroying the value of U.S. families' biggest asset. The impact of these mortgage securitizations was only amplified by huge bets made by financial institutions like insurer American International Group (ticker: AIG) on the home-mortgage market in the form of credit-default swaps and the like.

Finally, and most important, the bulk of the student debt outstanding, some $870 billion of the total, is guaranteed by the federal government—and ultimately taxpayers. ''Thus, the damage can be contained, at least until the next recession,'' Zandi asserts. ''We should worry more about more subtle things like how indebtedness is causing the U.S. to fall behind some . . . emerging nations in the proportion of our population with college degrees than about any direct financial system fallout.''

The eventual bill to taxpayers on defaulted student loans won't be overwhelming. That's because Uncle Sam has enough collection powers to make a juice-loan collector envious and most debtors cry, well, ''Uncle!'' Among other things, the government can garnish the wages and glom onto income-tax refunds or Social Security payments of defaulters. And student debts are treated like criminal judgments, alimony and the like when it comes to bankruptcy. They can be discharged only under the rarest of circumstances, no matter how fraught the deadbeats' financial circumstances have become.

A recent story by Bloomberg's John Hechinger describes the hard-nosed tactics used by collection agencies hired by the Department of Education to go after the defaulters on $67 billion in loans. The collectors, operating out of boiler rooms, badger their marks with all manner of threats in return for bonuses, gift cards, and trips to foreign resorts if they pry at least nine months of payments above a certain minimum out of the defaulters. No mention is made of more lenient payment plans.

Such strategies apparently work, tawdry though they may be. The government claims it collects around 85 cents on the dollar of loan defaults. By contrast, credit-card companies are lucky to collect 10 cents on the dollar from borrowers in default.

Changes in repayment plans instituted in 2009 allow some student-loan borrowers in extreme hardship to pay monthly on the basis of what they can afford rather than what they owe. Under this ''income-based repayment plan,'' after 25 years of payments based on the borrower's discretionary income, the remainder of the loan will be forgiven. Thanks to the Obama administration, that number will soon be just 20 years.

Students going into public-service jobs like teaching can receive a get-out-of-debtors'-prison card after 10 years of income-based payments.

But these programs aren't likely to add much to the taxpayer tab on student-loan defaults, since the participation in the programs has been light (550,000 out of 37 million student borrowers), and the money collected is better than nothing.

Nor are the major players in the private, nongovernment-backed student-loan market, such as SLM, formerly known as Sallie Mae (SLM), Discover Financial Services (DFS), Wells Fargo (WFC) and PNC Financial Services (PNC), likely to suffer much from delinquencies or defaults. Their student-loan balances, at around $130 billion, are relatively manageable. They also were able to slip into 2005 legislation a provision prohibiting student-loan borrowers from discharging that debt in bankruptcy, mimicking the government's leverage over defaulters.

The private student-loan industry has also tightened up its underwriting standards since the financial crisis, demanding higher FICO, or credit, scores from borrowers and parents to co-sign most education loans. However, Fitch recently warned that private student-loan asset-backed securities, especially bundled before the recent recession with less stringent standards, are expected to continue to suffer from ''high defaults and ratings pressure.'' Little surprise then that JPMorgan Chase (JPM) announced last week that it would stop underwriting student loans as of July 1, except to customers of the bank.

Despite all this, some observers blame the government for the debt spiral—by making subsidized loans overly available to students. Without easy federal Pell grants (up to $5,550 a year for full-time students at four-year colleges) and federal undergraduate loans, now capped at an aggregate of $57,500, there would have been no spiral in college costs.

But this smacks of blaming the victims—students encumbered by debt and taxpayers ultimately subsidizing and guaranteeing the loans.

The perps clearly seem to be the so-called nonprofit universities and colleges that have been gunning tuition and fees ever higher since 1980, vastly in excess of consumer inflation, health care, and nearly any other cost index one can imagine.

Just take a look at the chart nearby, helpfully provided by the College Board in its latest 2011 ''Trends in College Pricing.'' Inflation-adjusted, private four-year college tuition and fees have jumped 181% on a smooth but relentlessly higher glide path. Public four-year college tuitions have risen by an even larger 268%, although it's clearly a case of catch-up. In-state tuition this year averages only $8,244, compared with the privates' $28,500 average tab. Student-debt outstanding, meanwhile, is growing far faster, climbing ninefold since 1997.

The College Board and private colleges and universities obdurately defend themselves, saying the ''sticker price'' in no way represents the actual price paid by families after taking into account federal and state grant aid, federal-tax breaks to families paying for college, and, of course, scholarship money provided by the schools themselves. In fact on a ''net-price'' basis, private four-year tuition costs, at $12,970, were slightly lower than in the academic year five years ago, the report brags.

That assertion is true as far as it goes. But the lower net price is not the result of the munificence of schools' scholarship programs, but is almost solely due to large increases made under President Obama in the size of Pell grants and educational tax credits. Throw in room and board—''not really part of the cost of attending college,'' the report says dismissively—and college costs are indeed higher this year. Room and board—$8,887 on average for in-state students at public schools in the current school year and $10,089 at private colleges—have long been a means for colleges to make stealth price increases.

Ivy League schools with total sticker prices including room and board of $50,000 to $57,000 in the current academic year use their large endowments to give out large dollops of student aid. In fact, Yale and Harvard are said to offer scholarship money or assistance to families with incomes up to $180,000. As a result, students graduating from elite schools like Princeton, Yale, and Williams College are able to graduate with total debt under $10,000, making them among the lowest-debt college and universities in the country.

But the Ivies can't be absolved of all blame in the current debt mess. They began the sticker-price arms race in the early 1980s, reasoning correctly, it turns out, that they could boost prices with impunity because of the scarcity value, social cachet and quality of the education they offer. They've led the charge ever since, even getting caught by the U.S. Justice Department for colluding on tuition increases and grant offers to applicants in the early '90s. They signed a consent decree neither admitting to nor denying the charges.

Don't think that state governments—which have been methodically cutting appropriations to higher public education for the last decade—aren't aware of the still-yawning gap between the sticker prices of state and private schools, which means that tuitions are likely to continue to rise at breakneck speed.

Too, elevated sticker prices by the privates have given cover to for-profit schools, including University of Phoenix, owned by Apollo Group (APOL), Bridgepoint Education (BPI), ITT Educational Services (ESI), Washington Post's (WPO) Kaplan University, and Career Education (CECO), a capacious umbrella under which to nestle. The schools live off of Pell grants, federally backed student loans, and, increasingly, the GI bill for veterans. Thus, they derive as much as 90% or more of their revenue from such government money, so they concentrate their recruiting efforts on the less affluent in order to qualify for such government largess. (For a look at ITT Educational's practices, see ''Clever Is as Clever Does.'')

The industry's course content is often risible, and graduation rates horrible. Students naively hoping for a big jump in earnings power end up saddled with debt averaging about $33,000, with little to show for their efforts. Students at for-profits make up about 10% of the post-secondary-school population. Yet according to congressional researchers on the Senate Health, Education, Labor, and Pensions Committee, which has been investigating the for-profit industry, they account for between 40% and 50% of all student-loan defaults.

The student-debt crisis is emblematic of issues bedeviling the U.S. as a whole, such as income inequality and declining social mobility. For as scholarship money is increasingly diverted from the needy to achievers with high grade-point averages and test scores, boosting institutional rankings, the perhaps less-privileged applicant is thrust into the position of having to take on gobs of debt, indirectly subsidizing the education of more affluent classmates. The race to the career top is likely over long before graduation.

Student debt also helps sustain many school hierarchies that are virtually bereft of cost controls—the high-salaried tenured professorates, million-dollar-a-year presidents and provosts, huge administrative bureaucracies, and lavish physical plants.

The debt game will continue until students and their families revolt or run out of additional borrowing capacity. Don't expect the educational establishment to rein in its spending. Things have been too cushy for too long.

Mr. DURBIN. They identified those who were offering these private student loans. The major players in the private nongovernment-backed student loan market: SLM let me translate—formerly known as Sallie Mae, Discover Financial Services, Wells Fargo, and PNC Financial Services. Even with the defaults, if there are defaults on these loans, these loans are protected because they continue forever.

I do not know if my colleagues will join me in this, but all I ask them to do is go home and please talk to some of

the families in their States, and they will find this student loan crisis is not just something manufactured by politicians; it is real, and we are complicit in it. When we allow low-performing and worthless schools to receive Federal aid to education, students and their families are lured into believing these are real schools.

Go to the Internet and put in the words ''college'' or ''university,'' click the mouse and watch what happens. You will be inundated with ads from for-profit schools. Some of them will tell you: Go to school online. One of them ran a television ad here in Washington—I think they have taken it off the air now—that showed this lovely young girl who was in her bedroom in her pajamas with her laptop computer on the bed. The purpose of the ad was: You can graduate from college at home in your pajamas. It is a ruse. It is a farce. It is a fraud.

Many times these schools offer nothing but debt for these students. The students who drop out get the worst of the circumstances. They do not even get the worthless diploma from the for-profit schools; all they get is the debt. That is not fair. If we have a responsibility—and I think we do—to families across America, for goodness' sake, on a bipartisan basis, we should step up and deal with the student debt crisis and the for-profit schools that are exploiting it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Would the Chair please let me know when there is 2 minutes left.

The ACTING PRESIDENT pro tempore. I will.

Mr. ALEXANDER. Madam President, I am glad I had a chance to hear my distinguished friend from Illinois speak about student loans and college costs. All of us would like to make it easier for Americans to be able to afford college. At another time, I will speak about some of the other options available. The average tuition at 4-year public colleges in America is $8,200. The average tuition for a community college is $3,000.

I know at the University of Tennessee, where tuition is about $7,400, at a very good campus in Knoxville, virtually all the freshmen show up with a $4,000 Hope Scholarship, which is a State scholarship. Of course, if they are lower income students, they are also eligible for Pell grants and other federal aid.

So we will continue to work, on a bipartisan basis, to make college an opportunity available to students. If there are abuses in the for-profit sector or other sectors of higher education, we should work on those together.

Mr. INHOFE. Would the Senator yield for a unanimous consent request?

Mr. ALEXANDER. Of course.

Mr. INHOFE. I do not want to change the Senator's line of thought. It was beautiful and I want to hear every word. Madam President, I ask unanimous consent that after the conclusion of the remarks of the Senator from Tennessee, that there will be 10 minutes given to the Senator from Wyoming, Mr. BARRASSO, and that I have the remainder of the Republican time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 2366 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Madam President, week after week, I have come to the floor to give a doctor's second opinion about the health care law. I tell my colleague from Tennessee that I should have him join me on a weekly basis in these second opinions, because he has clearly stated a number of things in this health care law that are hurting people. He talked about his experience as a Governor and the impact of Medicaid mandates and how that impacted his ability to provide for education within a State.

Just now, with the bill he will introduce, I associate myself with his remarks, because he showed that one of the tricks that was used in passing the health care law is overcharging. This is the Obama health care law overcharging young people on student loans. The Democrats all voted for it and the Republicans all voted against it. It is overcharging students for student loans to pay for the President's health care law.

Again, I appreciate the comments by my colleague, the Senator from Tennessee, and his incredible leadership on this, which he continues to provide every day in the Senate.

I come to the floor today to again give a second opinion about another component of the health care law and one of the tricks that the administration has tried to use in terms of making the health care law, in their opinion, more appealing, which essentially the Government Accountability Office this week called foul.

The President was caught and called out by the GAO, when they uncovered another gimmick in the President's health care law. It is a gimmick that tries to cover up how the President's law devastates seniors' ability to get the care they need from the doctor they want at a cost they can afford.

The Obama administration's latest trick targets seniors on a program called Medicare Advantage. It is a program that one out of four seniors—people on Medicare—relies on for their health care coverage. As someone who has taken care of lots of Medicare patients over the years, I can tell you that one in four—about 12 million seniors—is on this Medicare Advantage Program. The reason it is an advantage for them is that it helps with preventive medicine, with coordinating their care. They like it because of eyeglasses and eye care and because of hearing aids.

Each one of those 12 million seniors knows they are on Medicare Advantage because it is a choice they make to go onto the program. Well, as people all around the country remember, the White House and Democrats, in the effort to pass the health care law, cut $500 billion from Medicare—not to strengthen Medicare or save Medicare for our seniors, no—to start a whole new government program for other people. Out of that $500 billion that the President and his administration and Democrats in Congress cut from Medicare, about $145 billion of that money came from this Medicare Advantage Program—a program people like. These cuts would have gone into place this year—actually, October of this year. That is the time of year when seniors are supposed to register for their Medicare Advantage plans for the next year. So we are talking about October of 2012, the month before the Presidential election, and cuts coming then would make those millions of American seniors who have chosen Medicare Advantage very unhappy with this administration and the Democrats in Congress who shoved this down the throats of the American people.

In spite of the American people saying, no, don't pass this health care law, according to the President and the Democrats, too bad, we know what is better for you. Democrats believe that a one-size-fits-all is best, that a government-centered program is better than a patient-centered program.

The President and his folks saw this political problem developing. It is a real political problem for the President. And what did the administration do? Well, they put in place a massive $8.3 billion—that is billion with a ''b''—so-called pilot program. What that will do is temporarily reverse most of these Medicare Advantage cuts—not for too long, just to get the President and the Democrats past the election of 2012.

According to the GAO, 90 percent of the Medicare Advantage enrollees will be covered by these contracts eligible for this so-called bonus in 2012 and 2013. But this is a sham program. It is seven times larger than any similar demonstration program Medicare has ever attempted, and Medicare has been in place now for 50 years. Take a look at this. This is the largest ever—seven times larger than any demonstration program they have ever attempted. Even the GAO, which is supposed to be—and is—nonpartisan, called out the President and the Secretary of Health and Human Services.

This program wasn't actually designed to improve the Medicare Advantage Program. That is why this is a

sham. The reality is this so-called bonus program is a political stunt aimed at the 2012 Presidential election. The administration simply did not want to face America's seniors with the truth—the truth that his health care law gutted the popular Medicare Advantage Program, reducing choices and raising premiums.

The Wall Street Journal editorial board reported yesterday that ''the demonstration program turns into a pumpkin in 2013.''

They go on to say:

> The real game here is purely political—to give a program that is popular with seniors a temporary reprieve past Election Day. Then if Mr. Obama is reelected, he will go ahead and gut Medicare Advantage.

That has been his intention all along—to gut Medicare Advantage.

Investor's Business Daily yesterday described it as ''playing politics with Medicare.'' They go on to report:

> The entire project is so transparently political that the normally reserved GAO urged the Health and Human Services Department to cancel it altogether.

Isn't this the administration that claimed that accountability was their goal, that this was going to be the most accountable administration in history? Then why is the government's own accountability office calling the President and the Democrats on the carpet and saying: Cancel this program altogether.

An op-ed that appeared in Forbes Magazine called it the ''Obama Campaign's $8 Billion Taxpayer-Funded Medicare Slush Fund.'' The author notes:

> This development opens up a new expansion of executive-branch power: the ability to spend billions of dollars on politically-favored constituents, without the consent of Congress.

Madam President, we wouldn't have known about the Obama administration's $8 billion coverup if it weren't for my colleague, Senator ORRIN HATCH, who insisted on the GAO investigation. I believe the American people owe a debt of thanks to Senator HATCH. Thanks to his leadership, we now know what the administration is doing to try to trick American seniors and make it harder for them to get the care they need after the Presidential election.

Once again, this administration claims to be for transparency, claims to pride itself on accountability, but is not leveling with the American people. So today I am calling on the President to direct his Secretary of Health and Human Services to cancel this waste of taxpayer dollars that are being used to cover up the damage his health care law is doing to the seniors of this country who are on Medicare Advantage. It is time they cancel the program and come clean about their plan for seniors on Medicare Advantage. This latest gimmick is just another reason we must repeal the President's health care law and replace it with patient-centered reform.

So I will continue to come to the floor every week because we can never forget NANCY PELOSI's quote that ''first you have to pass it before you get to find out what's in it.'' Week after week, we are finding out more things in this health care law. And now, under the direction and suspicion of Senator HATCH, we have the Government Accountability Office coming out and saying they found something new again this week—an effort by this administration to hide from the American people the real impact of the health care law and hide it before the election so the American people will not—the President hopes—go to the polls and vote the way, in my mind, they would have voted had they seen the clear reality of all of the impacts of this health care law.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

DOMESTIC ENERGY PRODUCTION

Mr. INHOFE. First of all, Madam President, let me say we are very fortunate to have the Senator from Wyoming, with his background, come and give us his second opinion. The ratings are very high on his second opinion, and I am very glad of that.

I am also very pleased we had the Senator from Tennessee talking about the big issue of today. There is no one—having been the Secretary of Education in a previous administration—who is more qualified to talk about student loans than the Senator from Tennessee. So I am very appreciative.

Ironically, we have talked about two subjects, and I am here to talk about one totally unrelated that I think is equally critical—and I have to be critical—of this administration. I am going to state something that hasn't been stated before. I am going to release something that hasn't been released before, and I think it is very significant that people really listen.

You know, this President has had a war on fossil fuels—and when we talk about fossil fuels, we are talking about oil, gas, and coal—ever since before he was in office. He is very clever because what he has attempted to do is to kill oil, gas, and coal when we had the huge supply of it here and yet do it in a way that the American people won't be aware over it. How many people in America, I ask the Chair, know what hydraulic fracturing is? I daresay more people know about it today than knew about it a short while ago.

So today I wish to address for the first time ever the questionable actions recently taken by the Obama administration's Environmental Protection Agency to stop domestic energy production, particularly doing so by using hydraulic fracturing.

Today I wish to draw attention to a little-known video from 2010 which shows a top EPA official, region 6 Administrator Al Armendairiz, using the vivid metaphor of crucifixion to explain EPA's enforcement tactics over oil and gas producers.

This is a long quote, and I am going to ask everyone to bear with me because it is all a quote by Armendairiz. He is, as I said, the Administrator of region 6, and he is instructing at this time people who are working for them in what their behavior should be. So this is an actual quote I am going to use. It is a long quote. Bear with me.

> I was in a meeting once and I gave an analogy to my staff about my philosophy of enforcement, and I think it was probably a little crude and maybe not appropriate for the meeting but I'll go ahead and tell you what I said. It was kind of like how the Romans used to conquer little villages in the Mediterranean. They would go into a little Turkish town somewhere, they'd find the first five guys they saw and they would crucify them. And then you know that town was really easy to manage for the next few years. And so you make examples out of people who are in this case not compliant with the law. Find people who are not compliant with the law, and you hit them as hard as you can and you make examples out of them, and there is a great deterrent effect there. And, companies that are smart see that, they don't want to play that game, and they decide at that point that it's time to clean up. And, that won't happen unless you have somebody out there making examples of people. So you go out, you look at the industry, you find the people violating the law, you go aggressively after them. And we do have some pretty effective enforcement tools. Compliance can get very high, very, very quickly. That's what these companies respond to, is both their public image but also financial pressure. So you put some financial pressure on a company, you get other people in that industry to clean up very quickly. So, that's our general philosophy.

Again, that is a quote from the EPA Administrator of region 6. He actually said: You know, it is kind of like the Romans, when they used to conquer little villages in the Mediterranean. They would go into a little Turkish town and find the first five guys they saw and crucify them. That is how you get their attention.

I remember a few years ago a lumber company in my State of Oklahoma called me up and said: I am not sure what to do. The EPA is putting us out of business.

I said: What do you mean, putting you out of business?

This was a lumber company in Tulsa, OK—Mill Creek Lumber. The man who was calling me was the president.

He said: We have been disposing of our used crankcase oil in the same legal, licensed depository for 10 years now, and they have traced some of this oil to a Superfund site, and they say they are now going to fine me $5,000 a day for that violation. Now, that is what the letter said.

I said: Send the letter to me. That is a typical threat by the EPA to try to make you voluntarily go out of business.

So he sent it to me, and sure enough that is what it said. Any concerned reader would look at that and say: They are going to put us out of business. He said they could stay in business maybe another 30 days and that would be the end.

Well, that was a threat. That is what they do to intimidate people. It is not

quite to the level of a crucifixion, but nonetheless times have changed and things have gotten worse over the past few years. So, yes, they have the enforcement tools, and they are able to scare people, intimidate people. And these are the very people who are working and hiring people and doing what is necessary to run this machine we call America.

So according to Administrator Armendairiz, EPA's general philosophy is to crucify and make examples of domestic energy producers so that other companies will fall in line with EPA's regulatory whims. His comments give us a rare glimpse into the Obama administration's true agenda. No matter how much President Obama may pretend to be a friend of oil, gas, and coal, his green team constantly betrays the truth that the Obama administration is fully engaged in an all-out war on hydraulic fracturing, thinking people won't know that if you kill hydraulic fracturing, you kill oil and gas production in America.

Not long after Armendairiz made his stunning admission, the EPA, apparently, began to zero in on the first crucifixion victims. The Agency targeted U.S. natural gas producers in Pennsylvania, in Texas, and in Wyoming, and in all three of these cases, before these investigations were complete, EPA made headline-grabbing statements either insinuating or proclaiming that hydraulic fracturing was the cause of water contamination. But in each of these three cases, the EPA's comments were contrived, and despite their best efforts they have been unable to find any science to back up their accusations.

Of course, this administration has a propensity for making embarrassing announcements on days when they hope no one will notice. During the past 2-week recess, while Congress was out of town, the EPA released several late-Friday-night statements reversing their earlier assertions in these cases. Still, the problem is people are walking around believing these things are true.

The Agency hopes they can admit they were wrong quietly, but we are not going to let that happen. We are not going to let them get away with it. The American people deserve to know exactly why the EPA is pushing ahead with such intensity to capture alarmist headlines, and then, when no one is looking and when their investigation shows they were wrong, quietly backing away from it.

The EPA, in Texas, Wyoming, and Pennsylvania, not only reversed their assertions but did so with a stunning lack of transparency, strategically attempting to make these announcements as quietly as possible, at times they know Congress won't be looking. Let me quickly highlight a few of these examples. In Parker County, TX, the Agency's major announcement—the withdrawal of their administrative order—was announced at a time they knew Congress was adjourning for Easter recess. In Dimock, PA, the EPA made two announcements, and the same thing happened there. In Pavillion, WY, the EPA announced their reversal as Congress was wrapping up that week.

So the same thing was happening. The EPA's general philosophy is to crucify domestic energy producers. Let's look at the three of their crucifixions.

Parker County, TX. I think this could be the most outrageous of all the examples we will be talking about today. I will not have time to hit them all, but I will go back and make the complete statement I was going to make. Unfortunately, there isn't time to finish it now.

But what happened in Parker County, TX, took place in region 6, where my State of Oklahoma is located. Despite Texas State regulators actively investigating the issue, EPA region 6 issued a December 7, 2010, Emergency Administration Order, which determined—I use the word ''determined'' because that is the word they used—determined that State and local authorities had not taken sufficient action and ordered a company called Range Resources to provide clean drinking water to affected residents and begin taking steps to resolve the problem.

Along with this order, the EPA went on a publicity barrage in an attempt to publicize its premature and unjustified conclusions. The day of the order, EPA issued a press release in which it mentioned hydraulic fracturing—not once, not twice but four times—in trying to tie that to problems with groundwater contamination.

The Agency claimed they also had ''determined''—again, they used that word—that natural gas drilling near the homes by Range Resources in Parker County, TX, had caused the contamination of at least two residential drinking water wells.

Regional administrator Al Armendariz was quoted in a press story posted online, prior to him even notifying the State of Texas, that EPA was making their order—and the e-mails have been obtained from the day the order was released—showing him gleefully sharing information with rabid antifracking advocates—and this is a quote by this EPA regional administrator: ''We're about to make a lot of news . . . time to Tivo channel 8.'' He was rejoicing.

In subsequent interviews, Armendariz made comments specifically intending to incite fear and sway public opinion against hydraulic fracturing, citing multiple times a danger of fire or explosion. When State regulators were made aware of EPA's action, they made it clear they felt the Agency was proceeding prematurely, to which Armendariz forwarded their reply calling it ''stunning.''

What was ''stunning,'' to quote Armendariz, were revelations about the way in which the EPA acted in this particular case, which led me to send a letter, at that time, to the EPA inspector general requesting him to preserve all records of communication in connection with the emergency order issued by the EPA region 6 administrator.

Subsequent to the EPA's December 7, 2010, administrative order, on January 18, 2011, EPA followed through on Regional Administrator Armendariz's promise to ''make examples of people'' and filed a complaint in Federal district court, requesting penalties against Range Resources of $16,500 a day for each violation they alleged took place—for each violation. I don't know how many violations there are. I think there are three or four.

Again, this goes back to the same thing that happened in my State of Oklahoma with the EPA trying to put a lumber company out of business by EPA, except this is a larger company so there are larger fines.

So $16,500 a day in order to align with Armendariz's pursuit of fines which ''can get very high very, very quickly.''

If these actions alone didn't create an appearance of impropriety and call into serious question the ability of Regional Administrator Armendariz to conduct unbiased investigations and fairly enforce the law, just 7 months prior to the region's actions in Parker County, Regional Administrator Armendariz laid the groundwork of how he planned to reign over his region.

In a townhall meeting in Dish, TX, he ''gave an analogy'' of his ''philosophy of enforcement.'' Again, we have already talked about that analogy.

This is a quote I highlighted at the beginning of my speech:

> It was kind of like the Romans used to conquer little villages in the Mediterranean. They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they would crucify them. And then you know that town was really easy to manage.

Let me go back and be clear about this. This is President Obama's appointed regional administrator for the States of Arkansas, Louisiana, New Mexico, Texas, and Oklahoma comparing his philosophy of enforcement over the oil and gas industries to Roman crucifixions, where they would ''just grab the first five guys they saw'' in order to set the policy and to scare everybody else and crucify them.

Fast forward to late Friday afternoon, March 30 of this year, just a few hours after Congress left town for the Easter recess. The Wall Street Journal reported that:

> EPA told a federal judge it withdrew an administrative order that alleged Range Resources had polluted water wells in a rural Texas county west of Fort Worth. Under an agreement filed by U.S. district court in Dallas, the EPA will also drop the lawsuit it filed in January 2011 against Range, and Range will end its appeal of the administrative order.

Listen to this. A few weeks prior to EPA's withdrawal, a judge also concluded that one of the residents involved in the investigation worked

with environmental activists to create a ''deceptive video'' that was ''calculated to alarm the public into believing the water was burning''—water that was the result of the hydraulic fracturing—when it appears the resident attached a hose to the water well's gas vent, not the water, and of course lit it on fire.

I was on a TV show the other night by someone whom I will not mention their name—she happens to be one of my three favorite liberals—and she mentioned: ''This water is so bad it is burning.'' That judge showed what it was and of course made them cease from doing that.

Remember, this is only one of the three recent high-profile instances of backtracking on behalf of the Agency, after they have already scared everybody into thinking it is a serious problem.

Next we go into Wyoming—Pavillion, WY. Last December, EPA publicized and released nonpeer-reviewed draft findings which pointed to hydraulic fracturing as the cause of groundwater contamination. Again, the culprit is always hydraulic fracturing because we all know we can't get any large oil and gas out of tight formations without hydraulic fracturing.

Here again, the EPA stepped in over the actions of the State and made a press announcement designed to capture headlines where definitive evidence linking the act of hydraulic fracturing to water contamination simply didn't exist.

The announcement came in December, despite as late as November of 2011 EPA regional administrator James Martin saying the results of the last round of testing in Pavillion were not significantly different from the first two rounds of testing which showed no link between the hydraulic fracturing and contamination. That is three rounds of testing which showed no contamination from hydraulic fracturing. Yet only a few weeks later EPA announced the opposite.

In another reversal by the EPA in the past few weeks, the EPA stepped back and quietly agreed to take more water samples and postpone a peer review of the findings, something the State of Wyoming had been requesting for quite some time.

Again, the damage was done. They didn't do anything wrong. There was no water groundwater contamination at all. This is hydraulic fracturing.

As I have mentioned so many times before, I know a little bit about this because the first hydraulic fracturing took place in my State of Oklahoma in 1949. There has never been a documented case of groundwater contamination as a result of it. Yet this administration is doing everything they can to destroy hydraulic fracturing.

Dimock, PA, is the third site of the EPA's recent backtracking of its publicized attempts to link hydraulic fracturing to groundwater contamination. In this instance, the Pennsylvania Department of Environmental Protection had taken substantial action to and including working out an agreement with an oil and gas company ensuring residents clean drinking water.

In line with the State's Department of Environmental Protection, on December 2, 2011, the EPA declared that water in Dimock was safe to drink. Just over a month later, EPA reversed that position.

So they go back and forth. What do people remember? They remember this process of hydraulic fracturing is the culprit and is creating serious environmental problems.

What is maybe more egregious was—to quote Pennsylvania DEP secretary Michael Krancer—EPA's ''rudimentary'' understanding of the facts and history of the region's water: Independent geologists and water consultants such as Brian Oram have been puzzled by the Agency's rationale for their involvement in Dimock because the substances of greatest concern by EPA are naturally occurring and commonly found in this area of Pennsylvania. Yet EPA has chosen this area to attack because of the presence of hydraulic fracturing.

In other words, this has been going on for years, long before hydraulic fracturing.

By the way, I have to say they used to attack oil and gas, but it was always out West in the Western States. The chair knows something about that. This is different now because we have these huge reserves that are in places such as New York and Pennsylvania. All that time there has not been hydraulic fracturing, but as soon as hydraulic fracturing came in, they said this is the result of hydraulic fracturing when it has been there all the time.

Of course, this is part of the strategy to try to convince Americans we don't have the vast supply of natural resources we clearly have.

I was redeemed by this. I have seen saying all along that of all the untruths this President has been saying, the one he says more than any other is that we only have 2 percent of the reserves of gas and oil and we use 25 percent. It is not true. I don't want to use the ''L'' word. I don't want to get everybody mad, but it is just not true.

The U.S. Geological Survey revealed just a few days ago that President Obama's favorite talking point, that we only have 2 percent of the world's proven oil, is less than honest. The 2 percent the President quotes is proven reserves, but he ignores our recoverable reserves. This is coming from the USGS. Our recoverable reserves are some of the largest in the world.

According to information gleaned from the USGS report, America has 26 percent of the world's recoverable conventional oil reserves. That doesn't begin to include our enormous oil shale, tight oil and heavy oil deposits. That is just a fraction of it. But that is 26 percent of the world's recoverable oil.

Our problem is our politicians will not allow us—and particularly the Obama administration—to drill on public lands and to be able to capture that.

We also hold almost 30 percent of the world's technically recoverable conventional natural gas.

In other words, to put it in a way that I think is more understandable: Just from our own resources and at our own consumption level, we could run this country for 90 years on natural gas at our current level of consumption and for 60 years on oil. That is what we have. That is the answer to the problem. It is called supply and demand. There is not a person listening now who would not remember back in the elementary school days that the supply and demand is real.

But we all know he remains fully committed to his cap-and-trade, global warming, green energy agenda—a plan that is to severely restrict domestic development of natural gas, oil, and coal, to drive up the price of fossil fuels so their favorite forms of green energy can compete. It is, quite simply, a war on affordable energy—and, at that time, they weren't afraid to admit it.

Now they are backtracking a little bit—such as using hydraulic fracturing and not saying they are opposed to oil and gas.

Do you remember Steven Chu, the Secretary of Energy, President Obama's man? He told the Wall Street Journal that ''[s]omehow we have to figure out a way to boost the price of gasoline to levels in Europe.''

We all know the infamous quote from President Obama. He said that, under his cap-and-trade plan, ''electricity prices would necessarily skyrocket.''

The President himself has been on record supporting an increase in gas prices. Although, according to him, he would ''have preferred a gradual adjustment'' increasing the average family's pain at the pump. But this isn't a plan that gets you reelected. So the gas prices have skyrocketed, and with the utter failure of Solyndra, President Obama's dream of green energy economy is in shambles. We can be sure we won't be talking about this plan to raise energy costs until after the election.

I would have to say the President's own Deputy Energy Secretary Dan Poneman last month made a statement, and I appreciate it, because he said we have a very strong belief that the laws of supply and demand are real.

They have been saying that the laws of supply and demand are not real. Gary Becker—I quoted this the other day. He is a Nobel Prize-winning economist, professor at the University of Chicago. He has said ''supply and demand are the cause of the vast majority of large fluctuations in oil prices, and it is hard to believe that speculation has played a major role in causing a large swing in oil prices.''

The President tried to say it is not supply and demand. We do not need to

develop our own resources to bring down the price of gas at the pumps. It is speculation. Here is a Nobel Prize winner saying that just flat is not true.

The President's budget proposal this year alone—I want to get back to how he has made this attempt to tax oil and gas out of business. The President's budget proposal this year alone amounts to a $38.6 billion tax increase on oil and gas companies, which would hit my own State of Oklahoma where 70,000 people are employed in oil and gas development especially hard. His proposal specifically would either modify or outright cancel section 199—that is the manufacturers' tax deduction that is something all other manufacturers would be able to enjoy—for the intangible drilling costs, IDCs: percentage depreciation, tertiary injections. All of these were in his budget—not just this year, not just last year, but every year since his budget 4 years ago—to try to tax the oil and gas companies out of business.

His actions have not slowed his rhetoric. In fact, President Obama has become so desperate to run from his antifossil fuel record that he ran all the way to Cushing, OK. That is my State. We have a major intersection of the pipeline down there. This President, in his attack on fossil fuels, stopped the XL Pipeline that goes from Canada down through my State of Oklahoma. He came all the way to Oklahoma to say: I am in support of the pipeline that goes south out of Oklahoma into Texas.

Wait a minute, that is because he cannot stop it. He could only stop the other one because it crossed the line from Canada to the United States. So he came all the way to Oklahoma to say he was not going to stop something that he could not stop anyway.

President Obama is trying to take credit for the increase in oil and gas. I have to get this out because I think so many people do not understand this. The increase that is taking place in production is all on private lands. It is not increasing on public lands. It is decreasing on public lands, but on private lands he has no control. In the report by the nonpartisan Congressional Research Service, since 2007, quoting now from the CRS:

> About 96 percent of the [oil production] increase took place on non-federal lands.

According to the Obama Energy Information Administration, total fossil fuel sales of production from Federal lands are down since 2008—they are down, not up—and during a time of a natural gas boom throughout the country. In other words we have gone through the biggest boom on private land, but he will not allow us to do it on public land, and that is where these tremendous reserves are. Gas sales from production on Federal lands are down 17 percent since 2008.

Finally, according to PFC Energy, which is a global consulting firm specializing in the oil and gas industry, 93 percent of shale oil and gas wells in the United States are located on private and State lands, hardly the Federal Government triumph that the President falsely attempts to take credit for when you put all the pieces together.

President Obama's election strategy is clear: Say great things about oil and gas, say great things about coal and the virtues of domestic energy production, but under the surface try hard to manufacture something wrong with hydraulic fracturing. Remember, not 1 cubic foot of natural gas can be retrieved in tight shale formations without using hydraulic fracturing.

As I said before, that was started in my State of Oklahoma. We are going to make sure we are the truth squad that tells the truth about how we can bring down the price of gas at the pump. It gets right back to supply and demand.

I am going to come back at a later date and give the long version of what I have just given in the last 45 minutes, but I see my friend from Tennessee is here. So I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Tennessee is recognized.

DEFICIT SPENDING

Mr. CORKER. Mr. President, I thank the Senator from Oklahoma. I actually learned a lot sitting here listening. I know energy production is very important to his State and, obviously, to our Nation. I know he has a wealth of knowledge regarding this issue. I candidly enjoyed hearing his remarks, and I look forward to hearing the balance of them at another time.

I am going to be very brief. I came down here because I am distressed about where we find ourselves. I want to thank the ranking member and the chair of the Homeland Security Subcommittee who is dealing with postal reform. I thank them for working through the committee process and actually bringing a bill to the floor in that manner, something we do not do enough of around here. I thank them for allowing us to have amendments, free-for-all, as it relates to matters pertinent to this bill. I thank them for their work. Personally, I would like to see a lot more reforms take place in the postal bill.

There is no question we are kicking the can down the road, and we are going to revisit this in another couple of years. Because of the way the bill is designed, I don't think there is any question that is going to happen.

But I want to speak to the fact that the world, our Nation, and all of our citizens watched us last August as this country almost came to a halt as we voted on a proposal to reduce the amount of deficit spending that is taking place in our Nation at a time when the debt ceiling was being increased. There was a lot of drama around that. Both sides of the aisle came together and established a discretionary cap on the amount of money that we would spend in 2012 and 2013.

Again, the whole world and certainly most citizens in our Nation were glued to the television or reading newspaper accounts about what was happening. In a bipartisan way, at a time when our Nation has tremendous deficits, we basically committed to pare down spending.

What is happening with this bill, and the same thing happened with the highway bill that was just passed, is that people on both sides of the aisle are saying: You know, the Postal Service is very popular. Therefore, what we are going to do is not worry about the budget caps we have put in place.

It is hard for me to believe. I know there is a lot of accounting around the postal reform bill that is difficult for people to comprehend. But what is happening with this bill, both the ranking and chair continue to talk about the fact that some money came from the Postal Service into the general fund and now is just being repaid. By the way, I agree with that. But the problem is it still increases our deficit by $11 billion, and it absolutely violates the agreement we put in place last August 2.

The responsible way for us to deal with this is say we understand this is money that should go back to the Postal Service, but to live within the agreement we put in place we need to take $11 billion from someplace else.

What I fear is getting ready to happen today—and I know there was a budget point of order placed against this bill. I supported that budget point of order. The ranking and chair—whom, again, I respect tremendously—said let's go through this process and see if there are some amendments that actually pare down the cost. That is not happening. So what I fear is going to happen this afternoon is that in an overwhelmingly bipartisan way, Congress is going to say one more time to the American people: You absolutely cannot trust us to deal with your money because we are Western politicians—Western democracies are having the same problems in Europe—and basically the way we get reelected is we spend your money on things that you like without asking for any repayment of any kind.

That is what has happened in this Nation for decades. That is what we are seeing play out right now in Europe. We are able to watch the movie of what is going to happen to this great Nation. We have politicians in this Chamber who have agreed to what we are going to spend this year and already, because we have two popular bills, in a bipartisan way people are saying: It doesn't matter what we agreed to. We do not care that the biggest generational theft that has ever occurred in this Nation is continuing. We are basically taking money from our children to keep us in elective office by not making tough choices.

I am afraid that is what is going to happen this afternoon on this bill. I am just coming down one more time to appeal to people on both sides of the aisle who are participating in this to say:

Look, we made an agreement. We made this agreement just last August 2, where we said how much money we would spend, and we are violating it again on this bill. What I would say is, if the Postal Service is so popular, let's take money from some other place that we do not consider to be the priority this is.

We do not do that. Instead, what we are doing is exactly what has happened in Europe, what has happened here for a long time where we have this deal, this arrangement between politicians of this body and citizens where we continue to give them what they want, but we will not set priorities. We will not ask them to pay for it. And what is happening is our country is on a downward spiral.

These young pages who are sitting in front of me are going to be paying for it. It is absolute generational theft. This afternoon we are going to take another step in that direction. I appeal to everyone: Look, if we want to pass this postal reform bill, let's cut $11 billion some other place. That is what the States that we represent have to do. That is what the cities that we come from have to do.

But we will not do that here. I am not talking about one side of the aisle or the other. What I think is going to happen this afternoon is that people on both sides of the aisle are going to break trust with the American people, violate an agreement that we just put in place, and basically send a signal to the world that they absolutely cannot trust the Senate to live within its means. We would rather do things to get ourselves reelected now than save this Nation for the longer term.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I rise today to express my support for the Violence Against Women Reauthorization Act. Specifically, I want to talk about how crucial the tribal provisions in this bill are for Native American women. For the past 18 years, this historic legislation has helped protect women from domestic violence, from sexual assault, from stalking. It has strengthened the prosecution of these crimes and has provided critical support to the victims of these crimes.

It has been a bipartisan effort. Democrats, Republicans, and law enforcement officers, prosecutors, judges, health professionals—all have supported this Federal effort to protect women. Why? Because it has worked.

Since its passage in 1994, domestic violence has decreased by over 50 percent. The victims of these crimes have been more willing to come forward knowing that they are not alone, knowing that they will get the support they need, knowing that crimes against women will not be tolerated.

Unfortunately, not all women have seen the benefits of the Violence Against Women Act. That is why the tribal provisions in the reauthorization are so important. Native women are 2½ times more likely than other U.S. women to be raped. One in three will be sexually assaulted in their lifetimes. It is estimated three out of five Native women will experience domestic violence in their lifetimes. Those numbers are tragic. Those numbers tell a story of great human suffering, of women in desperate situations, desperate for support, and too often we have failed to provide that support.

But the frequency of violence against Native women is only part of the tragedy. To make matters worse, many of these crimes go unprosecuted and unpunished. Here is the problem: The tribes have no authority to prosecute non-Indians for domestic violence crimes against their Native American spouses or partners within the boundaries of their own tribal lands. And yet over 50 percent of Native women are married to non-Indians; 76 percent of the overall population living on tribal lands is non-Indian. Instead, under existing law, these crimes fall exclusively under Federal jurisdiction. But Federal prosecutors have limited resources. They may be located hours away from tribal communities. As a result, non-Indian perpetrators often go unpunished. The cycle of violence continues and often escalates at the expense of Native American victims.

On some tribal lands the homicide rate for Native women is up to 10 times the national average. But this starts with small crimes, small acts of violence that may not rise to the attention of the Federal prosecutor. In 2006 and 2007, U.S. attorneys prosecuted only 45 misdemeanor crimes on tribal lands.

For perspective, the Salt River Reservation in Arizona—which is a relatively small reservation—reported more than 450 domestic violence cases in 2006 alone. Those numbers are appalling. Native women should not be abandoned to a jurisdictional loophole. In effect, we have a prosecution-free zone.

The tribal provisions in the Violence Against Women Reauthorization Act provide a remedy. The bill allows tribal courts to prosecute non-Indians in a narrow set of cases that meet the following specific conditions: The crime must have occurred in Indian Country; it must be a domestic violence or dating violence offense or a violation of a protection order; and the non-Indian defendant must reside in Indian Country, be employed in Indian Country, or be the spouse or intimate partner of a member of the prosecuting tribe.

This bill does not—and I emphasize does not—extend tribal jurisdiction to include general crimes of violence by non-Indians or crimes between two non-Indians or crimes between persons with no ties to the tribe. Nothing in this provision diminishes or alters the jurisdiction of any Federal or State court.

I know some of my colleagues question if a tribal court can provide the same protections to defendants that are guaranteed in a Federal or State court. The bill addresses this concern. It provides comprehensive protections to all criminal defendants who are prosecuted in tribal courts whether or not the defendant is a Native American. Defendants would essentially have the same rights in tribal court as in State court. These include, among many others, right to counsel, to a speedy trial, to due process, the right against unreasonable search and seizure, double jeopardy, and self-incrimination. In fact, a tribe that does not provide these protections cannot prosecute non-Indians under this provision.

Some have also questioned whether Congress has the authority to expand tribal criminal jurisdiction to cover non-Indians. This issue was carefully considered in drafting the tribal jurisdiction provision. The Indian Affairs and Judiciary Committees worked closely with the Department of Justice to ensure that the legislation is constitutional.

In fact, last week 50 prominent law professors sent a letter to the Senate and House Judiciary Committees expressing their ''full confidence in the constitutionality of the legislation, and its necessity to protect the safety of Native women.''

Their letter provides a detailed analysis of the jurisdictional provision. It concludes that ''the expansion of tribal jurisdiction by Congress, as proposed in Section 904 of S. 1925, is constitutional.''

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I have referred.

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

CONSTITUTIONALITY OF TRIBAL GOVERNMENT PROVISIONS IN VAWA REAUTHORIZATION

APRIL 21, 2012.

Sen. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Russell Senate Office Building, Washington, DC.
Sen. CHARLES GRASSLEY,
Ranking Member, Senate Judiciary Committee, Hart Senate Office Building, Washington, DC.
Rep. LAMAR SMITH,
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, DC.
Rep. JOHN CONYERS, JR.,
Ranking Member, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: The signers of this letter are all law professors, and we have reviewed Title IX of S. 1925, the Violence Against Women Reauthorization Act of 2012. We write in support of this legislation generally and of Section 904, which deals with tribal criminal jurisdiction over perpetrators of domestic violence, specifically. Our understanding is that some opponents of these provisions have raised questions regarding their constitutionality. We write to express our full confidence in the constitutionality of the legislation, and in its necessity to protect the safety of Native women.

Violence against Native women has reached epidemic proportions, and federal

laws force tribes to rely exclusively on far away federal—and in some cases, state—government officials to investigate and prosecute misdemeanor crimes of domestic violence committed by non-Indians against Native women. As a result, many cases go uninvestigated and criminals walk free to continue their violence with no repercussions. Section 904 of S. 1925 provides a constitutionally sound mechanism for addressing this problem.

CONSTITUTIONAL CONCERNS

Congress has the power to recognize the inherent sovereignty of Indian tribal governments to prosecute non-Indian perpetrators of domestic violence on reservations. While it is true that the Supreme Court held in Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978), that tribal governments did not have criminal jurisdiction over non-Indians, that decision was rooted in common law, not the Constitution, as the later Supreme Court decision in United States v. Lara, 541 U.S. 193 (2004), clearly indicates.

Since the Court's decision in Oliphant was not based on an interpretation of the Constitution, Congress maintains the authority to overrule the decision through legislation. The Court in Oliphant said as much when it stated that tribal governments do not have the authority to prosecute non-Indian criminals ''except in a manner acceptable to Congress.'' 435 U.S. at 204. More proof of Congress's authority to expand tribal government jurisdiction lies in the more recent 2004 Supreme Court decision in United States v. Lara, where the Supreme Court upheld a Congressional recognition of the inherent authority of tribal governments to prosecute nonmember Indians.

In Lara, the Court analyzed the constitutionality of the so-called ''Duro fix'' legislation. Congress passed the Duro fix in 1991 after the Supreme Court decided Duro v. Reina, 495 U.S. 676 (1990), which held that a tribal court does not have criminal jurisdiction over a nonmember Indian, under the same reasoning as Oliphant. In response to this decision, Congress passed an amendment to the Indian Civil Rights Act recognizing the power of tribes to exercise criminal jurisdiction within their reservations over all Indians, including nonmembers. The ''Duro fix'' was upheld by the Supreme Court in Lara. The first part of the Court's analysis determined that in passing the Duro fix, Congress had recognized the inherent powers of tribal governments, not delegated federal powers. 541 U.S. at 193. The Court then held that Congress did indeed have the authority to expand tribal criminal jurisdiction. Id. at 200.

In Lara, the Court plainly held, based on several considerations, that ''Congress does possess the constitutional power to lift the restrictions on the tribes' criminal jurisdiction.'' Id. The Court relied on Congress's plenary power and a discussion of the pre-constitutional (historical) relationship with tribes, focusing on foreign policy and military relations. The Court in Lara held that ''the Constitution's 'plenary' grants of power'' authorize Congress ''to enact legislation that both restricts and, in turn, relaxes those restrictions on tribal sovereign authority.'' Id. at 202. The Court noted that Congress has consistently possessed the authority to determine the status and powers of tribal governments and that this authority was rooted in the Constitution. So the decision in Lara shows clearly that the expansion of tribal jurisdiction by Congress, as proposed in Section 904 of S. 1925, is constitutional.

The Lara majority also recognized that the Duro fix was limited legislation allowing for an impact only on tribes' ability to control crimes on their own lands, and would not undermine or alter the power of the states. The same is true of Section 904, which does nothing to diminish state or federal powers to prosecute.

DUE PROCESS CONCERNS

It is important to note that Section 904 of S. 1925 does not constitute a full restoration of all tribal criminal jurisdiction—only that which qualifies as ''special domestic violence criminal jurisdiction.'' So there must be an established intimate-partner relationship to trigger the jurisdiction. Moreover, no defendant in tribal court will be denied Constitutional rights that would be afforded in state or federal courts. Section 904 provides ample safeguards to ensure that non-Indian defendants in domestic violence cases receive all rights guaranteed by the United States Constitution.

A. NARROW RESTORATION

The scope of the restored jurisdiction is quite narrow. First, the legislation only applies to crimes of domestic violence and dating violence when the victim is an Indian and the crime occurs in Indian country. Thus, it applies to a narrow category of persons who have established a marriage or intimate relationship of significant duration with a tribal member. Second, for a non-Indian to be subject to tribal court jurisdiction, the prosecuting tribe must be able to prove that a defendant:

(1) Resides in the Indian country of the participating tribe;

(2) Is employed in the Indian country of the participating tribe; or

(3) Is a spouse or intimate partner of a member of the participating tribe.

In other words, a defendant who has no ties to the tribal community would not be subject to criminal prosecution in tribal court. Federal courts have jurisdiction to review such tribal jurisdiction determinations after exhaustion of tribal remedies. Section 904 is specifically tailored to address the victimization of Indian women by persons who have either married a citizen of the tribe or are dating a citizen of the tribe. This section is designed to ensure that persons who live or work with tribal members are not ''above the law'' when it comes to violent crime against their domestic partners.

B. CIVIL RIGHTS

The Indian Civil Rights Act (ICRA) already requires tribal governments to provide all rights accorded to defendants in state and federal court, including core rights such as the Fourth Amendment right to be secure from unreasonable searches and seizures, and the Fifth Amendment privilege against self-incrimination. 25 U.S.C. 1301–1303. There is no question that federal courts have authority to review tribal court decisions which result in incarceration, and they have the authority to review whether a defendant has been accorded the rights required by ICRA. See Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978).

Section 904 of the Violence Against Women Reauthorization Act re-emphasizes and reinforces the protections afforded under ICRA. It requires that tribal courts provide ''all other rights'' that Congress finds necessary in order to affirm the inherent power of a participating tribe. Tribal governments are already providing the due-process provisions in cases involving non-Indians in civil cases. Empirical studies have demonstrated that tribal courts have been even-handed and fair in dispensing justice when non-Indian defendants appear in court in civil matters. Section 904 provides ample protection for any non-Indian subject to the special domestic violence prosecution. The special domestic violence jurisdiction is conditioned on a requirement that tribes maintain certain minimal guarantees of fairness.

The Violence Against Women Reauthorization Act affirms the right of habeas corpus to challenge detention by an Indian tribe, and goes even further by requiring a federal court to grant a stay preventing further detention by the tribe if there is a substantial likelihood that the habeas petition will be granted. The legislation does not raise the maximum sentence that can be imposed by a tribal court, which is one year (unless the tribal government has qualified to issue sentences of up to three years per offense under the Tribal Law and Order Act).

Thus, the legislation provides ample safeguards. Nothing in the legislation suggests that a defendant in tribal court will be subject to proceedings which are not consistent with the United States Constitution. Indeed, the legislation creates an even playing field for all perpetrators of domestic violence in Indian country. No person who commits an act of violence against an intimate partner will be above the law.

C. POLITICAL PARTICIPATION

While some have criticized tribal jurisdiction over nonmembers based on the inability of nonmembers to participate in tribal political processes through the ballot box, we note that such political participation has never been considered a necessary precondition to the exercise of criminal jurisdiction under the concept of due process of law. A few examples illustrate that point. First, Indians were subjected to federal jurisdiction under the Federal Major Crimes Act of 1885, now codified as amended at 18 U.S.C. 1153, almost 40 years before most of them were made citizens or given the vote by the Citizenship Act of 1924. Second, due process certainly does not prevent either the federal government or the states from prosecuting either documented or undocumented aliens for crimes committed within the United States, despite the fact that neither can vote on the laws to which they are subjected. Third, likewise, due process of law does not preclude criminal prosecution of corporations despite the fact that corporate or other business organizations, which are considered separate legal persons from their shareholders or other owners, also cannot vote on the laws to which such business organizations are subjected. In short, there simply is no widely applicable due-process doctrine that makes political participation a necessary precondition for the exercise of criminal jurisdiction.

CONCLUSION

In conclusion, the signers of this letter urge Congress to enact the VAWA Reauthorization and fully include the tribal jurisdictional provisions necessary for protecting the safety of Native women. Public safety in Indian country is a primary responsibility of Congress, the solution is narrowly tailored to address significant concerns relating to domestic violence in Indian country, and the legislation is unquestionably constitutional and within the power of Congress.

Sincerely,

Kevin Washburn, Dean and Professor of Law, University of New Mexico School of Law; Erwin Chemerinsky, Dean and Distinguished Professor of Law, University of California Irvine School of Law; Stacy Leeds, Dean and Professor of Law, University of Arkansas School of Law; Carole E. Goldberg, Vice Chancellor, Jonathan D. Varat Distinguished Professor of Law, UCLA School of Law; Robert N. Clinton, Foundation Professor of Law, Sandra Day O'Connor College of Law, Arizona State University; Matthew L.M. Fletcher, Professor of Law, Michigan State University College of Law; Frank Pommersheim, Professor of Law, University

of South Dakota School of Law; Rebecca Tsosie, Professor of Law, Sandra Day O'Connor College of Law, Arizona State University; Richard Monette, Associate Professor of Law, University of Wisconsin School of Law; John LaVelle, Professor of Law, University of New Mexico School of Law.

G. William Rice, Associate Professor of Law, University of Tulsa College of Law; Judith Royster, Professor of Law, University of Tulsa College of Law; Angelique Townsend EagleWoman, (Wambdi A. WasteWin), Associate Professor of Law, University of Idaho College of Law; Gloria Valencia-Weber, Professor of Law, University of New Mexico School of Law; Robert T. Anderson, Professor of Law, University of Washington School of Law; Bethany Berger, Professor of Law, University of Connecticut School of Law; Michael C. Blumm, Professor of Law, Lewis and Clark Law School; Debra L. Donahue, Professor of Law, University of Wyoming College of Law; Allison M. Dussias, Professor of Law, New England Law School; Ann Laquer Estin, Aliber Family Chair in Law, University of Iowa College of Law.

Marie A. Fallinger, Professor of Law, Hamline University School of Law; Placido Gomez, Professor of Law, Phoenix School of Law; Lorie Graham, Professor of Law, Suffolk University Law School; James M. Grijalva, Friedman Professor of Law, University of North Dakota School of Law; Douglas R. Heidenreich, Professor of Law, William Mitchell College of Law; Taiawagi Helton, Professor of Law, The University of Oklahoma College of Law; Ann Juliano, Professor of Law, Villanova University School of Law; Vicki J. Limas, Professor of Law, The University of Tulsa College of Law; Aliza Organick, Professor of Law & Co-Director, Clinical Law Program, Washburn University School of Law; Ezra Rosser, Associate Professor of Law, American University Washington College of Law.

Melissa L. Tatum, Professor of Law, University of Arizona James E. Rogers College of Law; Gerald Torres, Bryant Smith Chair, University of Texas at Austin Visiting Professor of Law Yale Law School; Bryan H. Wildenthal, Professor of Law, Thomas Jefferson School of Law; Sarah Deer, Associate Professor, William Mitchell College of Law; Patty Ferguson-Bohnee, Associate Clinical Professor of Law, ASU Sandra Day O'Connor College of Law; Julia L. Ernst, Assistant Professor of Law, University of North Dakota School of Law; Mary Jo B. Hunter, Clinical Professor, Hamline University School of Law; Kristen Matoy Carlson, Assistant Professor, Wayne State University Law School; Tonya Kowalski, Associate Professor of Law, Washburn University School of Law.

Suzianne D. Painter-Thorne, Associate Professor of Law, Mercer University School of Law; Tim W. Pleasant, Professor of Law, Concord Law School of Kaplan University; Justin B. Richland, JD, PhD, Associate Professor of Anthropology, University of Chicago; Keith Richotte, Assistant Professor of Law, University of North Dakota School of Law; Colette Routel, Associate Professor, William Mitchell College of Law; Steve Russell, Associate Professor Emeritus, Indiana University, Bloomington; Marren Sanders, Assistant Professor of Law, Phoenix School of Law; Maylinn Smith, Associate Professor, University of Montana School of Law; Ann E. Tweedy, Assistant Professor, Hamline University School of Law; Cristina M. Finch, Adjunct Professor, George Mason University School of Law; John E. Jacobson, Adjunct Professor, William Mitchell College of Law.

Mr. UDALL of New Mexico. Mr. President, I respect my colleagues' concerns about the tribal provisions of this bill, and I am willing to work with any Senator who may have concerns about these provisions. Native American law can be daunting, but I want to stress how much effort, research, and consultation went into drafting the tribal provisions in the Violence Against Women Act. Title 9 is taken almost entirely from S. 1763, the Stand Against Violence and Empower Native Women Act, the SAVE Native Women Act. This bill was passed on a Department of Justice proposal submitted to Congress last July. That proposal was the product of extensive multiyear consultations with tribal leaders about public safety generally and violence against women specifically. It builds on the foundation laid by the Tribal Law and Order Act of 2010.

The SAVE Native Women Act was cleared by the Indian Affairs Committee in a unanimous voice vote. The Presiding Officer serves on that committee and knows that this is a committee—the Senate Indian Affairs Committee—that works in a bipartisan way. This passed by a unanimous voice vote through the Senate Indian Affairs Committee.

Shortly thereafter, its core provisions were again vetted and incorporated in the Judiciary Committee's Violence Against Women Act Reauthorization as title 9. In short, the Safety for Indian Women title has been vetted extensively and enjoys wide and bipartisan support. The tribal provisions in this bill are fundamentally about fairness and clarity and affording Native women the protections they deserve.

As a former Federal prosecutor and attorney general of a State with a large Native American population, I know firsthand how difficult the jurisdictional maze can be for tribal communities. One result of this maze is unchecked crime. Personnel and funding run thin, distance is a major prohibitive factor, and the violence goes unpunished. Title 9 will create a local solution for a local problem by allowing tribes to prosecute the crime occurring in their own communities. They will be equipped to stop the escalation of domestic violence. Tribes have already proven to be effective in combating crimes of domestic violence committed by Native Americans.

Let me reiterate this very important point: Without an act of Congress, tribes cannot prosecute a non-Indian even if he lives on the reservation, even if he is married to a tribal member. Without this act of Congress, tribes will continue to lack authority to protect the women who are members of their own tribes. With this bill, we can close a dark and desperate loophole in criminal jurisdiction.

Beyond extending the jurisdiction of tribes within specific constraints, the bill will also promote other efforts to protect Native women from an epidemic of domestic violence by increasing grants for tribal programs to address violence and for research on violence against Native women and also by allowing Federal prosecutors to seek tougher sentences for perpetrators who strangle or suffocate their spouses or partners.

All of these provisions are about justice. Right now Native women don't get the justice they deserve, but these are strong women. They rightly demand to be heard. They have identified a desperate need and support logical and effective solutions. That is why Native women and tribal leaders across the Nation support the Violence Against Women Reauthorization Act and the proposed tribal provisions. Let us work with these women to create as many tools as possible for confronting domestic violence.

There are far too many stories of desperation that illustrate why the provisions protecting Native women are in this bill, and I want to share one story now. This is the story of a young Native American woman married to a non-Indian. He began abusing her 2 days after their wedding. They lived on her reservation. In great danger, she filed for an order of protection as well as a divorce within the first year of marriage. The brutality only increased. It ended with the woman's abuser going to her place of work—which was located on the reservation—and attempting to kill her with a gun. A coworker, trying to protect her, took the bullet. Before that awful day, this young woman had nowhere to turn for help. She said:

> After a year of abuse and more than 100 incidents of being slapped, kicked, punched and living in horrific terror, I left for good. During the year of marriage I lived in constant fear of attack. I called many times for help, but no one could help me.

The tribal police did not have jurisdiction over the daily abuse because the abuser was a non-Indian. The Federal Government had jurisdiction but chose not to exercise it because the abuse was only misdemeanor level prior to the attempted murder. The State did not have jurisdiction because the abuse was on tribal land and the victim was Native American.

Her abuser, at one point after an incident of abuse, actually called the county sheriff himself to prove that he was untouchable. The deputy sheriff came to the home on tribal land but left saying he did not have jurisdiction. This is just one of the daily, even hourly, stories of abuse, stories that should outrage us all. These stories could end through local intervention and local authority that will only be made possible through an act of Congress. We have the opportunity to support such an act in the tribal provisions of VAWA.

I encourage my colleagues to fully support the tribal provisions in this very important bill.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mrs. SHAHEEN. Mr. President, 42 days ago—that is more than 1,000 hours—42 days ago, 74 Senators from this Chamber voted to pass a badly needed, long-term transportation bill. At that time, I joined many of my colleagues from both sides of the aisle to call on the House to consider the Senate's bill or a similar bipartisan bill that would provide highway and transit programs with level funding for at least 2 years.

While the House has not yet passed a long-term bill, I am pleased that they voted to go to conference with the Senate. That means we are one step closer to finally having legislation in place that would support nearly 2 million jobs—about 6,600 of those in New Hampshire—and a bill that would maintain current funding levels, which would avoid an increase in both the deficit and gas taxes. I urge the House and the Speaker to immediately appoint conferees so we can continue moving forward and finally pass a long-term transportation bill. We cannot wait any longer. Mr. President, 937 days have passed since our last Federal Transportation bill expired. If you are counting, that is 2 years, 6 months, and 27 days.

If the House does not join the Senate and support a reasonable bipartisan transportation bill that is paid for, States and towns will not have the certainty they need from Washington to plan their projects and improve their transportation infrastructure.

According to numerous studies, deteriorating infrastructure—the highways, the railroads, the transit systems, the bridges that knit our economy together—cost businesses more than $100 billion a year in lost productivity. That is because we are not making the investments we need to make. And this is no time to further stall programs that encourage economic growth and create the climate for businesses to succeed.

In New Hampshire, we very directly experience the consequences of this uncertainty. The main artery that runs north and south in New Hampshire, Interstate 93, is congested. Currently, we have a project underway that would reduce that congestion on our State's most important highway. It would create jobs. It would spur economic development.

Although this project has been underway for several years, the pace of the project has slowed dramatically because we do not have a transportation bill in place. Businesses and developers along the I–93 corridor cannot hire workers or invest for the future while the project remains uncertain.

We need to act now to unleash the economic growth this project and transportation investments across the country will make possible. We know that projects such as Interstate 93 produce good jobs. New Hampshire's Department of Transportation said that work on just one section of the highway—just one section, between exits 2 and 3—created 369 construction jobs. And all around the country we have projects like Interstate 93 that are waiting on Congress to complete this effort.

For every billion dollars we spend in infrastructure investment, it creates 27,000 jobs. It should not be so hard to get this done. If BARBARA BOXER and JIM INHOFE can agree on legislation, then the House ought to be able to agree on legislation. Cities and businesses need the certainty as we get to the new construction season. And the longer the House waits to appoint conferees, the harder it will be for Congress to pass a long-term bill.

I urge the House to swiftly appoint representatives to negotiate with the Senate so that we can come together and make the Federal investments necessary to get transportation projects moving and get people back to work.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

21ST CENTURY POSTAL SERVICE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1789, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1789) to improve, sustain, and transform the United States Postal Service.

Pending:

Reid (for Lieberman) modified amendment No. 2000, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2071, AS MODIFIED

Mr. LIEBERMAN. Mr. President, on behalf of Senator WARNER, I ask unanimous consent to call up the Warner amendment No. 2071, with a modification that is at the desk, and I ask that it to be considered in the original order of the previous agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment, as modified.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for Senator WARNER, proposes an amendment numbered 2071, as modified.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. CARDIN. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reporting regarding retirement processing and modernization)

At the appropriate place, insert the following:

SEC. ____. RETIREMENT REPORTING.

(a) TIMELINESS AND PENDING APPLICATIONS.—Not later than 60 days after the date of enactment of this Act, and every month thereafter, the Director of the Office of Personnel Management shall submit to Congress, the Comptroller General of the United States, and issue publicly (including on the website of the Office of Personnel Management) a report that—

(1) evaluates the timeliness, completeness, and accuracy of information submitted by the Postal Service relating to employees of the Postal Service who are retiring, as compared with such information submitted by agencies (as defined under section 551 of title 5, United States Code); and

(2) includes—

(A) the total number of applications for retirement benefits for employees of the Postal Service that are pending action by the Office of Personnel Management; and

(B) the number of months each such application has been pending.

(b) ELECTRONIC DATA TIMETABLE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress and the Comptroller General of the United States a timetable for completion of each component of a retirement systems modernization project of the Office of Personnel Management, including all data elements required for accurate completion of adjudication and the date by which electronic transmission of all personnel data to the Office of Personnel Management by the Postal Service shall commence.

(2) TIMETABLE CONSIDERATIONS.—In providing a timetable for the commencing of the electronic transmission of all personnel data by the Postal Service under paragraph (1), the Office of Personnel Management shall consider the milestones established by other payroll processors participating in the retirement systems modernization project of the Office of Personnel Management.

Mr. LIEBERMAN. Mr. President, I thank all our colleagues. We have made good bipartisan progress on a bipartisan bill that I think will go a long way toward solving the current crisis situation in our U.S. Postal Service.

We have several amendments remaining, approximately nine rollcall votes—hopefully fewer as this goes on—and a number of other amendments that we hope will be considered by a voice vote and perhaps even, in the wisdom of the sponsor, withdrawn. At least I look at the occupant of the chair, and I know he is a man who is very wise, and I thank him.

Mr. President, in the normal order, Senator MANCHIN of West Virginia is next up.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 2079

Mr. MANCHIN. Mr. President, on behalf of my cosponsors, Senator ROCKEFELLER, Senator MIKULSKI, and Senator MERKLEY, I call up amendment No. 2079.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN], for himself, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. MERKLEY, proposes an amendment numbered 2079.

Mr. MANCHIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend the moratorium on the closing and consolidation of postal facilities or post offices, station, or branches)

At the appropriate place, insert the following:

SEC. ___. MORATORIUM ON CLOSING AND CONSOLIDATING POSTAL FACILITIES OR POST OFFICES, STATIONS, OR BRANCHES.

(a) DEFINITION.—In this section, the term ''postal facility'' has the same meaning as in section 404(f) of title 39, United States Code, as added by this Act.

(b) MORATORIUM.—Notwithstanding section 404 of title 39, United States Code, as amended by this Act, or any other provision of law, the Postal Service may not close or consolidate a postal facility or post office, station, or branch, except as required for the immediate protection of health and safety, before the later of—

(1) the date on which the Postal Service establishes the retail service standards under section 203 of this Act; and

(2) the date that is 2 years after the date of enactment of this Act.

(c) CONFORMING PROVISION.—Section 205(b) of this Act shall have no force or effect.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 minute.

Mr. MANCHIN. Mr. President and all of my colleagues here, this amendment is the only one that will give us a chance to save, truly, the American Postal Service. It is the only one. It is a 2-year prohibition against closing any of our post offices and postal services.

A lot of good things have been done and a lot of amendments have been made already that nibble around the edges. This is the only amendment that basically says: For a 2-year period, you have to sit down and restructure this. Now, $200 million is what they are talking about. I can go in many different directions with this, but that is 1 day in Afghanistan.

This is what the little State of West Virginia will lose: 150 post offices.

They are saying: Well, we have a 1-year moratorium. We can restructure this and show where the savings should be.

I have a lot of different ideas on where the savings can be, but I can tell you right now that we can start with former Postmaster General Potter, who earned $501,000. That is more than the President of the United States. There are a lot of savings at the top end of this. But we could save these.

If you take these lifelines away—and this is all that people have. They get their medicine and they get everything they do and depend on their lifelines with these post offices. They have nothing else. Their towns have just about gone away except for that connection. And I am asking basically for my colleagues to consider keeping these lifelines. Let us work and give us the 2-year period we need.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, respectfully to my dear friend from West Virginia, I am going to oppose this amendment, and let me put it in this context. The U.S. Postal Service is in trouble. It is losing about $23 million or $24 million on the average every day, more than $13 billion in the last 2 years. It is not going to survive if the status quo prevails. It needs to change. This bill provides for change but in a way that we think is balanced and reasonable. My friend from West Virginia has introduced an amendment that would prohibit all change for the next 2 years and therefore I think open the way for a kind of death spiral for the U.S. Postal Service.

There are many protections in our bill before a post office could be closed, even more or just as many before a mail-processing facility could be closed. We added more protections yesterday with the McCaskill-Merkley and the Tester-Levin amendments, but they allow change because without change this Postal Service of ours will die.

The PRESIDING OFFICER. All time has expired.

Mr. MANCHIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

Mr. DURBIN. I announce that the Senator from California (Ms. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—43

Akaka	Inouye	Pryor
Barrasso	Johnson (SD)	Reed
Baucus	Kerry	Reid
Begich	Kohl	Rockefeller
Blumenthal	Landrieu	Sanders
Boxer	Lautenberg	Schumer
Brown (OH)	Leahy	Shaheen
Cardin	Levin	Stabenow
Casey	Manchin	Tester
Durbin	McCaskill	Udall (NM)
Enzi	Menendez	Whitehouse
Gillibrand	Merkley	Wicker
Hagan	Mikulski	Wyden
Harkin	Nelson (NE)	
Heller	Nelson (FL)	

NAYS—53

Alexander	Crapo	Moran
Ayotte	DeMint	Murkowski
Bennet	Franken	Murray
Bingaman	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hoeven	Risch
Brown (MA)	Hutchison	Roberts
Burr	Inhofe	Rubio
Cantwell	Isakson	Sessions
Carper	Johanns	Shelby
Coats	Johnson (WI)	Snowe
Coburn	Klobuchar	Thune
Cochran	Kyl	Toomey
Collins	Lee	Udall (CO)
Conrad	Lieberman	Vitter
Coons	Lugar	Warner
Corker	McCain	Webb
Cornyn	McConnell	

NOT VOTING—4

Chambliss	Hatch
Feinstein	Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, next on the list is Senator PAUL's amendment No. 2026.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, at a time when America's infrastructure is crumbling, at a time when the Postal Service is losing $4 billion a year, does it make sense to send $2 billion to Egypt? Does it make sense to borrow money from China to send it to Egypt? At a time when American citizens are being prosecuted in Egypt, at a time when American citizens are having international warrants sworn out on their arrests by Egypt, does it make sense to send $2 billion to Egypt?

Last week I met with a young prodemocracy worker from Egypt. She is afraid to return home. She is afraid she will never see her children again. She is afraid of the cage they will put her in to prosecute her for political crimes. She fears that the Egyptian freedom movement will die in its infancy.

So I ask—for as long as prodemocracy workers are being prosecuted, American and Egyptian—I ask unanimous consent to call up amendment No. 2023 and that it be voted on.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. LIEBERMAN. I object on the same grounds we discussed earlier in this debate. It is irrelevant to the subject matter of the Postal Service.

Mr. PAUL. Mr. President, I ask unanimous consent to not offer my amendment No. 2026, and I yield back.

The PRESIDING OFFICER. The Senator has that right.

Mr. LIEBERMAN. I thank my friend from Kentucky.

AMENDMENT NO. 2076

Mr. BINGAMAN. Mr. President, I call up amendment No. 2076.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2076.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require that State liaisons for States without a district office are located within their respective States)

On page 48, line 2, after ''State.'' insert the following: ''An employee designated under this subsection to represent the needs of Postal Service customers in a State shall be located in that State.''.

Mr. BINGAMAN. Mr. President, this amendment is cosponsored by my colleague, Senator UDALL, and would require State liaisons for States that do not have district offices in them to be located within the States they represent. This is a commonsense amendment. There are 10 States that will not have district offices in them. As currently contemplated, they are operated out of district offices in adjacent States.

The substitute amendment would require the Postal Service to designate at least one employee to be a State liaison, and this amendment I am offering says that person must be located within the State they represent.

I ask all my colleagues to support this. I don't see any basis for objection to it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, this is an excellent and thoughtful amendment introduced by the Senator from New Mexico, and I am glad to support it. I urge that it be accepted by voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2076) was agreed to.

AMENDMENT NO. 2027

Mr. LIEBERMAN. Mr. President, next is the amendment offered by Senator PAUL, amendment No. 2027.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I ask unanimous to call up amendment No. 2027.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2027.

Mr. PAUL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the closing of post offices in the Capitol Complex)

At the end of title II, insert the following:

SEC. ___. CAPITOL COMPLEX POST OFFICES.

(a) HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—The Postal Service shall not maintain or operate more than 1 post office in the United States Capitol Complex, as defined in section 310(a)(3)(B) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e(a)(3)(B)), which shall be located in a House Office Building.

(2) CLOSING OF CAPITOL POST OFFICES.—The Postal Service shall close any post office in the United States Capitol Complex, as defined in section 310(a)(3)(B) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e(a)(3)(B)), not permitted under this subsection, without regard to the requirements under section 404(d) of title 39, United States Code.

(b) SENATE.—

(1) IN GENERAL.—The Sergeant at Arms and Doorkeeper of the Senate may not enter into, modify, or renew a contract with the Postal Service to maintain or operate more than 1 post office in a Senate Office Building.

(2) EXISTING CONTRACTS.—Nothing in paragraph (1) may be construed to affect a contract entered into by the Sergeant at Arms and Doorkeeper of the Senate and the Postal Service before the date of enactment of this Act.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. PAUL. Mr. President, at a time when we are asking post offices and people around our country to suffer the loss of their local post office, I think the very least we can do is show we are willing to give up some of the post offices around here. We have seven post offices in the Capitol. We have a post office in almost every building. I am asking that we have one on the House side and one on the Senate side. If we are asking people to suffer the loss of their post offices in their States, I think the very least we can do is do without a few post offices here, and I hope my colleagues will support this amendment.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Maine.

Ms. COLLINS. Mr. President, this is a commonsense amendment. It would limit the number of post offices in the Capitol Complex to one on each side—one in the House and one in the Senate. It does not affect the processing of mail out of the Capitol, and I believe we should accept the amendment.

I urge that we accept the amendment by a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2027) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, next on the list is Senator CARDIN's amendment No. 2040, which I understand he will withdraw.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I am going to withdraw the amendment. Let me point out that this amendment was offered in an effort to make sure we can continue overnight delivery in most of our country by keeping open processing centers that are necessary. The underlying substitute that Senator LIEBERMAN, Senator COLLINS, Senator CARPER, and Senator BROWN brought forward accomplishes that goal. I don't believe this amendment is necessary. For that reason, I will not offer the amendment.

Mr. LIEBERMAN. Mr. President, I thank my friend from Maryland for moving expeditiously. I hope it will continue.

Next is Senator PAUL's amendment No. 2028.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2028

Mr. PAUL. Mr. President, I ask unanimous consent to call up amendment No. 2028.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2028.

Mr. PAUL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a pilot program to test alternative methods for the delivery of postal services)

At the appropriate place, insert the following:

SEC. ___. PILOT PROGRAM TO TEST ALTERNATIVE METHODS FOR THE DELIVERY OF POSTAL SERVICES.

(a) DEFINITION.—In this section, the term ''review board'' means a postal performance review board established under subsection (c)(2).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The United States Postal Service may conduct a pilot program to test the feasibility and desirability of alternative methods for the delivery of postal services. Subject to the provisions of this section, the pilot program shall not be limited by any lack of specific authority under title 39, United States Code, to take any action contemplated under the pilot program.

(2) WAIVERS.—

(A) IN GENERAL.—The Postal Service may waive any provision of law, rule, or regulation inconsistent with any action contemplated under the pilot program.

(B) CONTENT.—A waiver granted by the Postal Service under subparagraph (A) may include a waiver of requirements relating to—

(i) days of mail delivery;

(ii) the use of cluster-boxes;

(iii) alternative uses of mailboxes; and

(iv) potential customer charges for daily at-home delivery.

(C) REGULATIONS AND CONSULTATION.—The Postal Service shall issue any waiver under subparagraph (A)—

(i) in accordance with regulations under subsection (h); and

(ii) with respect to a waiver involving a provision of title 18, United States Code, in consultation with the Attorney General.

(c) REQUIREMENTS.—

(1) IN GENERAL.—

(A) APPLICATION.—Under the pilot program, alternative methods for the delivery of postal services may be tested only in a community that submits an appropriate application (together with a written plan)—

(i) in such time, form, and manner as the Postal Service by regulation requires; and

(ii) that is approved by the Postal Service.

(B) CONTENTS.—Any application under this paragraph shall include—

(i) a description of the postal services that would be affected;

(ii) the alternative providers selected and the postal services each would furnish (or the manner in which those decisions would be made);

(iii) the anticipated costs and benefits to the Postal Service and users of the mail;

(iv) the anticipated duration of the participation of the community in the pilot program;

(v) a specific description of any actions contemplated for which there is a lack of specific authority or for which a waiver under subsection (b)(2) would be necessary; and

(vi) any other information as the Postal Service may require.

(2) REVIEW BOARDS.—

(A) IN GENERAL.—Under the pilot program, a postmaster within a community may, in accordance with regulations prescribed by the Postal Service, establish a postal performance review board.

(B) FUNCTIONS.—A review board shall—

(i) submit any application under paragraph (1) on behalf of the community that the review board represents; and

(ii) carry out the plan on the basis of which any application with respect to that community is approved.

(C) MEMBERSHIP.—A review board shall consist of—

(i) the postmaster for the community (or, if there is more than 1, the postmaster designated in accordance with regulations under subsection (h));

(ii) at least 1 individual who shall represent the interests of business concerns; and

(iii) at least 1 individual who shall represent the interests of users of the class of mail for which the most expeditious handling and transportation is afforded by the Postal Service.

(iv) CHAIRPERSON.—The postmaster for the community (or postmaster so designated) shall serve as chairperson of the review board.

(3) ALTERNATIVE PROVIDERS.—To be eligible to be selected as an alternative provider of postal services, a provider shall be a commercial enterprise, nonprofit organization, labor organization, or other person that—

(A) possesses the personnel, equipment, and other capabilities necessary to furnish the postal services concerned;

(B) satisfies any security and other requirements as may be necessary to safeguard the mail, users of the mail, and the general public;

(C) submits a bid to the appropriate review board in such time, form, and manner (together with such accompanying information) as the review board may require; and

(D) meets such other requirements as the review board may require, consistent with any applicable regulations under subsection (h).

(4) USE OF POSTAL FACILITIES AND EQUIPMENT.—A postmaster may, at the discretion of the postmaster, allow alternative providers to use facilities and equipment of the Postal Service. Any such use proposed by a person in a bid submitted under paragraph (3)(C) shall, for purposes of the competitive bidding process, be taken into account using the fair market value of such use.

(5) APPLICATIONS FROM COMMUNITIES WITH POTENTIAL CLOSURES.—When reviewing and granting applications, the Postal Service shall give priority to applications from communities identified for potential post office closures.

(d) LIMITATION ON APPLICATIONS.—

(1) IN GENERAL.—Except as provided under paragraph (2), no more than 250 applications may be approved for participation in the pilot program under this section at any 1 time.

(2) INCREASED LIMITATION.—If more than 250 applications for participation in the pilot program are filed during the 90-day period beginning on the date of enactment of this Act, no more than 500 applications may be approved for participation in the pilot program under this section at any 1 time.

(e) TERMINATION OF COMMUNITY PARTICIPATION.—Subject to such conditions as the Postal Service may by regulation prescribe and the terms of any written agreement or contract entered into in conformance with such regulations, the participation of a community in the pilot program may be terminated by the Postal Service or by the review board for that community if the Postal Service or the review board determines that the continued participation of the community is not in the best interests of the public or the Government of the United States.

(f) EVALUATIONS.—

(1) IN GENERAL.—The Postal Service shall evaluate the operation of the pilot program within each community that participates in the pilot program.

(2) CONTENTS.—An evaluation under this subsection shall include an examination, as applicable, of—

(A) the reliability of mail delivery (including the rate of misdeliveries) in the community;

(B) the timeliness of mail delivery (including the time of day that mail is delivered and the time elapsing from the postmarking to delivery of mail) in the community;

(C) the volume of mail delivered in the community; and

(D) any cost savings or additional costs to the Postal Service attributable to the use of alternative providers.

(3) ANALYSIS OF DATA.—Data included in any evaluation under this subsection shall be analyzed—

(A) by community characteristics, time of year, and type of postal service;

(B) by residential, business, and any other type of mail user; and

(C) on any other basis as the Postal Service may determine.

(4) SUBMISSION OF EVALUATIONS.—Not later than 90 days after the date on which the pilot program terminates, the Postal Service shall submit each evaluation under this subsection and an overall evaluation of the pilot program to the President and Congress.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the obligation of the Postal Service to continue providing universal service, in accordance with otherwise applicable provisions of law, in all aspects not otherwise provided for under this section.

(h) REGULATIONS.—The Postal Service may prescribe any regulations necessary to carry out this section.

(i) TERMINATION.—

(1) TERMINATION BY THE POSTAL SERVICE.—The Postmaster General may terminate the pilot program under this section before the date described in paragraph (2)(A), if—

(A) the Postmaster General determines that continuation of the pilot program is not in the best interests of the public or the Government of the United States; and

(B) the Postal Regulatory Commission approves the termination.

(2) TERMINATION AFTER 5 YEARS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the authority to conduct the pilot program under this section shall terminate 5 years after the date of enactment of this Act.

(B) EXTENSIONS.—

(i) IN GENERAL.—The Postmaster General may extend the authority to conduct the pilot program under this section, if before the date that the authority to conduct the pilot program would otherwise terminate, the Postmaster General submits a notice of extension to Congress that includes—

(I) the term of the extension; and

(II) the reasons that the extension is in the best interests of the public or the Government of the United States.

(ii) MULTIPLE EXTENSIONS.—The Postmaster General may provide for more than 1 extension under this subparagraph.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. PAUL. Mr. President, this amendment would allow a pilot program for local postal autonomy. One of the complaints I heard from postmasters when they came to talk to me about this bill is that they think there is a lot of middle management in the Postal Service making unwise decisions, and if they were given more autonomy at the local level to make decisions about their post offices, they would have the ability to have cost-saving measures to try to save the post office for their local community. I think this makes sense. I think we would have more innovation and get some useful ideas from our local postmasters.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I respectfully oppose this amendment. This would actually fracture the U.S. Postal Service as we have known it, as a national institution that maintains national standards, including the promise of universal service wherever one lives or does business, by authorizing localities to break away. I think that in doing so, it would jeopardize the foundation promise our Postal Service made since the beginning of universal service. So I would oppose the amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, this amendment establishes what is essentially a privatization pilot program for the alternative delivery of mail outside of the universal service mandate of the Postal Service. I believe it would create chaos by allowing for inconsistent delivery standards across the country. It would cause cream skimming of profitable delivery areas, and that would harm rural America.

I urge rejection of the amendment.

Mr. PAUL. Mr. President, this amendment doesn't change any of the postal mandates and, to tell my colleagues the truth, the system we have now is not working very well. I think we do need some innovation, so I think it would be a good idea to vote for this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CARDIN). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2028.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—35

Alexander	Grassley	Moran
Ayotte	Hatch	Paul
Barrasso	Heller	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McCain	Wicker
Graham	McConnell	

NAYS—64

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Inouye	Reed
Blunt	Isakson	Reid
Boozman	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Coburn	Lieberman	Udall (NM)
Cochran	Manchin	Warner
Collins	McCaskill	Webb
Conrad	Menendez	Whitehouse
Coons	Merkley	Wyden
Durbin	Mikulski	
Feinstein	Murkowski	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, the next amendment is Senator CARPER's amendment No. 2065.

Mr. CARPER. Mr. President, I ask unanimous consent to withdraw amendment No. 2065.

The PRESIDING OFFICER. The Senator has that right. The amendment has not been proposed.

Mr. LIEBERMAN. I thank my friend from Delaware.

AMENDMENT NO. 2029, AS MODIFIED

Mr. President, we go now to Senator PAUL's amendment No. 2029.

Mr. PAUL. Mr. President, I ask unanimous consent that amendment No. 2029 with the modifications at the desk be reported.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2029, as modified.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Postal Service to take into consideration the impact of regulations when developing a profitability plan)

On page 136, between lines 14 and 15, insert the following:

(5) the impact of—

(A) regulations the Postmaster General was required by Congress to promulgate; and

(B) congressional action required to facilitate the profitability of the Postal Service;

On page 136, line 15, strike ''(5)'' and insert ''(6)''.

On page 136, line 18, strike ''(6)'' and insert ''(7)''.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. PAUL. Mr. President, this amendment would add a technical change to the profitability plan that is already required under the bill, and it would simply ask that when they do the profitability plan, they report on whether Congress is helping or hurting. A lot of times we do things that are well intentioned that may not work out. I think they need to let us know more about whether Congress is helping or hurting the process.

I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I support the amendment. The underlying bill requires the Postal Service to send us a detailed plan for attaining long-term financial solvency. This amendment would add several factors to the list of items that should be considered in the report. I think it strengthens the bill, and I urge its adoption by voice vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I too support the amendment and urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on the adoption of the amendment.

The amendment (No. 2029), as modified, was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2066

Mr. LIEBERMAN. Mr. President, next is Senator CARPER's amendment No. 2066.

Mr. CARPER. Mr. President, I call up amendment No. 2066.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] proposes an amendment numbered 2066.

Mr. CARPER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To appropriately limit the compensation of executives of the Postal Service)

At the appropriate place, insert the following:

SEC. _____. EXECUTIVE COMPENSATION.

(a) LIMIT ON MAXIMUM COMPENSATION.—

(1) NUMBER OF EXECUTIVES.—Section 3686(c) of title 39, United States Code, is amended in the first sentence by striking ''12 officers'' and inserting ''6 officers''.

(2) INTERIM LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and notwithstanding section 3686(c) of title 39, United States Code, as amended by this Act, for 2012, 2013, 2014, and 2015, the total compensation of an officer or employee of the Postal Service may not exceed the annual amount of basic pay payable for level I of the Executive Schedule under section 5312 of title 5.

(B) PERFORMANCE BASED COMPENSATION RELATING TO SOLVENCY PLAN.—

(i) IN GENERAL.—Any compensation relating to achieving the goals established under the plan under section 401 shall not apply toward the limit on compensation under subparagraph (A).

(ii) OTHER LIMITATIONS APPLY.—Nothing in this subparagraph shall be construed to modify the limitation on compensation under subsections (b) and (c) of section 3686 of title 39, United States Code, as amended by this Act.

(b) CARRY OVER COMPENSATION.—The Postal Service may not pay compensation for service performed during a year (in this subsection referred to as the ''base year'') in any subsequent year if the total amount of compensation provided relating to service during the base year would exceed the amount specified under section 3686(c) of title 39, United States Code, as amended by this Act, or subsection (a)(2), as applicable.

(c) BENEFITS.—Section 1003 of title 39, United States Code, is amended by adding at the end the following:

''(e) LIMITATIONS ON BENEFITS.—For any fiscal year, an officer or employee of the Postal Service who is in a critical senior executive or equivalent position, as designated under section 3686(c), may not receive fringe benefits (within the meaning given that term under section 1005(f)) that are greater than the fringe benefits received by supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12.''.

(d) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any contract entered or modified by the Postal Service on or after the date of enactment of this Act.

Mr. CARPER. Mr. President, some of our colleagues have raised justifiable concerns about the level of compensation that has gone to some of the most senior officials at the U.S. Postal Service. The compensation package for one previous leader of the Postal Service was in excess of $1 million. In a day and age when rank-and-file postal employees are going to be asked to make some sacrifices as labor negotiations go forward, I think it is important for us to remember the concept of leadership by example.

This amendment makes sure that, frankly, deferred compensation packages of the kind I just described do not

occur. We cut in half—from 12 to 6—the number of postal executives who are able to receive compensation in excess of a Cabinet-level salary, but to give the Board of Governors the ability to pay a fee for good progress toward reducing the budget deficit at the Postal Service through pay above that up to about $270,000.

The last thing we say is, the idea that senior executives at the Postal Service do not have to pay anything for health care or do not have to pay anything for their life insurance is wrong and that should end. We do that with this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I support the amendment on executive compensation. I believe it addresses this matter in a manner that President Bush 41 might have called prudent. I urge it be adopted by a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2066) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2039

Mr. LIEBERMAN. Mr. President, the next amendment is Senator PAUL's amendment No. 2039.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I call up amendment No. 2039.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 2039.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit employees of the United States Postal Service from engaging in collective bargaining)

At the end of title I, add the following:

SEC. 107. PROHIBITION ON COLLECTIVE BARGAINING.

(a) IN GENERAL.—Section 1206 of title 39 is amended to read as follows:

"§ 1206. Prohibition on collective-bargaining agreements

"The Postal Service may not enter into a collective-bargaining agreement with any labor organization.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 12 of title 39, United States Code, is amended—

(1) in section 1202—

(A) in the section heading, by striking "**Bargaining units**" and inserting "**Employee organizations**";

(B) by striking the first sentence; and

(C) by striking "The National Labor Relations Board shall not include in any bargaining unit—" and inserting "An organization of employees of the United States Postal Service shall not include—";

(2) in section 1203, by striking subsections (c), (d), and (e);

(3) in section 1204(a), by striking "shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and";

(4) in section 1205(a), by striking "not subject to collective-bargaining agreements";

(5) by striking sections 1207, 1208, and 1209; and

(6) in the table of sections—

(A) by striking the item relating to section 1202 and inserting the following:

"1203. Employee organizations."; and

(B) by striking the items relating to sections 1206, 1207, 1208, and 1209 and inserting the following:

"1206. Prohibition on collective-bargaining agreements.".

Mr. PAUL. Mr. President, let's be frank. The Postal Service is bankrupt and only dramatic action will fix the Postal Service. The problem is labor costs. Eighty percent of the Postal Service's costs are labor. If we look at UPS, it is about 50 percent. If we look at FedEx, it is about 38 percent. Before we close one post office, before we end Saturday mail, before we ask citizens to get poorer services for higher prices, maybe we ought to look at the root of the problem.

Even FDR—the biggest of the big government advocates—said this about collective bargaining:

All Government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service.

So agreeing with FDR, I hope my colleagues from across the aisle will agree with their patron saint FDR and will support this amendment that would end collective bargaining.

In the interest of time, I will be happy to have a voice vote.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maine.

Ms. COLLINS. Mr. President, this amendment would strip from the postal workers the right to collectively bargain. This is an enormous change in labor law. Postal workers have had the right to engage in collective bargaining for more than 30 years. We did make changes in this bill in the arbitration process. We made sure if a contract dispute goes to arbitration, the arbitrator has to consider the financial condition of the Postal Service. That will help bring balance into the system. But there is no justification for completely removing the right of workers to collectively bargain.

I urge we reject the amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 2039.

Mr. PAUL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 76, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—23

Barrasso	Graham	Paul
Burr	Hatch	Risch
Chambliss	Heller	Sessions
Corker	Inhofe	Shelby
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	McCain	Vitter
Enzi	McConnell	

NAYS—76

Akaka	Gillibrand	Murkowski
Alexander	Grassley	Murray
Ayotte	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hoeven	Portman
Bennet	Hutchison	Pryor
Bingaman	Inouye	Reed
Blumenthal	Isakson	Reid
Blunt	Johanns	Roberts
Boozman	Johnson (SD)	Rockefeller
Boxer	Johnson (WI)	Rubio
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Coats	Levin	Udall (CO)
Coburn	Lieberman	Udall (NM)
Cochran	Lugar	Warner
Collins	Manchin	Webb
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Moran	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LIEBERMAN. Mr. President, next on our list—we are moving well; I thank my colleagues—is Senator CASEY's amendment No. 2042.

AMENDMENT NO. 2042

Mr. CASEY. Mr. President, I rise to speak on amendment No. 2042. This is really an amendment that maintains standards that we have had a right to expect and have expected for many generations; that is, the standard of service that the Postal Service has come to be known for.

I call up amendment No. 2042.

The PRESIDING OFFICER. The clerk will report the amendment.

The Senator from Pennsylvania [Mr. CASEY] proposes an amendment numbered 2042.

The amendment is as follows:

(Purpose: To maintain current delivery time for market-dominant products)

At the appropriate place, insert the following:

SEC. ____. MAINTENANCE OF DELIVERY SERVICE STANDARDS.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term "2011 market-dominant product service standards" means the expected delivery time for market-dominant products entered into

the network of sectional center facilities that existed on September 15, 2011, under part 121 of title 39, Code of Federal Regulations (as in effect on March 14, 2010).

(2) MAINTENANCE OF DELIVERY TIME.—Notwithstanding subsections (a), (b), and (c) of section 3691 of title 39, United States Code, the Postal Service may not increase the expected delivery time for market-dominant products, relative to the 2011 market-dominant product service standards, earlier than the date that is 4 years after the date of enactment of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) POSTAL FACILITIES.—Section 404(f) of title 39, United States Code, as added by this Act, is amended—

(A) in paragraph (6)(C)—

(i) by striking ''3-year period'' and inserting ''4-year period''; and

(ii) by striking ''section 201 of''; and

(B) in paragraph (7)—

(i) in subparagraph (A), by striking '', including the service standards established under section 201 of the 21st Century Postal Service Act of 2012''; and

(ii) in subparagraph (B), by striking '', including the service standards established under section 201 of the 21st Century Postal Service Act of 2012,''.

(2) DEFINITION.—For purposes of section 206(a)(2), the term ''continental United States'' means the 48 contiguous States and the District of Columbia.

(3) SECTION 201.—Section 201 of this Act shall have no force or effect.

Mr. CASEY. Mr. President, this is about the standard of service that we have come to expect from the Postal Service for many generations. I realize a lot of work has gone into this consensus that has developed. We know we need to make changes to the Postal Service. But one thing we should not change or downgrade or compromise or degrade in any way is the standard of service.

I think what we should do is have a 4-year moratorium on the implementation that would lead to changes because there will be a lot of changes made in the next couple of years upon enactment. What we should not do, though, is move too quickly to change the standard of service that people have had a right to rely upon.

I would ask for a ''yes'' vote on this amendment. I should note for the record the cosponsors: Senators BROWN of Ohio, Senator SANDERS, Senator BAUCUS, Senator LEAHY, Senator MCCASKILL, Senator SHAHEEN, Senator MERKLEY, and Senator MENENDEZ.

I would ask for a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment by my friend from Pennsylvania. Everybody acknowledges that the Postal Service is in crisis, losing $23 million a day. Mail volume has dropped 21 percent in the last 5 years. That means everybody—we simply cannot afford every mail processing facility that exists because there is not that much mail anymore.

The Postal Service will only survive if we change it. Our bill allows for orderly change. This amendment would basically maintain the status quo for 4 years. I think doing so is a kind of invitation to the Postal Service to go into bankruptcy. Our country cannot afford that. So, respectfully, I would oppose the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to Casey amendment No. 2042.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—44

Akaka	Inouye	Pryor
Baucus	Johnson (SD)	Reed
Begich	Kerry	Rockefeller
Bennet	Klobuchar	Sanders
Blumenthal	Kohl	Schumer
Boxer	Lautenberg	Shaheen
Brown (OH)	Leahy	Snowe
Cantwell	Levin	Stabenow
Cardin	Manchin	Tester
Casey	McCaskill	Udall (CO)
Durbin	Menendez	Udall (NM)
Franken	Merkley	Webb
Gillibrand	Mikulski	Whitehouse
Harkin	Murray	Wyden
Heller	Nelson (NE)	

NAYS—54

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Feinstein	Moran
Bingaman	Graham	Murkowski
Blunt	Grassley	Nelson (FL)
Boozman	Hagan	Paul
Brown (MA)	Hatch	Portman
Burr	Hoeven	Reid
Carper	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kyl	Thune
Coons	Landrieu	Toomey
Corker	Lee	Vitter
Cornyn	Lieberman	Warner
Crapo	Lugar	Wicker

NOT VOTING—2

Conrad	Kirk

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of the amendment, the amendment is rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. The next amendment is Senator PAUL's amendment No. 2038. He has asked that I withdraw from the list that amendment on his behalf.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 2072

Mr. LIEBERMAN. Next is Senator LANDRIEU's amendment No. 2072.

Ms. LANDRIEU. Mr. President, I call up amendment No. 2072.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2072.

Ms. LANDRIEU. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To determine the impact of certain postal facility closures or consolidations on small businesses)

On page 32, line 15, insert ''(F) the effect of the closing or consolidation on small businesses in the area, including shipping and communications with customers and suppliers and the corresponding impact on revenues, operations, and growth; and'', and strike ''(F)'' and insert ''(G)'' before the clause that follows.

On page 41, line 11, insert ''(ii) the effect of the closing or consolidation on small businesses in the area, including shipping and communications with customers and suppliers and the corresponding impact on revenues, operations, and growth; and'', and strike ''(ii)'' and insert ''(iii)'' before the clause that follows.

On page 53, line 1, strike ''customers and communities'' and insert ''customers, communities, and small businesses''.

On page 57, line 3, strike ''customers and communities'' and insert ''customers, communities, and small businesses''.

The PRESIDING OFFICER. There will be 2 minutes of debate, equally divided.

Ms. LANDRIEU. I thank the Chair.

I rise in support of this amendment, offered on behalf of myself and my colleagues, Senators SNOWE, STABENOW, and SHAHEEN.

We are very concerned that the Postal Service has not looked carefully enough at the impact some of its decisions might have on small businesses that rely on their operations. So all this amendment says—and I understand there is no opposition, so we might be able to take it by voice vote—is that included in the studies the Postal Service is going to do to analyze their way forward, they must consider the impact on small businesses they serve. As you know, in some areas, particularly rural areas, this is an arm of the small business, and we can't have that arm chopped off.

So that is the amendment. I don't believe there is any opposition, and if the managers would accept this by voice vote, we could save some time.

Mr. LIEBERMAN. Mr. President, I thank Senator LANDRIEU for proposing this amendment. I support it enthusiastically. It will strengthen the protections regarding the closing of processing facilities, and it requires the Postal Service to take into account the impact of any potential closing or consolidation on small businesses.

This amendment reminds us how many people and how many businesses, including particularly small businesses, across America depend on the

U.S. Postal Service and why it is so important for us to change it to save it. So I thank my friend from Louisiana for proposing this amendment.

I urge adoption of this amendment by voice vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

The amendment (No. 2072) was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote and to lay that motion on the table.

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

Mr. LIEBERMAN. Next is Senator DEMINT's amendment No. 2046.

AMENDMENT NO. 2046

Mr. DEMINT. Mr. President, I call up amendment No. 2046.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2046.

Mr. DEMINT. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide protections for postal workers with respect to their right not to subsidize union nonrepresentational activities)

At the appropriate place, insert the following:

SEC. ___. PAYCHECK PROTECTION.

(a) SHORT TITLE.—The section may be cites as the ''Paycheck Protection Act''.

(b) RIGHT NOT TO SUBSIDIZE UNION NONREPRESENTATIONAL ACTIVITIES.—Chapter 12 of title 39, United States Code, is amended by adding at the end the following:

''SEC. 1210. RIGHT NOT TO SUBSIDIZE UNION NONREPRESENTATIONAL ACTIVITIES.

''No Postal Service employee's labor organization dues, fees, or assessments or other contributions shall be used or contributed to any person, organization, or entity for any purpose not directly germane to the labor organization's collective bargaining or contract administration functions unless the member, or nonmember required to make such payments as a condition of employment, authorizes such expenditure in writing, after a notice period of not less than 35 days. An initial authorization provided by an employee under the preceding sentence shall expire not later than 1 year after the date on which such authorization is signed by the employee. There shall be no automatic renewal of an authorization under this section.''.

The PRESIDING OFFICER. There will now be 2 minutes of debate.

Mr. DEMINT. Mr. President, this amendment is the Paycheck Protection Act, and it protects the first amendment rights of postal workers by requiring postal labor unions to obtain prior approval from their workers before they spend their dues money on behalf of political parties, political candidates or other political advocacy.

Unions are the only organizations in many States that cannot only force people to join but forcibly use their dues for political purposes without the permission of the members. Sixty percent of union members object to their dues being spent for political purposes without their permission.

This amendment protects their right to have their dues used in the way they intend them to be used. So I encourage my colleagues to support this freedom, this protection of constitutional rights. It is consistent with the Supreme Court ruling in Communications Workers v. Beck.

I reserve the remainder of my time.

Mr. LIEBERMAN. Mr. President, I oppose this amendment. It is taking a bill that has the urgent purpose of saving the U.S. Postal Service—changing it to save it—and bringing in a matter of internal labor union business.

The fact is no postal employee is forced to join a union, but once one does, the union leadership can guide the policy positions the union supports through the democratic processes within the union. No postal employee himself or herself is forced to involuntarily support the advocacy or political activities of a union. That is their choice—whether to join it. But once they do, their leadership has the right to participate in a political process.

I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. All time has expired.

Mr. DEMINT. Mr. President, I yield the remainder of my time to Senator COLLINS.

The PRESIDING OFFICER. All time has expired.

Mr. DEMINT. I ask unanimous consent that Senator COLLINS be given 30 seconds to explain her position.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

Mr. President, I urge support of Senator DEMINT's amendment. It protects the first amendment rights of postal workers by requiring that unions obtain prior approval from workers before spending their dues on political purposes.

I think this is probably the one and only amendment where I will diverge with my chairman, but I do urge support of Senator DEMINT's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—46

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Brown (MA)	Hoeven	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Johnson (WI)	Thune
Collins	Kyl	Toomey
Corker	Lee	Vitter
Cornyn	Lugar	Wicker
Crapo	McCain	
DeMint	McConnell	

NAYS—53

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

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

Mr. LIEBERMAN. Madam President, next we have Senator MCCASKILL's amendment No. 2030.

AMENDMENT NO. 2030

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Madam President, I call up my amendment No. 2030.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mrs. MCCASKILL] proposes an amendment numbered 2030.

Mrs. MCCASKILL. I ask unanimous consent that further reading be dispensed with.

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

(The amendment is printed in the RECORD of Tuesday, April 17, 2012, under ''Text of Amendments.'')

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on amendment No. 2030, offered by the Senator from Missouri.

Mrs. MCCASKILL. Madam President, S. 89 makes significant changes to the Federal Employees Compensation Act, FECA, which I support. The changes seek to reduce overspending in the program. But this is an amendment that will allow a couple of considerations that I think are important to include.

The amendment, along with other things, would improve upon the current program by providing those injured while deployed in armed conflict additional time to file a claim for FECA benefits and to ensure that deployed employees injured in a terrorist attack overseas while off-duty would receive the FECA benefits. It also creates an exemption for hardship if someone would be eligible for food stamps if their benefits are decreased even further.

These provisions are similar to the FECA reform legislation, H. Res. 2465, that has already passed the House of Representatives, and I ask for the consideration of the body of this amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, first let me commend the Senator from Missouri for this amendment.

It does make a great deal of sense to have the hardship exemption and to give more time for individuals who are injured in war zones and longer deadlines for the paperwork for those individuals who might have trouble submitting the paperwork from a war zone. We are talking about civilian employees who are deployed there. This amendment makes a great deal of sense, and I urge that it be accepted by a voice vote.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

The amendment (No. 2039) was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

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

AMENDMENT NO. 2036

Mr. LIEBERMAN. Madam President, we will go to Senator PRYOR's amendment No. 2036.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I ask that we go to amendment No. 2036.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself and Mr. BEGICH, proposes an amendment numbered 2036.

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to the closing and consolidation of postal facilities and post offices)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

It is the sense of the Senate that the Postal Service should not close or consolidate any postal facility (as defined in section 404(f) of title 39, United States Code, as added by this Act) or post office before the date of enactment of this Act.

Mr. PRYOR. Madam President, this, hopefully, will be a noncontroversial amendment.

Basically, it is a sense of the Senate that the Postal Service should not close any postal facilities or post offices until enactment of this postal reform bill.

So this is a sense of the Senate. The idea is we don't know exactly when the House is going to pass their bill, if they ever do. But we will have a sense of the Senate on the record.

The Postal Service's self-imposed moratorium expires May 15. Hopefully, this will give them time to extend this until a bill is passed. If this bill does pass—and I hope it does—this is a major reset for the Postal Service, and I hope much of the rationale for closing these offices goes away with the passage of this bill.

Madam President, I would love to have a voice vote on this, if that is possible.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Arkansas. This is a good amendment, and I support it wholeheartedly and move its adoption by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2036) was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

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

AMENDMENT NO. 2073, AS MODIFIED

Mr. LIEBERMAN. We will now go to Senator ROCKEFELLER's amendment No. 2073.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I call up my amendment No. 2073, and ask unanimous consent that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 2073, as modified.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

Beginning on page 16, strike line 8 and all that follows through page 23, line 6, and insert the following:

SEC. 105. MEDICARE EDUCATIONAL PROGRAM FOR POSTAL SERVICE EMPLOYEES AND RETIREES.

(a) EDUCATIONAL PROGRAM.—The Postmaster General, in consultation with the Director of the Office of Personnel Management and the Administrator of the Centers for Medicare & Medicaid Services, shall develop an educational program for Postal Service employees and annuitants who may be eligible to enroll in the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) (commonly known as ''Medicare Part A'') and the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) (commonly known as ''Medicare Part B''), the objective of which shall be to educate employees and annuitants on how Medicare benefits interact with and can supplement the benefits of the employee or annuitant under the Federal Employees Health Benefit Program.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the Postal Service to require a Postal Service employee or annuitant (as defined in subsection (c)) to enroll in Medicare.

(c) DEFINITION OF POSTAL SERVICE EMPLOYEE OR ANNUITANT.—In this section, the term ''Postal Service employee or annuitant'' means an individual who is—

(1) an employee of the Postal Service; or

(2) an annuitant covered under chapter 89 of title 5, United States Code, whose Government contribution is paid by the Postal Service under section 8906(g)(2) of such title.

Mr. ROCKEFELLER. Madam President, as modified, this amendment would simply eliminate a very problematic provision in the underlying bill, provision section 105, but it has a very bad effect, and this would clear that up. It would shift onto Medicare and raise premiums for current postal workers and retirees in some cases by as much as 35 percent. There is more to it, but that is the bulk of it. So I would hope that it would be passed.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank the Senator from West Virginia.

Some questions were raised about parts of the bill relating to accessibility to Medicare by postal employees. I think there has been a good meeting of the minds with this modification. I support the amendment as modified and urge its adoption by voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2073, as modified.

Amendment (No. 2073), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

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

Mr. LIEBERMAN. Before we get to Senator ROCKEFELLER's second amendment, Senator COBURN has asked me to withdraw amendment No. 2059 on his behalf. I thank him for that.

AMENDMENT NO. 2074

We will now go to Senator ROCKEFELLER's amendment No. 2074.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 2074, AS MODIFIED

Mr. ROCKEFELLER. Madam President, I call up my amendment No. 2074 and ask unanimous consent that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes amendment numbered 2074, as modified.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the Postal Service Health Benefits Program).

On page 12, strike line 18 and all that follows through page 16, line 7, and insert the following:

SEC. 104. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''covered employee'' means an officer or employee of the Postal Service who is—

(A) represented by a bargaining representative recognized under section 1203 of title 39, United States Code; or

(B) a member of the Postal Career Executive Service;

(2) the term ''Federal Employee Health Benefits Program'' means the health benefits program under chapter 89 of title 5, United States Code;

(3) the term ''participants'' means—

(A) covered employees; and

(B) officers and employees of the Postal Service who are not covered employees and who elect to participate in the Postal Service Health Benefits Program; and

(4) the term ''Postal Service Health Benefits Program'' means the health benefits program that may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—

(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) CONSULTATION WITH SUPERVISORY AND MANAGERIAL PERSONNEL.—In the course of negotiations under paragraph (1), the Postal Service shall consult with each of the organizations of supervisory and other managerial personnel that are recognized under section 1004 of title 39, United States Code, concerning the views of the personnel represented by each of those organizations.

(3) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(4) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(c) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee, at the option solely of that officer or employee;

(C) provide coverage that is actuarially equivalent to the types of plans available under the Federal Employee Health Benefits Program, as determined by the Director of the Office of Personnel Management;

(D) be administered in a manner determined in a joint agreement reached under subsection (b); and

(E) provide for transition of coverage under the Federal Employee Health Benefits Program of all participants to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) participants may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as an endorsement by Congress for withdrawing officers and employees of the Postal Service from the Federal Employee Health Benefits Program.

Mr. LIEBERMAN. Madam President, I support the amendment, as modified, and urge its adoption by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Amendment (No. 2074), as modified, was agreed to.

AMENDMENT NO. 2050

Mr. LIEBERMAN. Madam President, next on the list is Senator SCHUMER's amendment No. 2050.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I call up my amendment No. 2050.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2050.

Mr. SCHUMER. I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To maintain all current door delivery point services)

On page 48, strike line 3 and all that follows through the end of the matter between lines 5 and 6 on page 52.

Mr. SCHUMER. Madam President, there are more than 35 million households and businesses that receive door delivery in every State across the country. As originally written, the postal reform bill would have pushed the Postal Service to stop delivering mail to individual doors and mailboxes. Instead, the Postal Service would install apartment complex style group boxes, where all the mail for a given street or neighborhood would be delivered to the boxes that were grouped together in one place. Rather than have mail delivered to their mailbox or door, homeowners could have been forced to travel further from their home simply to pick up the mail. My amendment simply preserves the same door delivery only for customers who already receive it. In other words, not for new complexes. But for existing houses, they should keep the delivery the way it is.

What some people may not know is the Postal Service already has the authority to eliminate door delivery, but the Postal Service has not mandated such a change because they know how unpopular it would be. By removing the door delivery provisions from this bill we can ensure the Postal Service will continue to provide the door delivery service our constituents expect and rely upon.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I urge the adoption of the amendment by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2050) was agreed to.

Mr. LIEBERMAN. Madam President, I move reconsideration and ask the motion be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2071, AS MODIFIED

Mr. LIEBERMAN. Next will be Senator TESTER, amendment No. 2032. Senator TESTER is not on the floor right now. I know we were building up to Senator WARNER's amendment as the last amendment, but this may now be the second-to-last amendment. Next we will have Senator WARNER No. 2071.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I ask to call up amendment No. 2071. There is an agreed-upon substitute text at the desk.

The PRESIDING OFFICER. The amendment is pending.

Mr. WARNER. I thank Chairman LIEBERMAN and Senator COLLINS for their help on this amendment. It is a simple amendment. One of the goals of this process is to encourage retirement expected for 100,000 members of the Postal Service. Unfortunately, now OPM has an over 50,000-person backlog of retirement claims. This is unacceptable. We still have a paper processing process. This amendment would require the

Postal Service to report on a regular basis, as well as OPM, on the status of these retirement processing claims and hopefully speed up this process and also compare it to the forms of other agencies. This is completely unacceptable to folks who are retiring, waiting sometimes up to a full year to get their retirement benefits. I thank the chairman and the ranking member and ask for acceptance of the amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I support this amendment. There is an inexcusable backlog at OPM in processing the application for retirement benefits. It has caused real hardships for some retired Federal employees and postal employees. This bill will obviously increase the number of postal employees who will be seeking retirement benefits so I think it is important we have the kind of reporting the Senator from Virginia has proposed.

I urge acceptance of the amendment. I urge it be accepted by the voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2071), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move for reconsideration and ask the motion be placed on the table.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2032

Mr. LIEBERMAN. The excitement builds now as we move to the last amendment. Senator TESTER has amendment No. 2032.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, I call up amendment No. 2032.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself and Mr. PRYOR, proposes an amendment numbered 2032.

Mr. TESTER. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To appropriately limit the pay of Postal Service executives)

At the appropriate place, insert the following:

SEC. _____. EXECUTIVE COMPENSATION.

(a) LIMITATIONS ON COMPENSATION.—Section 1003 of title 39, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

''(e) LIMITATIONS ON COMPENSATION.—

''(1) RATES OF BASIC PAY.—

''(A) IN GENERAL.—Subject to subparagraph (B), an officer or employee of the Postal Service may not be paid at a rate of basic pay that exceeds the rate of basic pay for level II of the Executive Schedule under section 5313 of title 5.

''(B) VERY SENIOR EXECUTIVES.—Not more than 6 officers or employees of the Postal Service that are in very senior executive positions, as determined by the Board of Governors, may be paid at a rate of basic pay that does not exceed the rate of basic pay for level I of the Executive Schedule under section 5312 of title 5.

''(2) BENEFITS.—For any fiscal year, an officer or employee of the Postal Service who is in a critical senior executive or equivalent position, as designated under section 3686(c), may not receive fringe benefits (within the meaning given that term under section 1005(f)) that are greater than the fringe benefits received by supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12.''.

(b) LIMITATION ON BONUS AUTHORITY.—Section 3686 of title 39, United States Code, is amended—

(1) in subsection (a), by striking ''The Postal Service'' and inserting ''Subject to subsection (f), the Postal Service''; and

(2) by adding at the end the following:

''(f) LIMITATION ON BONUS AUTHORITY.—

''(1) DEFINITION.—In this subsection, the term 'covered year' means the fiscal year following a fiscal year relating to which the Office of Management and Budget determines the Postal Service has not implemented the measures needed to achieve long-term solvency, as defined in section 208(e) of the 21st Century Postal Service Act of 2012.

''(2) LIMITATION.—The Postal Service may not provide a bonus or other reward under this section to an officer or employee of the Postal service in a critical senior executive or equivalent position, as designated under subsection (c), during a covered year.''.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsections (a) and (b) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any contract entered or modified by the Postal Service on or after the date of enactment of this Act.

(d) SUNSET.—Effective 2 years after the date of enactment of this Act—

(1) section 1003 of title 39, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: ''No officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule under section 5312 of title 5.''; and

(B) by striking subsection (e); and

(2) section 3686 of title 39, United States Code, is amended—

(A) in subsection (a), by striking ''Subject to subsection (f), the Postal Service'' and inserting ''The Postal Service''; and

(B) by striking subsection (f).

Mr. TESTER. Madam President, this amendment is pretty simple. I thank Senator PRYOR for joining me on it. It basically is an amendment that reduces compensation for the senior executives at the Postal Service. It limits the six most senior Postal Service employees to a base salary no more than we pay our Cabinet Secretary, which is just a skosh under $200,000. There are going to be some changes in the Postal Service. Some of these cuts are going to take place at the lower end, some in the middle management, some at the upper end.

To be fair, everybody needs to feel the pain and besides that, to be right fair, the Postmaster is an important job but so is the Secretary of Defense, Secretary of State, and others. I don't think we should be paying him more than what we do our Cabinet Secretaries. After all, the Postal Service is public service. I ask Senators' concurrence on the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Montana for his amendment. He explained it well and I urge its adoption by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2032) was agreed to.

Mr. LIEBERMAN. Madam President, I move for reconsideration and ask that motion be laid on the table.

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

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Madam President, colleagues, we have completed all the amendments on the bill and we are ready to vote on final passage.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, the power of Congress to establish post offices is enshrined in our Constitution, and the U.S. Postal Service has been a valued institution since the earliest days of our Republic. Today, the Postal Service accounts for millions of jobs nationwide. It is essential that we have a viable and effective Postal Service in the long term. Unfortunately, the Postal Service is currently facing critical financial challenges that have been brought on by a number of factors, including the movement to electronic forms of communication. This situation requires immediate attention of Congress.

The bill we are voting on today, the 21st Century Postal Service Act, is not perfect. I am particularly disappointed that the Senate did not agree to an amendment that I supported that would have preserved 6-day delivery, and I am concerned that a permanent switch to 5-day delivery could lead to the further erosion of jobs and the undermining of the Postal Service. However, it is clear that we cannot afford to do nothing. Congressional inaction, coupled with the extreme measures being pushed by the Postal Service's leadership, will result in drastic changes that would seriously undermine our Nation's mail system, beginning with the closure of a number of post offices and mail processing facilities across the country. I am concerned that the changes sought by the Postal Service's leadership will severely undermine the Postal Service's long-term viability and threaten thousands of good jobs. We cannot allow that to happen.

The 21st Century Postal Service Act includes a number of important provisions designed to put the Postal Service back on solid footing. It will allow for the refunding of overpayments by the Postal Service to the Federal Employees Retirement System and ease

the prefunding requirement for the Postal Service's retiree health benefits. It also strengthens the review process for closing post offices and facilities and encourages innovation by the Postal Service to improve its business model with the goal of returning to profitability.

I am also concerned that the version of postal reform legislation that is eventually passed by the House of Representatives could prove to be very damaging. When the Senate considers the final version of postal reform legislation that is negotiated by the two Chambers, I will carefully consider the changes that have been made before lending my support to its passage.

Ms. SNOWE. Madam President, I rise support of my amendment, which has been modified in consultation with the managers of the Postal Reform bill, S. 1789. I am very pleased that both Chairman LIEBERMAN and Ranking Minority Member COLLINS have agreed to accept my amendment to further strengthen the segment of the bill governing proposed consolidations for the Postal Service's processing and distribution facilities.

With my amendment as part of the underlying bill, the Postal Regulatory Commission, PRC, will now independently verify the Postal Service's methodology and estimated costs savings from proposed plant consolidations. In other words, starting with those facilities currently under review, the Postal Service will no longer have unchecked authority to close or consolidate these important facilities.

The Postal Service has unfortunately proven itself unable to make these decisions, many of which have far-reaching implications for the quality of service of postal customers, without proper oversight, fact-checking and third-party verification.

As part of a major restructuring of the Postal Service's mail delivery infrastructure, Postmaster General Donahue proposed closing and consolidating 232 mail processing and distribution facilities across the United States. Unfortunately for the people of Maine, his proposal included the consolidation of the Eastern Maine Processing and Distribution Facility in Hampden into the Southern Maine Processing and Distribution Facility located in Scarborough.

This was a fundamentally flawed proposal from its inception. The Eastern Maine Processing and Distribution Facility, located approximately 144 miles away from Maine's other mail processing facility in Scarborough, ME, currently processes mail destined for eastern, western, and northern Maine. Without this facility, mail service to communities, families, the elderly, and businesses throughout most of Maine would be severely delayed.

I strongly opposed this proposed consolidation from the beginning. In December, I visited the facility and met with the plant's manager and employees. During the visit, I conveyed my strenuous opposition to the plan and questioned the ability of the Postal Service to save money by shifting jobs from Hampden to Scarborough.

As part of its consolidation process, the Postal Service holds public meetings in communities facing the loss of a Processing and Distribution facility. For Hampden, the Postal Service held a public meeting on January 11 2012, which I attended, along with approximately 300 other Mainers, all of whom opposed the Postal Service's recommendation.

In advance of the public meeting, my staff carefully reviewed the Postal Service's Area Mail Processing—AMP—report, which contained the estimated cost savings for consolidating the Hampden facility. In reviewing the AMP report, we discovered a very large mathematical error.

The Postal Service originally claimed that eliminating two white collar management positions at the plant would save almost $800,000. When my office started asking questions about this, the Postal Service backtracked to claiming that eliminating these jobs would save only $120,000 in advance of its public meeting.

Shockingly enough, the Postal Service's final AMP report which was released in February retained the obviously mistaken claim that eliminating these two positions saved almost $800,000. In all, the Postal Service has resumed mistakenly claiming almost 400 percent more in savings than would be accurate.

Under my amendment, if a local community is opposing a proposed consolidation, it can appear that recommendation to the Postal Regulatory Commission—PRC—which will be able to independently review the Postal Service's methodology and estimated cost savings to guard against facilities being closed due to faulty calculations by the Postal Service. If the PRC concludes that the AMP report was mistaken or inaccurate, the PRC has the authority to prevent closure or consolidation from moving forward until the facts are corrected.

With my amendment being added to the underlying bill, local communities will now be assured of an even playing field and a thorough and accurate assessment of the impact of any closure or consolidation.

In closing, I wish to thank the managers of the bill for accepting my amendment and I urge the Senate to adopt it by voice vote.

Mr. LEVIN. Madam President, while the amended bill before us is far from perfect, I will vote in support. Failure to pass a bill could result in the Postal Service pursuing a misguided course of post office and facility closures. Such a dramatic course would irreparably harm the ability of the Postal Service to provide postal services and would in fact, threaten the viability of the US Postal System. While, as a whole, the USPS needs to be a rate-payer supported organization, not every post office needs to post a profit. In fact, while some post offices are too small to turn a profit, they are still an important part of the Postal System and a vital part of their community. And, based on the estimates I have seen, the projected cost-savings from the proposed closing of the 3,700 post office locations would offset but a tiny part of the USPS's current financial problems. These closures would deliver a painful blow to the communities they serve, but would reduce the Postal Service's deficit by less than 1 percent.

The bill includes an amendment that I offered with Senators Tester and Franken that requires that substantial economic savings be shown before a post office or processing facility is closed and clarifies that a proposed closure shall be suspended during appeal to the Postal Regulatory Commission, PRC. This amendment will help ensure that any post office and facility closures do not unduly impact a community's access to postal services and that any such closure is economically justified.

There is no doubt that the Postal Service has faced a decline in first class mail volume over the past few years and will need to make significant adjustments in the future. I am hopeful that the Postal Service will work with Congress as the mail system continues to transform so that postal services can be continued and to ensure that the Postal Service is able to offer new and innovative services so it can remain viable in the 21st Century.

Mr. GRASSLEY. Madam President, I will vote for S. 1789, the 21st Century Postal Service Act, because it is undeniable that the Postal Service is facing a crisis and something must be done very soon. There are those who say that this bill goes too far in reforming the Postal Service and implementing uncomfortable changes, and then there are those who say that this bill does not go far enough in transforming the Postal Service to be viable in the long term. I agree that this bill is not perfect. It is a compromise so just about everyone can find something in it to dislike. However, unless we do something to help the Postal Service cut costs, the borrowing authority of the Postal Service will run out in the fall and it will be unable to make payroll. I will support this bill, imperfect though it is, because we need to make progress in addressing this looming crisis now. Otherwise, if we wait much longer, we will be faced with a choice between a shut-down of mail service across our country or a massive taxpayer bailout, both of which would hurt the economy and take money out of the pockets of hardworking Americans.

Mr. LIEBERMAN. Madam President, I urge my colleagues to vote ''yes'' on S. 1789 and give the Postal Service both the financial footing and the business tools it needs to compete in this new communications age.

Let's start by facing facts. USPS is losing business and losing money. If we

do nothing, on May 15th the Postmaster will be allowed to implement his own downsizing plan, which is far more severe than this bill allows and will lead to a loss of jobs and services that could be painful in this fragile economy, especially to our small towns and rural communities.

We have another choice.

To all my colleagues who say they are worried about the burdens the Postmaster's proposal to close 3,700 post offices will impose on families and businesses of their states, I say: ''Vote for this bill.''

It requires the Postal Service issue service standards that ensure communities throughout the country have access to retail postal services, and requires offering alternatives to closures, such as reduced hours at existing facilities, or permitting private contractors or rural carriers to provide services.

To all my colleagues who worry about the loss of postal processing facilities in their states, and the jobs and services that will go with them, I say: ''Vote for this bill.''

While it permits the Postal Service to eliminate excess capacity, it also requires it to maintain an overnight delivery standard—although for somewhat smaller geographic areas. And the maximum standard delivery time—3 days for a letter mailed anywhere in the continental United States—would remain unchanged.

That means fewer plant closings.

To all my colleagues who worry about the loss of Saturday delivery, I say: ''Vote for this bill,'' which takes a responsible, balanced approach to this difficult issue.

The bill prohibits implementation of 5-day delivery for 2 years and requires the Postal Service to determine if the other cost-saving measures in this bill have made cancelling Saturday service unnecessary—and to tell us how it plans to cushion the impacts on the businesses and communities it serves if it decides to go to five days.

Only if the Comptroller General and the Postal Regulatory Commission review the evidence and conclude that the change is necessary, will the switch to 5-day service be allowed.

To all my colleagues who worry about the Postal Service's bleak financial outlook, I say: ''Vote for this bill,'' which provides crucial financial breathing room to help ward off some of the drastic cuts I just spoke of.

First, not one dollar of taxpayer money is being used. This is not a postal ''bailout.''

Roughly $11 billion in USPS overpayments to the Federal Employee Retirement System will be refunded and used to encourage its 100,000 workers at or near retirement age to take voluntary buyouts that could save $8 billion a year.

Money left over can also be used to retire debt.

The bill also reduces the amount the Postal Service has to pay each year to prefund its Retiree Health Benefits, by amortizing its liability over the next 40 years.

This will significantly cut the $5.5 billion annual payment USPS has been making, while still assuring there will be sufficient funds to meet the commitments for future retirees' health benefits.

To all my colleagues who worry that the Postal Service just isn't relevant in the 21st Century, I say: ''Vote for this bill,'' which gives the Postal Service tools to bring in fresh revenues by offering new products and services, such as contracting with state and local governments to issue state licenses, shipping beer, wine and distilled spirits, and creating specialized Internet services.

It also sets up a blue ribbon panel to develop a new strategic blueprint for the Postal Service for this new age.

Finally, in many ways the debate over postal reform is a mirror of the overall budget debate—but writ small.

We confront a financial crisis that could wreak havoc on our economy were the Postal Service to run out of money and be forced to severely slash services. Yet no one wants to cut any services or raise any rates on anybody.

This bill will not solve all the problems that confront the Postal Service, but it is a beginning. This bill represents a clear-eyed and pragmatic way forward for the Postal Service—one that avoids panic or complacency.

It is the kind of balanced and bipartisan approach we will need to deal with the even bigger problems with fast-approaching deadlines racing towards us—like the expiration of the Bush tax cuts and the sequestration of military funding.

So to my colleagues who worry about our ability to get big things done and who want to prove to the American people—and ourselves—that Congress can rise above partisan and parochial interests and work for the good of all Americans, I urge you to pass this bill.

I do want to thank the three colleagues on our committee—Senator COLLINS, Senator CARPER, Senator BROWN—for the work everyone did to bring about a bipartisan bill that will bring necessary change to the Postal Service in order to save it. Make no mistake about it, this bill will bring the change that the post office needs to stay alive, serving the people and businesses of our country.

Here is the bottom line. The Postal Service itself says that within 3 years, as sections of this bill are phased in, they will reduce their cost of operating by $19 billion and probably in the year after that they will go into balance. That is what this bill will accomplish.

I again thank my colleagues on the committee and the staffs of both sides and the floor staffs on both sides for the extraordinary work over a long period that was done to get us to this point.

We still need 60 votes to pass this bill. I appeal to my colleagues to do so, with a feeling of confidence that we have met a problem here together and have offered a solution that will fix the problem for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I believe the odds of our getting the 60 votes for final passage are increased if I make my statement later, rather than delivering it right now. I will deliver my statement after the vote, but I do wish to thank Senator LIEBERMAN, Senator SCOTT BROWN, Senator CARPER, all the staffs who have worked so hard.

Today, assuming we get those 60 votes, we have proven the Senate can tackle an enormous problem in a bipartisan way and make real progress on an issue that matters to our economy and to the American people.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. I thank the leaders for their excellent work and the people who joined them. I think the policy has been debated well. I do wish to say, at the beginning there was discussion that there be a 60-vote threshold at the end and that some of the amendments might improve the funding aspect. I still want to say one more time that a vote for this bill is a vote to increase our deficit this year by $11 billion and a vote to violate the Budget Control Act that we just passed last year.

I appreciate the work. I do wish we had worked to pay for this. We have not done that. I would like to remind everyone voting for this that we are, in fact, adding $11 billion to our deficit, more so than was laid out by the Budget Control Act.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I wish to take a moment to congratulate both the chairman, Senator LIEBERMAN, and the ranking member, Senator COLLINS, for handling a very difficult bill. It is, in my view, the way we ought to legislate. We had a number of amendments that were important to our Members. We are glad they had an opportunity to offer them. I wanted to just take a moment to congratulate Senator COLLINS and Senator LIEBERMAN for a very skillful job handling this very difficult piece of legislation.

Mr. LIEBERMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as modified and amended, is agreed to.

The question is on the engrossment and third reading of the bill.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the question occurs

on S. 1789, as amended. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—62

Alexander	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Hoeven	Reid
Blunt	Inouye	Roberts
Boozman	Johnson (SD)	Sanders
Boxer	Kerry	Schumer
Brown (MA)	Klobuchar	Shaheen
Brown (OH)	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Warner
Collins	McCaskill	Webb
Conrad	Merkley	Whitehouse
Coons	Mikulski	Wicker
Durbin	Moran	Wyden
Feinstein	Murkowski	

NAYS—37

Akaka	Hatch	Menendez
Ayotte	Heller	Paul
Barrasso	Hutchison	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Rockefeller
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions
Corker	Kyl	Shelby
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Enzi	McCain	
Graham	McConnell	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for passage of the bill, the bill, as amended, is passed.

The bill (S. 1789), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. LIEBERMAN. Madam President, with the passage today of S. 1789, we have given the United States Postal Service—created more than two centuries ago in the age of inkwells and quill pens—the tools to thrive in the age of e-mail and the Internet.

Overall, about 8 million jobs hung in the balance, as well as the needs of every household and business in America that depends on the Postal Service to deliver everything from medicines to spare parts.

Passage of this bill is a bipartisan victory that reflects well on the Senate and I want to take this moment to thank the many dedicated staff, from the majority and minority who helped make it possible.

From my staff on the Homeland Security and Governmental I would like to thank Beth Grossman, Deputy Staff Director and Chief Counsel; Larry Novey, Chief Counsel for Governmental Affairs; Kenya Wiley, Staff Counsel; Mike Alexander, Staff Director; Holly Idelson, Senior Counsel; Jason Yanussi, Senior Professional Staff Member; Leslie Phillips, Communications Director; Sara Lonardo, Press Secretary; Scott Campbell, Communications Advisor; Rob Bradley, Legislative Aide, and Staff Assistant Nick Trager.

From Senator COLLINS' staff, I would like to thank Katy French, Deputy Staff Director; John Kane, Professional Staff Member; Katie Adams, Professional Staff Member; Cassie D'Souza, detailee from the Postal Regulatory Commission; Nick Rossi, Staff Director and E.R. Anderson, Press Secretary.

From our Federal Financial Management Subcommittee, which is chaired by Senator CARPER and Ranking Member SCOTT BROWN, I also want to thank John Kilvington, Staff Director for the majority and Justin Stevens, Professional Staff Member, from the minority.

And I would also like to thank all of the staff for the majority and minority leaders, especially Gary Myrick and Tim Mitchell and Dave Schiappa who of course make everything happen on the floor of the Senate.

Thomas Jefferson once asked the question: ''What duty does a citizen owe to the government that secures the society in which he lives?''

Answering his own question, Jefferson said: ''A nation that rests on the will of the people must also depend on individuals to support its institutions if it is to flourish. Persons qualified for public service should feel an obligation to make that contribution.''

These dedicated staff members answered Jefferson's call to duty and I am proud to be able to work with such people.

Negotiations on the contours of the bill that would become S. 1789 began last October with members of Ranking Member COLLINS' and Senator CARPER's staffs.

The goal was to create a bipartisan bill that would gain support first in the Committee and then on the floor of the Senate.

Today's vote to pass S. 1789 shows the long nights and weekends that went into this bill were worth it.

So again, my thanks to our staffs and for all the work you do for the American people.

Ms. COLLINS. Madam President, this is an important victory for the U.S. Postal Service and the American economy.

The Postal Service is the linchpin of a $1.1 trillion mailing and mail-related industry that employs nearly 8.7 million Americans in fields as diverse as mail, printing, catalog companies and paper manufacturing. Those industries and the jobs they sustain are in jeopardy.

The Postal Service lost $13.6 billion over the past two years and has seen a 26 percent drop in first class mail since 2006.

But today we have begun to right the ship.

There is still much work to be done, including working with our colleagues in the House to present the President with a bill he can sign.

Nevertheless, I appreciate the solid bipartisan support that this bill received. It's gratifying that so many of my colleagues understand that the Postal Service should not choose the destructive path of cutting service and raising prices.

This vote sends the message that we can't allow the Postal Service to drive customers away to other communication options. Once they leave the mail system, they won't be coming back, and the Postal Service will be sucked further into a death spiral.

As we move toward a conference with the House, we must continue to resist ill-conceived policy changes. We must avoid short term ''fixes'' that undermine service and thus jeopardize the long-term sustainability of this American institution.

Today's vote is also a win for bipartisanship.

Americans are rightly frustrated about what many feel is a dysfunctional Congress. With enormous problems facing our country and Congress having little to show by way of accomplishments, the process we've just completed on this bill demonstrates that it is sometimes possible for Congress to do more and bicker less.

Today we see what can happen when Republicans and Democrats work together; when Senators from big states and small find common ground. We can achieve important policy for those who sent us here.

I want to thank Senator MCCONNELL for working with us so well to preserve an amendment process that fostered healthy debate and allowed our colleagues to get votes on their priorities. Of course, I must also thank Majority Leader REID for pushing hard to resolve differences in order to create a successful process once the bill was brought to the floor. I know that we would not have had the support that we had for final passage of this bill without the Leaders working together to ensure an amendment process that was fair and reasonable.

As always, Chairman LIEBERMAN's commitment to bipartisanship is unmatched, and it's making him extremely busy and productive in his last year in the Senate. This marks the third bill we have shepherded through to Senate passage in this Congress. I hope to work with him successfully on at least one more bill—cybersecurity.

Senator SCOTT BROWN has already built an impressive record as a key voice for both postal reform and the STOCK Act. I appreciate his partnership on both of these important measures. He has become an independent leader for common sense and I thank him.

I appreciate Senator CARPER's leadership on this bill. We have been working together on postal issues for many years, and I am grateful for his expertise and dedication.

My bipartisan cosponsors and I consulted extensively with postal customers, both business and residential, postal workers, and local communities deeply committed to preserving their postal facilities. We could not have gotten this bill passed through the Senate without their important contributions, cooperation, creativity and support.

This bill would not have been possible without the hard work and dedication of our staff, and I'd like to recognize some of them personally.

Katy French, John Kane, Katie Adams, and Cassie D'Souza on my staff, have been working for four months as if this bill were coming to the floor the next day. My Committee staff director, Nick Rossi, press secretary, E.R. Anderson, and other members of our team have ably supported them. Justin Stevens on Senator SCOTT BROWN's staff has been an incredible partner as well.

Their colleagues across the aisle were models of hard work and collegiality, and I want to thank them, especially the Chairman's staff, Mike Alexander, Beth Grossman, Kenya Wiley, and Larry Novey, and John Kilvington of Senator CARPER's staff. I know it's been hard work, but the staff have the highest level of professionalism, collegiality, patience with each other and the process and it's made the challenge of bringing this bill to the floor a rewarding one.

Finally, I can't thank enough the long-suffering floor staff, who have been incredibly patient, helpful and have gone out of their way to serve many competing agendas with grace. Thank you especially to David Schiappa with Senator MCCONNELL's staff and his team in the Republican cloakroom, and Gary Myrick and his team, with the Majority Leader.

Our work isn't done. Today is just the first step on a long road ahead. We must move a bill to the President's desk. The House has a bill that awaits floor consideration. We will come together for a conference process. More compromises will have to be made along the way. But we can't forget the urgency of our task—saving the Postal Service for the next generation of Americans.

Mr. BROWN of Massachusetts. Madam President, I thank my colleagues for their support on final passage of this critical piece of legislation.

This is an important first step forward towards putting the Postal Service on a path for solvency and success in the future.

The long-term survival of the Postal Service is an issue that touches every single home, community, and business in this country, including in my home State of Massachusetts. Its poor financial health is a real problem.

There is an envelope company in Worcester that has had to recently lay off almost a third of its workforce because incoming orders have dropped by a quarter from last year. The owner says his customers have told him that they have stopped mailing because of the unknown future of the Postal Service. This is but one example of the impact that a failing Postal Service has on businesses large and small across the country.

So, that is why I am so pleased that we can show the American people that, yes, once again the U.S. Senate can come together in a bipartisan manner and solve real problems.

In a Congress infamous for gridlock and division, the passage of this bill is proof positive of the results when we work together in good faith.

Reforming the Postal Service is no easy task and there are no easy answers. Millions of jobs, a trillion-dollar mailing industry, and an institution as old as this Nation are all at stake.

But this shows that a majority of Members here knew that resolving the crisis at the Postal Service would require a balanced approach, some difficult decisions, and a lot of compromise to see a bill passed.

We all recognize the new business environment that the Postal Service operates in, but we also know that the focus had to be on helping the Postal Service sustain their customer base in that environment, not surrender to it.

I am proud of this bill and the example this sets for the power of bipartisanship for the rest of this session.

The other cosponsors—Senators LIEBERMAN, COLLINS, and CARPER have been setting this example for some time. I have been proud to be in their company on this bill and thank them for their leadership on this important issue.

With the recent passage of the STOCK Act and the crowdfunding bill, I feel like we have all been on kind of a streak lately. I hope that it continues and that our colleagues in the House can now take our lead and pass a balanced postal reform bill as well. The Postal Service is running out of time and they cannot afford any further delay.

Mr. MCCAIN. Mr. President, I voted against S. 1789 because short-term financial relief for the Postal Service that will ultimately lead to a taxpayer bailout is no longer acceptable. According to the Postal Service, S. 1789 ''does not provide the Postal Service with the speed and flexibility it needs to achieve the $20 billion in cost reductions'' and they will need additional legislative action in 2 to 3 years.

The bill is designed to keep the current failing Postal Service business model in place by halting the structural changes the Postal Service says it needs to ensure its long-term viability. Instead of the Senate dealing with the real problems, such as 80 percent labor costs and consolidating the excess retail network of the Postal Service, the bill continues to allow no-layoff clauses in union contracts, will lock in unsustainable mail service standards, and place new litigious processes, restrictions, regulations, and appeals that will make it impossible for the Postal Service to close and consolidate underutilized post offices and mail-processing facilities. These roadblocks fly in the face of the hard reality that the Postal Service lost $13 billion in the past 2 years due to its failing business model and the changes in the way the American public communicates.

S. 1789 also prevents the Postal Service from moving to 5-day delivery, at a savings of anywhere from $1.7 to $3 billion annually and is one of the largest single steps available to restore their financial solvency. The Postmaster General has been coming to Congress since 2009 asking for this flexibility, and the American people overwhelmingly support this move. The Senate, however, chose to protect the 6-day delivery of junk mail even with first-class mail, which makes up more than half of postal revenues, on a downward spiral with no sign of recovery.

Finally, this bill continues the harmful practice of passing bills that are not paid for. S. 1789 has at least five budget points of order against it, and instead of being fiscally responsible and pay for this bill as promised, the Senate agreed to move forward and stick the American taxpayer with the tab. If we are not willing to keep our promise and abide by the spending limits we put in place, we are not really serious about fixing our countries financial problems.

Congress can no longer enact temporary fixes that avert financial crisis for only a brief period. If we continue to act in this irresponsible way, the American taxpayer will be the one that ultimately suffers in the form of higher postage prices and taxpayer bailouts. We must make hard choices now so future generations of Americans will have a viable Postal Service.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. REID. Madam President, there are a number of issues we are trying to resolve and we are going to try to do that as quickly as possible and notify the Senate as to what is going to happen next. At this stage, I don't know, but we are working on it. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1925

Mr. LEAHY. Mr. President, I ask unanimous consent that following the adoption of the motion to proceed to S. 1925, the Senate be in a period of debate

only on the bill for the remainder of today's session; that when the Senate resumes consideration of the bill on Thursday, April 26, it be for debate only until 11:30 a.m.

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

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate adopts the motion to proceed to S. 1925, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 1925) to reauthorize the Violence Against Women Act of 1994.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Violence Against Women Reauthorization Act of 2011''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Universal definitions and grant conditions.
Sec. 4. Effective date.
TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN
Sec. 101. Stop grants.
Sec. 102. Grants to encourage arrest policies and enforcement of protection orders.
Sec. 103. Legal assistance for victims.
Sec. 104. Consolidation of grants to support families in the justice system.
Sec. 105. Sex offender management.
Sec. 106. Court-appointed special advocate program.
Sec. 107. Criminal provision relating to stalking, including cyberstalking.
Sec. 108. Outreach and services to underserved populations grant.
Sec. 109. Culturally specific services grant.
TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING
Sec. 201. Sexual assault services program.
Sec. 202. Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance.
Sec. 203. Training and services to end violence against women with disabilities grants.
Sec. 204. Enhanced training and services to end abuse in later life.
TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE
Sec. 301. Rape prevention and education grant.
Sec. 302. Creating hope through outreach, options, services, and education for children and youth.
Sec. 303. Grants to combat violent crimes on campuses.
Sec. 304. Campus sexual violence, domestic violence, dating violence, and stalking education and prevention.
TITLE IV—VIOLENCE REDUCTION PRACTICES
Sec. 401. Study conducted by the centers for disease control and prevention.
Sec. 402. Saving money and reducing tragedies through prevention grants.
TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING
Sec. 501. Consolidation of grants to strengthen the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking.
TITLE VI—SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING
Sec. 601. Housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.
Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, and stalking.
Sec. 603. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.
TITLE VII—ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE
Sec. 701. National Resource Center on Workplace Responses to assist victims of domestic and sexual violence.
TITLE VIII—PROTECTION OF BATTERED IMMIGRANTS
Sec. 801. U nonimmigrant definition.
Sec. 802. Annual report on immigration applications made by victims of abuse.
Sec. 803. Protection for children of VAWA self-petitioners.
Sec. 804. Public charge.
Sec. 805. Requirements applicable to U visas.
Sec. 806. Hardship waivers.
Sec. 807. Protections for a fiancée or fiancé of a citizen.
Sec. 808. Regulation of international marriage brokers.
Sec. 809. Eligibility of crime and trafficking victims in the Commonwealth of the Northern Mariana Islands to adjust status.
TITLE IX—SAFETY FOR INDIAN WOMEN
Sec. 901. Grants to Indian tribal governments.
Sec. 902. Grants to Indian tribal coalitions.
Sec. 903. Consultation.
Sec. 904. Tribal jurisdiction over crimes of domestic violence.
Sec. 905. Tribal protection orders.
Sec. 906. Amendments to the Federal assault statute.
Sec. 907. Analysis and research on violence against Indian women.
Sec. 908. Effective dates; pilot project.
Sec. 909. Indian law and order commission.
TITLE X—OTHER MATTERS
Sec. 1001. Criminal provisions relating to sexual abuse.
Sec. 1002. Sexual abuse in custodial settings.
Sec. 1003. Anonymous online harassment.
Sec. 1004. Stalker database.
Sec. 1005. Federal victim assistants reauthorization.
Sec. 1006. Child abuse training programs for judicial personnel and practitioners reauthorization.
Sec. 1007. Mandatory minimum sentence.
Sec. 1008. Removal of drunk drivers.

SEC. 3. UNIVERSAL DEFINITIONS AND GRANT CONDITIONS.

(a) DEFINITIONS.—Subsection (a) of section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) is amended—

(1) by redesignating—

(A) paragraph (1) as paragraph (2);

(B) paragraph (2) as paragraph (3);

(C) paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(D) paragraphs (6) through (9) as paragraphs (8) through (11), respectively;

(E) paragraphs (10) through (16) as paragraphs (13) through (19), respectively;

(F) paragraph (18) as paragraph (20);

(G) paragraphs (19) and (20) as paragraphs (23) and (24), respectively;

(H) paragraphs (21) through (23) as paragraphs (26) through (28), respectively;

(I) paragraphs (24) through (33) as paragraphs (30) through (39), respectively;

(J) paragraphs (34) and (35) as paragraphs (43) and (44); and

(K) paragraph (37) as paragraph (45);

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

''(1) ALASKA NATIVE VILLAGE.—The term 'Alaska Native village' has the same meaning given such term in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).'';

(3) in paragraph (3), as redesignated, by striking ''serious harm.'' and inserting ''serious harm to an unemancipated minor.'';

(4) in paragraph (4), as redesignated, by striking ''The term'' through ''that—'' and inserting ''The term 'community-based organization' means a nonprofit, nongovernmental, or tribal organization that serves a specific geographic community that—'';

(5) by striking paragraph (5), as in effect before the amendments made by this subsection;

(6) by inserting after paragraph (7), as redesignated, the following:

''(6) CULTURALLY SPECIFIC SERVICES.—The term 'culturally specific services' means community-based services that include culturally relevant and linguistically specific services and resources to culturally specific communities.

''(7) CULTURALLY SPECIFIC.—The term 'culturally specific' means primarily directed toward racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g)).'';

(7) in paragraph (8), as redesignated, by inserting ''or intimate partner'' after ''former spouse'' and ''as a spouse'';

(8) by inserting after paragraph (11), as redesignated, the following:

''(12) HOMELESS.—The term 'homeless' has the meaning provided in 42 U.S.C. 14043e–2(6).'';

(9) in paragraph (18), as redesignated, by inserting ''or Village Public Safety Officers'' after ''government victim service programs;

(10) in paragraph (21), as redesignated, by inserting at the end the following:

''Intake or referral, by itself, does not constitute legal assistance.'';

(11) by striking paragraph (17), as in effect before the amendments made by this subsection;

(12) by amending paragraph (20), as redesignated, to read as follows:

''(20) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number, driver license number, passport number, or student identification number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.'';

(13) by inserting after paragraph (20), as redesignated, the following:

''(21) POPULATION SPECIFIC ORGANIZATION.—The term 'population specific organization' means a nonprofit, nongovernmental organization that primarily serves members of a specific

underserved population and has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

''(22) POPULATION SPECIFIC SERVICES.—The term 'population specific services' means victim-centered services that address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking, and that are designed primarily for and are targeted to a specific underserved population.'';

(14) in paragraph (23), as redesignated, by striking ''services'' and inserting ''assistance'';

(15) by inserting after paragraph (24), as redesignated, the following:

''(25) RAPE CRISIS CENTER.—The term 'rape crisis center' means a nonprofit, nongovernmental, or tribal organization, or governmental entity in a State other than a Territory that provides intervention and related assistance, as specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault without regard to their age. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.'';

(16) in paragraph (26), as redesignated—

(A) in subparagraph (A), by striking ''or'' after the semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; or''; and

(C) by inserting at the end the following:

''(C) any federally recognized Indian tribe.'';

(17) in paragraph (27), as redesignated—

(A) by striking ''52'' and inserting ''57''; and

(B) by striking ''150,000'' and inserting ''250,000'';

(18) by striking paragraph (28), as redesignated, and inserting the following:

''(28) SEXUAL ASSAULT.—The term 'sexual assault' means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.'';

(19) by inserting after paragraph (28), as redesignated, the following:

''(29) SEX TRAFFICKING.—The term 'sex trafficking' means any conduct proscribed by 18 U.S.C. 1591, whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.'';

(20) by striking paragraph (35), as redesignated, and inserting the following:

''(35) TRIBAL COALITION.—The term 'tribal coalition' means an established nonprofit, nongovernmental Indian organization or a Native Hawaiian organization that—

''(A) provides education, support, and technical assistance to member Indian service providers in a manner that enables those member providers to establish and maintain culturally appropriate services, including shelter and rape crisis services, designed to assist Indian women and the dependents of those women who are victims of domestic violence, dating violence, sexual assault, and stalking; and

''(B) is comprised of board and general members that are representative of—

''(i) the member service providers described in subparagraph (A); and

''(ii) the tribal communities in which the services are being provided;'';

(21) by amending paragraph (39), as redesignated, to read as follows:

''(39) UNDERSERVED POPULATIONS.—The term 'underserved populations' means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.'';

(22) by inserting after paragraph (39), as redesignated, the following:

''(40) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.'';

(23) by striking paragraph (36), as in effect before the amendments made by this subsection, and inserting the following:

''(41) VICTIM SERVICES OR SERVICES.—The terms 'victim services' and 'services' means services provided to victims of domestic violence, dating violence, sexual assault, or stalking, including telephonic or web-based hotlines, legal advocacy, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information and referrals, culturally specific services, population specific services, and other related supportive services.

''(42) VICTIM SERVICE PROVIDER.—The term 'victim service provider' means a nonprofit, nongovernmental or tribal organization or rape crisis center, including a State or tribal coalition, that assists or advocates for domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.''; and

(24) by striking paragraph (43), as redesignated, and inserting the following:

''(43) YOUTH.—The term 'youth' means a person who is 11 to 24 years old.''.

(b) GRANTS CONDITIONS.—Subsection (b) of section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking clauses (i) and (ii) and inserting the following:

''(i) disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or

''(ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.'';

(B) by amending subparagraph (D), to read as follows:

''(D) INFORMATION SHARING.—

''(i) Grantees and subgrantees may share—

''(I) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

''(II) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and

''(III) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

''(ii) In no circumstances may—

''(I) an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;

''(II) any personally identifying information be shared in order to comply with Federal, tribal, or State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program.'';

(C) by redesignating subparagraph (E) as subparagraph (F);

(D) by inserting after subparagraph (D) the following:

''(E) STATUTORILY MANDATED REPORTS OF ABUSE OR NEGLECT.—Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.''; and

(E) by inserting after subparagraph (F), as redesignated, the following:

''(G) CONFIDENTIALITY ASSESSMENT AND ASSURANCES.—Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.'';

(2) by striking paragraph (3) and inserting the following:

''(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with or provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies and develop and promote State, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.'';

(3) in paragraph (7), by inserting at the end the following:

''Final reports of such evaluations shall be made available to the public via the agency's website.''; and

(4) by inserting after paragraph (11) the following:

''(12) DELIVERY OF LEGAL ASSISTANCE.—Any grantee or subgrantee providing legal assistance with funds awarded under this title shall comply with the eligibility requirements in section 1201(d) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6(d)).

''(13) CIVIL RIGHTS.—

''(A) NONDISCRIMINATION.—No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2011, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

''(B) EXCEPTION.—If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.

''(C) DISCRIMINATION.—The authority of the Attorney General and the Office of Justice Programs to enforce this paragraph shall be the same as it is under section 3789d of title 42, United States Code.

''(D) CONSTRUCTION.—Nothing contained in this paragraph shall be construed, interpreted, or applied to supplant, displace, preempt, or otherwise diminish the responsibilities and liabilities under other State or Federal civil rights law, whether statutory or common.

''(14) CLARIFICATION OF VICTIM SERVICES AND LEGAL ASSISTANCE.—Victim services and legal assistance under this title also include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of severe forms of trafficking in persons as defined by section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

''(15) CONFERRAL.—

''(A) IN GENERAL.—The Office on Violence Against Women shall establish a biennial conferral process with State and tribal coalitions and technical assistance providers who receive funding through grants administered by the Office on Violence Against Women and authorized by this Act, and other key stakeholders.

''(B) AREAS COVERED.—The areas of conferral under this paragraph shall include—

''(i) the administration of grants;

''(ii) unmet needs;

''(iii) promising practices in the field; and

''(iv) emerging trends.

''(C) INITIAL CONFERRAL.—The first conferral shall be initiated not later than 6 months after the date of enactment of the Violence Against Women Reauthorization Act of 2011.

''(D) REPORT.—Not later than 90 days after the conclusion of each conferral period, the Office on Violence Against Women shall publish a comprehensive report that—

''(i) summarizes the issues presented during conferral and what, if any, policies it intends to implement to address those issues;

''(ii) is made available to the public on the Office on Violence Against Women's website and submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(16) ACCOUNTABILITY.—All grants awarded by the Attorney General under this Act shall be subject to the following accountability provisions:

''(A) AUDIT REQUIREMENT.—

''(i) IN GENERAL.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

''(ii) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

''(iii) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the following 2 fiscal years.

''(iv) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this Act.

''(v) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

''(I) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

''(II) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

''(B) NONPROFIT ORGANIZATION REQUIREMENTS.—

''(i) DEFINITION.—For purposes of this paragraph and the grant programs described in this Act, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

''(ii) PROHIBITION.—The Attorney General may not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

''(iii) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

''(C) CONFERENCE EXPENDITURES.—

''(i) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

''(ii) WRITTEN APPROVAL.—Written approval under clause (i) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

''(iii) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

''(D) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification that—

''(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

''(ii) all mandatory exclusions required under subparagraph (A)(iii) have been issued;

''(iii) all reimbursements required under subparagraph (A)(v) have been made; and

''(iv) includes a list of any grant recipients excluded under subparagraph (A) from the previous year.''.

SEC. 4. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, the provisions of titles I, II, III, IV, VII, and sections 602, 901, and 902 of this Act shall not take effect until the beginning of the fiscal year following the date of enactment of this Act.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 101. STOP GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 1001(a)(18) (42 U.S.C. 3793(a)(18)), by striking ''$225,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$222,000,000 for each of fiscal years 2012 through 2016'';

(2) in section 2001(b) (42 U.S.C. 3796gg(b))—

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

(i) by striking ''equipment'' and inserting ''resources''; and

(ii) by inserting ''for the protection and safety of victims,'' after ''women,'';

(B) in paragraph (1), by striking ''sexual assault'' and all that follows through ''dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a))'';

(C) in paragraph (2), by striking ''sexual assault and domestic violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(D) in paragraph (3), by striking ''sexual assault and domestic violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims'';

(E) in paragraph (4)—

(i) by striking ''sexual assault and domestic violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking''; and

(ii) by inserting '', classifying,'' after ''identifying'';

(F) in paragraph (5)—

(i) by inserting ''and legal assistance'' after ''victim services'';

(ii) by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, and stalking''; and

(iii) by striking ''sexual assault and domestic violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(G) by striking paragraph (6) and redesignating paragraphs (7) through (14) as paragraphs (6) through (13), respectively;

(H) in paragraph (6), as redesignated by subparagraph (G), by striking ''sexual assault and domestic violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(I) in paragraph (7), as redesignated by subparagraph (G), by striking ''and dating violence'' and inserting ''dating violence, and stalking'';

(J) in paragraph (9), as redesignated by subparagraph (G), by striking ''domestic violence or sexual assault'' and inserting '' domestic violence, dating violence, sexual assault, or stalking'';

(K) in paragraph (12), as redesignated by subparagraph (G)—

(i) in subparagraph (A), by striking ''triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized'' and inserting ''the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases''; and

(ii) by striking ''and'' at the end;

(L) in paragraph (13), as redesignated by subparagraph (G)—

(i) by striking ''to provide'' and inserting ''providing'';

(ii) by striking ''nonprofit nongovernmental'';

(iii) by striking the comma after ''local governments'';

(iv) in the matter following subparagraph (C), by striking ''paragraph (14)'' and inserting ''paragraph (13)''; and

(v) by striking the period at the end and inserting a semicolon; and

(M) by inserting after paragraph (13), as redesignated by subparagraph (G), the following:

''(14) developing and promoting State, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking;

''(15) developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;

''(16) developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;

''(17) developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;

''(18) identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims;

''(19) developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code; and

''(20) developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a State to be used for this purpose.'';

(3) in section 2007 (42 U.S.C. 3796gg–1)—

(A) in subsection (a), by striking ''nonprofit nongovernmental victim service programs'' and inserting ''victim service providers'';

(B) in subsection (b)(6), by striking ''(not including populations of Indian tribes)'';

(C) in subsection (c)—

(i) by striking paragraph (2) and inserting the following:

''(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with—

''(A) the State sexual assault coalition;

''(B) the State domestic violence coalition;

''(C) the law enforcement entities within the State;

''(D) prosecution offices;

''(E) State and local courts;

''(F) Tribal governments in those States with State or federally recognized Indian tribes;

''(G) representatives from underserved populations, including culturally specific populations;

''(H) victim service providers;

''(I) population specific organizations; and

''(J) other entities that the State or the Attorney General identifies as needed for the planning process;'';

(ii) by redesignating paragraph (3) as paragraph (4);

(iii) by inserting after paragraph (2), as amended by clause (i), the following:

''(3) grantees shall coordinate the State implementation plan described in paragraph (2) with the State plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) and the programs described in section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) and section 393A of the Public Health Service Act (42 U.S.C. 280b–1b).'';

(iv) in paragraph (4), as redesignated by clause (ii)—

(I) in subparagraph (A), by striking ''and not less than 25 percent shall be allocated for prosecutors'';

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D);

(III) by inserting after subparagraph (A), the following:

''(B) not less than 25 percent shall be allocated for prosecutors;''; and

(IV) in subparagraph (D) as redesignated by subclause (II) by striking ''for'' and inserting ''to''; and

(v) by adding at the end the following:

''(5) not later than 2 years after the date of enactment of this Act, and every year thereafter, not less than 20 percent of the total amount granted to a State under this subchapter shall be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.'';

(D) by striking subsection (d) and inserting the following:

''(d) APPLICATION REQUIREMENTS.—An application for a grant under this section shall include—

''(1) the certifications of qualification required under subsection (c);

''(2) proof of compliance with the requirements for the payment of forensic medical exams and judicial notification, described in section 2010;

''(3) proof of compliance with the requirements for paying fees and costs relating to domestic violence and protection order cases, described in section 2011 of this title;

''(4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault, described in section 2013 of this title;

''(5) an implementation plan required under subsection (i); and

''(6) any other documentation that the Attorney General may require.'';

(E) in subsection (e)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking ''domestic violence and sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, and stalking''; and

(II) in subparagraph (D), by striking ''linguistically and''; and

(ii) by adding at the end the following:

''(3) CONDITIONS.—In disbursing grants under this part, the Attorney General may impose reasonable conditions on grant awards to ensure that the States meet statutory, regulatory, and other program requirements.'';

(F) in subsection (f), by striking the period at the end and inserting '', except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under section 40002(b)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(1)) shall not count toward the total costs of the projects.''; and

(G) by adding at the end the following:

''(i) IMPLEMENTATION PLANS.—A State applying for a grant under this part shall—

''(1) develop an implementation plan in consultation with the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this part, including how the State will meet the requirements of subsection (c)(5); and

''(2) submit to the Attorney General—

''(A) the implementation plan developed under paragraph (1);

''(B) documentation from each member of the planning committee as to their participation in the planning process;

''(C) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing—

''(i) the need for the grant funds;

''(ii) the intended use of the grant funds;

''(iii) the expected result of the grant funds; and

''(iv) the demographic characteristics of the populations to be served, including age, disability, race, ethnicity, and language background;

''(D) a description of how the State will ensure that any subgrantees will consult with victim service providers during the course of developing their grant applications in order to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims;

''(E) demographic data on the distribution of underserved populations within the State and a description of how the State will meet the needs of underserved populations, including the minimum allocation for population specific services required under subsection (c)(4)(C);

''(F) a description of how the State plans to meet the regulations issued pursuant to subsection (e)(2);

''(G) goals and objectives for reducing domestic violence-related homicides within the State; and

''(H) any other information requested by the Attorney General.

''(j) REALLOCATION OF FUNDS.—A State may use any returned or remaining funds for any authorized purpose under this part if—

''(1) funds from a subgrant awarded under this part are returned to the State; or

''(2) the State does not receive sufficient eligible applications to award the full funding within the allocations in subsection (c)(4)'';

(4) in section 2010 (42 U.S.C. 3796gg–4)—

(A) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A State, Indian tribal government, or unit of local government shall not be entitled to funds under this subchapter unless the State, Indian tribal government, unit of local government, or another governmental entity—

''(A) incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault; and

''(B) coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.'';

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''or'' after the semicolon;

(ii) in paragraph (2), by striking ''; or'' and inserting a period; and

(iii) by striking paragraph (3); and

(C) by amending subsection (d) to read as follows:

''(d) NONCOOPERATION.—

''(1) IN GENERAL.—To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.

''(2) COMPLIANCE PERIOD.—States, territories, and Indian tribal governments shall have 3 years from the date of enactment of this Act to come into compliance with this section.''; and

(5) in section 2011(a)(1) (42 U.S.C. 3796gg–5(a)(1))—

(A) by inserting ''modification, enforcement, dismissal, withdrawal'' after ''registration,'' each place it appears;

(B) by inserting '', dating violence, sexual assault, or stalking'' after ''felony domestic violence''; and

(C) by striking ''victim of domestic violence'' and all that follows through ''sexual assault'' and inserting ''victim of domestic violence, dating violence, sexual assault, or stalking''.

SEC. 102. GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in section 2101 (42 U.S.C. 3796hh)—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''States,'' and all that follows through ''units of local government'' and inserting ''grantees'';

(ii) in paragraph (1), by inserting ''and enforcement of protection orders across State and tribal lines'' before the period;

(iii) in paragraph (2), by striking ''and training in police departments to improve tracking of cases'' and inserting ''data collection systems, and training in police departments to improve tracking of cases and classification of complaints'';

(iv) in paragraph (4), by inserting ''and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking'' after ''computer tracking systems'';

(v) in paragraph (5), by inserting ''and other victim services'' after ''legal advocacy service programs'';

(vi) in paragraph (6), by striking ''judges'' and inserting ''Federal, State, tribal, territorial, and local judges, courts, and court-based and court-related personnel'';

(vii) in paragraph (8), by striking ''and sexual assault'' and inserting ''dating violence, sexual assault, and stalking'';

(viii) in paragraph (10), by striking ''non-profit, non-governmental victim services organizations,'' and inserting ''victim service providers, staff from population specific organizations,''; and

(ix) by adding at the end the following:

''(14) To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender accountability, victim safety, and victim consultation in cases involving domestic violence, dating violence, sexual assault, and stalking.

''(15) To develop or strengthen policies, protocols, and training for law enforcement, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant victims, including the appropriate use of applications for nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

''(16) To develop and promote State, local, or tribal legislation and policies that enhance best practices for responding to the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate treatment of victims.

''(17) To develop, implement, or enhance sexual assault nurse examiner programs or sexual assault forensic examiner programs, including the hiring and training of such examiners.

''(18) To develop, implement, or enhance Sexual Assault Response Teams or similar coordinated community responses to sexual assault.

''(19) To develop and strengthen policies, protocols, and training for law enforcement officers and prosecutors regarding the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

''(20) To provide human immunodeficiency virus testing programs, counseling, and prophylaxis for victims of sexual assault.

''(21) To identify and inventory backlogs of sexual assault evidence collection kits and to develop protocols for responding to and addressing such backlogs, including policies and protocols for notifying and involving victims.

''(22) To develop multidisciplinary high-risk teams focusing on reducing domestic violence and dating violence homicides by—

''(A) using evidence-based indicators to assess the risk of homicide and link high-risk victims to immediate crisis intervention services;

''(B) identifying and managing high-risk offenders; and

''(C) providing ongoing victim advocacy and referrals to comprehensive services including legal, housing, health care, and economic assistance.'';

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by inserting ''except for a court,'' before ''certify''; and

(II) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), and adjusting the margin accordingly;

(ii) in paragraph (2), by inserting ''except for a court,'' before ''demonstrate'';

(iii) in paragraph (3)—

(I) by striking ''spouses'' each place it appears and inserting ''parties''; and

(II) by striking ''spouse'' and inserting ''party'';

(iv) in paragraph (4)—

(I) by inserting '', dating violence, sexual assault, or stalking'' after ''felony domestic violence'';

(II) by inserting ''modification, enforcement, dismissal,'' after ''registration,'' each place it appears;

(III) by inserting ''dating violence,'' after ''victim of domestic violence,''; and

(IV) by striking ''and'' at the end;

(v) in paragraph (5)—

(I) in the matter preceding subparagraph (A), by striking '', not later than 3 years after January 5, 2006'';

(II) by inserting '', trial of, or sentencing for'' after ''investigation of'' each place it appears;

(III) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), and adjusting the margin accordingly;

(IV) in clause (ii), as redesignated by subclause (III) of this clause, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(V) by striking the period at the end and inserting ''; and'';

(vi) by redesignating paragraphs (1) through (5), as amended by this subparagraph, as subparagraphs (A) through (E), respectively;

(vii) in the matter preceding subparagraph (A), as redesignated by clause (v) of this subparagraph—

(I) by striking the comma that immediately follows another comma; and

(II) by striking ''grantees are States'' and inserting the following: ''grantees are—

''(1) States''; and

(viii) by adding at the end the following:

''(2) a State, tribal, or territorial domestic violence or sexual assault coalition or a victim service provider that partners with a State, Indian tribal government, or unit of local government that certifies that the State, Indian tribal government, or unit of local government meets the requirements under paragraph (1).'';

(C) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by inserting '', policy,'' after ''law''; and

(II) in subparagraph (A), by inserting ''and the defendant is in custody or has been served with the information or indictment'' before the semicolon; and

(ii) in paragraph (2), by striking ''it'' and inserting ''its''; and

(D) by adding at the end the following:

''(f) ALLOCATION FOR TRIBAL COALITIONS.—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 5 percent shall be available for grants under section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg).

''(g) ALLOCATION FOR SEXUAL ASSAULT.—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 25 percent shall be available for projects that address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.''; and

(2) in section 2102(a) (42 U.S.C. 3796hh–1(a))—

(A) in paragraph (1), by inserting ''court,'' after ''tribal government,''; and

(B) in paragraph (4), by striking ''nonprofit, private sexual assault and domestic violence programs'' and inserting ''victim service providers and, as appropriate, population specific organizations''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended—

(1) by striking ''$75,000,000'' and all that follows through ''2011.'' and inserting ''$73,000,000 for each of fiscal years 2012 through 2016.''; and

(2) by striking the period that immediately follows another period.

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''arising as a consequence of'' and inserting ''relating to or arising out of''; and

(B) in the second sentence, by inserting ''or arising out of'' after ''relating to'';

(2) in subsection (b)—

(A) in the heading, by inserting ''AND GRANT CONDITIONS'' after ''DEFINITIONS''; and

(B) by inserting ''and grant conditions'' after ''definitions'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''victims services organizations'' and inserting ''victim service providers''; and

(B) by striking paragraph (3) and inserting the following:

''(3) to implement, expand, and establish efforts and projects to provide competent, supervised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking, except that not more than 10 percent of the funds awarded under this section may be used for the purpose described in this paragraph.'';

(4) in subsection (d)—

(A) in paragraph (1), by striking ''this section has completed'' and all that follows and inserting the following: ''this section—''

''(A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or

''(B)(i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and

''(ii) has completed, or will complete, training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;''; and

(B) in paragraph (2), by striking ''stalking organization'' and inserting ''stalking victim service provider''; and

(5) in subsection (f) in paragraph (1), by striking ''this section'' and all that follows and inserting the following: ''this section $57,000,000 for each of fiscal years 2012 through 2016.''.

SEC. 104. CONSOLIDATION OF GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM.

(a) IN GENERAL.—Title III of division B of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1509) is amended by striking the section preceding section 1302 (42 U.S.C. 10420), as amended by section 306 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 316), and inserting the following:

''SEC. 1301. GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM.

''(a) IN GENERAL.—The Attorney General may make grants to States, units of local government, courts (including juvenile courts), Indian tribal governments, nonprofit organizations, legal services providers, and victim services providers to improve the response of all aspects of the civil and criminal justice system to families

with a history of domestic violence, dating violence, sexual assault, or stalking, or in cases involving allegations of child sexual abuse.

''(b) USE OF FUNDS.—A grant under this section may be used to—

''(1) provide supervised visitation and safe visitation exchange of children and youth by and between parents in situations involving domestic violence, dating violence, child sexual abuse, sexual assault, or stalking;

''(2) develop and promote State, local, and tribal legislation, policies, and best practices for improving civil and criminal court functions, responses, practices, and procedures in cases involving a history of domestic violence or sexual assault, or in cases involving allegations of child sexual abuse, including cases in which the victim proceeds pro se;

''(3) educate court-based and court-related personnel and court-appointed personnel (including custody evaluators and guardians ad litem) and child protective services workers on the dynamics of domestic violence, dating violence, sexual assault, and stalking, including information on perpetrator behavior, evidence-based risk factors for domestic and dating violence homicide, and on issues relating to the needs of victims, including safety, security, privacy, and confidentiality, including cases in which the victim proceeds pro se;

''(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault (including child sexual abuse), and stalking and ensure necessary services dealing with the health and mental health of victims are available;

''(5) enable courts or court-based or court-related programs to develop or enhance—

''(A) court infrastructure (such as specialized courts, consolidated courts, dockets, intake centers, or interpreter services);

''(B) community-based initiatives within the court system (such as court watch programs, victim assistants, pro se victim assistance programs, or community-based supplementary services);

''(C) offender management, monitoring, and accountability programs;

''(D) safe and confidential information-storage and information-sharing databases within and between court systems;

''(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

''(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

''(6) provide civil legal assistance and advocacy services, including legal information and resources in cases in which the victim proceeds pro se, to—

''(A) victims of domestic violence; and

''(B) nonoffending parents in matters—

''(i) that involve allegations of child sexual abuse;

''(ii) that relate to family matters, including civil protection orders, custody, and divorce; and

''(iii) in which the other parent is represented by counsel;

''(7) collect data and provide training and technical assistance, including developing State, local, and tribal model codes and policies, to improve the capacity of grantees and communities to address the civil justice needs of victims of domestic violence, dating violence, sexual assault, and stalking who have legal representation, who are proceeding pro se, or who are proceeding with the assistance of a legal advocate; and

''(8) to improve training and education to assist judges, judicial personnel, attorneys, child welfare personnel, and legal advocates in the civil justice system.

''(c) CONSIDERATIONS.—

''(1) IN GENERAL.—In making grants for purposes described in paragraphs (1) through (7) of subsection (b), the Attorney General shall consider—

''(A) the number of families to be served by the proposed programs and services;

''(B) the extent to which the proposed programs and services serve underserved populations;

''(C) the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community with demonstrated histories of effective work on domestic violence, dating violence, sexual assault, or stalking, including State or tribal domestic violence coalitions, State or tribal sexual assault coalitions, local shelters, and programs for domestic violence and sexual assault victims; and

''(D) the extent to which the applicant demonstrates coordination and collaboration with State, tribal, and local court systems, including mechanisms for communication and referral.

''(2) OTHER GRANTS.—In making grants under subsection (b)(8) the Attorney General shall take into account the extent to which the grantee has expertise addressing the judicial system's handling of family violence, child custody, child abuse and neglect, adoption, foster care, supervised visitation, divorce, and parentage.

''(d) APPLICANT REQUIREMENTS.—The Attorney General may make a grant under this section to an applicant that—

''(1) demonstrates expertise in the areas of domestic violence, dating violence, sexual assault, stalking, or child sexual abuse, as appropriate;

''(2) ensures that any fees charged to individuals for use of supervised visitation programs and services are based on the income of those individuals, unless otherwise provided by court order;

''(3) for a court-based program, certifies that victims of domestic violence, dating violence, sexual assault, or stalking are not charged fees or any other costs related to the filing, petitioning, modifying, issuance, registration, enforcement, withdrawal, or dismissal of matters relating to the domestic violence, dating violence, sexual assault, or stalking;

''(4) demonstrates that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, and adequate standards are, or will be, in place (including the development of protocols or policies to ensure that confidential information is not shared with courts, law enforcement agencies, or child welfare agencies unless necessary to ensure the safety of any child or adult using the services of a program funded under this section), if the applicant proposes to operate supervised visitation programs and services or safe visitation exchange;

''(5) certifies that the organizational policies of the applicant do not require mediation or counseling involving offenders and victims being physically present in the same place, in cases where domestic violence, dating violence, sexual assault, or stalking is alleged;

''(6) certifies that any person providing legal assistance through a program funded under this section has completed or will complete training on domestic violence, dating violence, sexual assault, and stalking, including child sexual abuse, and related legal issues; and

''(7) certifies that any person providing custody evaluation or guardian ad litem services through a program funded under this section has completed or will complete training developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition on the dynamics of domestic violence and sexual assault, including child sexual abuse, that includes training on how to review evidence of past abuse and the use of evidenced-based theories to make recommendations on custody and visitation.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for each of fiscal years 2012 through 2016. Amounts appropriated pursuant to this subsection shall remain available until expended.

''(f) ALLOTMENT FOR INDIAN TRIBES.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg–10 of this title.

''(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Subtitle J of the Violence Against Women Act of 1994 (42 U.S.C. 14043 et seq.) is repealed.

SEC. 105. SEX OFFENDER MANAGEMENT.

Section 40152(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13941) is amended by striking ''$5,000,000'' and all that follows and inserting ''$5,000,000 for each of fiscal years 2012 through 2016.''.

SEC. 106. COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

Subtitle B of title II of the Crime Control Act of 1990 (42 U.S.C. 13011 et seq.) is amended—

(1) in section 216 (42 U.S.C. 13012), by striking ''January 1, 2010'' and inserting ''January 1, 2015'';

(2) in section 217 (42 U.S.C. 13013)—

(A) by striking ''Code of Ethics'' in section (c)(2) and inserting ''Standards for Programs''; and

(B) by adding at the end the following:

''(e) REPORTING.—An organization that receives a grant under this section for a fiscal year shall submit to the Administrator a report regarding the use of the grant for the fiscal year, including a discussion of outcome performance measures (which shall be established by the Administrator) to determine the effectiveness of the programs of the organization in meeting the needs of children in the child welfare system.''; and

(3) in section 219(a) (42 U.S.C. 13014(a)), by striking ''fiscal years 2007 through 2011'' and inserting ''fiscal years 2012 through 2016''.

SEC. 107. CRIMINAL PROVISION RELATING TO STALKING, INCLUDING CYBERSTALKING.

(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended—

(1) by inserting ''is present'' after ''Indian Country or''; and

(2) by inserting ''or presence'' after ''as a result of such travel'';

(b) STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

''§ 2261A. Stalking

''Whoever—

''(1) travels in interstate or foreign commerce or is present within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel or presence engages in conduct that—

''(A) places that person in reasonable fear of the death of, or serious bodily injury to—

''(i) that person;

''(ii) an immediate family member (as defined in section 115) of that person; or

''(iii) a spouse or intimate partner of that person; or

''(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of subparagraph (A); or

''(2) with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or

electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that—

''(A) places that person in reasonable fear of the death of or serious bodily injury to a person described in clause (i), (ii), or (iii) of paragraph (1)(A); or

''(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A),

shall be punished as provided in section 2261(b) of this title.''.

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262(a)(2) of title 18, United States Code, is amended by inserting ''is present'' after ''Indian Country or''.

SEC. 108. OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS GRANT.

Section 120 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045) is amended to read as follows:

''SEC. 120. GRANTS FOR OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Of the amounts appropriated under the grant programs identified in paragraph (2), the Attorney General shall take 2 percent of such appropriated amounts and combine them to award grants to eligible entities described in subsection (b) of this section to develop and implement outreach strategies targeted at adult or youth victims of domestic violence, dating violence, sexual assault, or stalking in underserved populations and to provide victim services to meet the needs of adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in underserved populations. The requirements of the grant programs identified in paragraph (2) shall not apply to this grant program.

''(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

''(A) Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (Grants to Combat Violent Crimes Against Women).

''(B) Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program).

''(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

''(1) population specific organizations that have demonstrated experience and expertise in providing population specific services in the relevant underserved communities, or population specific organizations working in partnership with a victim service provider or domestic violence or sexual assault coalition;

''(2) victim service providers offering population specific services for a specific underserved population; or

''(3) victim service providers working in partnership with a national, State, tribal, or local organization that has demonstrated experience and expertise in providing population specific services in the relevant underserved population.

''(c) PLANNING GRANTS.—The Attorney General may use up to 25 percent of funds available under this section to make one-time planning grants to eligible entities to support the planning and development of specially designed and targeted programs for adult and youth victims in one or more underserved populations, including—

''(1) identifying, building and strengthening partnerships with potential collaborators within underserved populations, Federal, State, tribal, territorial or local government entities, and public and private organizations;

''(2) conducting a needs assessment of the community and the targeted underserved population or populations to determine what the barriers are to service access and what factors contribute to those barriers, using input from the targeted underserved population or populations;

''(3) identifying promising prevention, outreach and intervention strategies for victims from a targeted underserved population or populations; and

''(4) developing a plan, with the input of the targeted underserved population or populations, for implementing prevention, outreach and intervention strategies to address the barriers to accessing services, promoting community engagement in the prevention of domestic violence, dating violence, sexual assault, and stalking within the targeted underserved populations, and evaluating the program.

''(d) IMPLEMENTATION GRANTS.—The Attorney General shall make grants to eligible entities for the purpose of providing or enhancing population specific outreach and services to adult and youth victims in one or more underserved populations, including—

''(1) working with Federal, State, tribal, territorial and local governments, agencies, and organizations to develop or enhance population specific services;

''(2) strengthening the capacity of underserved populations to provide population specific services;

''(3) strengthening the capacity of traditional victim service providers to provide population specific services;

''(4) strengthening the effectiveness of criminal and civil justice interventions by providing training for law enforcement, prosecutors, judges and other court personnel on domestic violence, dating violence, sexual assault, or stalking in underserved populations; or

''(5) working in cooperation with an underserved population to develop and implement outreach, education, prevention, and intervention strategies that highlight available resources and the specific issues faced by victims of domestic violence, dating violence, sexual assault, or stalking from underserved populations.

''(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

''(f) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office on Violence Against Women a report that describes the activities carried out with grant funds.

''(g) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds identified in subsection (a)(1), there are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2012 through 2016.

''(h) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925) shall apply.''.

SEC. 109. CULTURALLY SPECIFIC SERVICES GRANT.

Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045a) is amended—

*(1) in the section heading, by striking ''**and linguistically**'';*

(2) by striking ''and linguistically'' each place it appears;

(3) by striking ''and linguistic'' each place it appears;

(4) by striking subsection (a)(2) and inserting:

''(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

''(A) Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (Grants to Encourage Arrest Policies and Enforcement of Protection Orders).

''(B) Section 14201 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg–6) (Legal Assistance for Victims).

''(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) (Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance).

''(D) Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) (Enhanced Training and Services to End Violence Against Women Later in Life).

''(E) Section 1402 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg–7) (Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities).''; and

(5) in subsection (g), by striking ''linguistic and''.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 201. SEXUAL ASSAULT SERVICES PROGRAM.

(a) GRANTS TO STATES AND TERRITORIES.—Section 41601(b) of the Violence Against Women Act of 1994 (42 U.S.C. 14043g(b)) is amended—

(1) in paragraph (1), by striking ''other programs'' and all that follows and inserting ''other nongovernmental or tribal programs and projects to assist individuals who have been victimized by sexual assault, without regard to the age of the individual.'';

(2) in paragraph (2)—

(A) in subparagraph (B), by inserting ''or tribal programs and activities'' after ''nongovernmental organizations''; and

(B) in subparagraph (C)(v), by striking ''linguistically and''; and

(3) in paragraph (4)—

(A) by inserting ''(including the District of Columbia and Puerto Rico)'' after ''The Attorney General shall allocate to each State'';

(B) by striking ''the District of Columbia, Puerto Rico,'' after ''Guam'';

(C) by striking ''0.125 percent'' and inserting ''0.25 percent''; and

(D) by striking ''The District of Columbia shall be treated as a territory for purposes of calculating its allocation under the preceding formula.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 41601(f)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 14043g(f)(1)) is amended by striking ''$50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011'' and inserting ''$40,000,000 to remain available until expended for each of fiscal years 2012 through 2016''.

SEC. 202. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended—

(1) in subsection (a)(1)(H), by inserting '', including sexual assault forensic examiners'' before the semicolon;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''victim advocacy groups'' and inserting ''victim service providers''; and

(ii) by inserting '', including developing multidisciplinary teams focusing on high risk cases with the goal of preventing domestic and dating violence homicides'' before the semicolon;

(B) in paragraph (2)—

(i) by striking ''and other long- and short-term assistance'' and inserting ''legal assistance, and other long-term and short-term victim and population specific services''; and

(ii) by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) developing, enlarging, or strengthening programs addressing sexual assault, including sexual assault forensic examiner programs, Sexual Assault Response Teams, law enforcement training, and programs addressing rape kit backlogs.

''(5) developing programs and strategies that focus on the specific needs of victims of domestic

violence, dating violence, sexual assault, and stalking who reside in remote rural and geographically isolated areas, including addressing the challenges posed by the lack of access to shelters and victims services, and limited law enforcement resources and training, and providing training and resources to Community Health Aides involved in the delivery of Indian Health Service programs.''; and

(3) in subsection (e)(1), by striking ''$55,000,000 for each of the fiscal years 2007 through 2011'' and inserting ''$50,000,000 for each of fiscal years 2012 through 2016''.

SEC. 203. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES GRANTS.

Section 1402 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''(including using evidence-based indicators to assess the risk of domestic and dating violence homicide)'' after ''risk reduction'';

(B) in paragraph (4), by striking ''victim service organizations'' and inserting ''victim service providers''; and

(C) in paragraph (5), by striking ''victim services organizations'' and inserting ''victim service providers'';

(2) in subsection (c)(1)(D), by striking ''nonprofit and nongovernmental victim services organization, such as a State'' and inserting ''victim service provider, such as a State or tribal''; and

(3) in subsection (e), by striking ''$10,000,000 for each of the fiscal years 2007 through 2011'' and inserting ''$9,000,000 for each of fiscal years 2012 through 2016''.

SEC. 204. ENHANCED TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.

(a) IN GENERAL.—Subtitle H of the Violence Against Women Act of 1994 (42 U.S.C. 14041 et seq.) is amended to read as follows:

"Subtitle H—Enhanced Training and Services to End Abuse Later in Life

"SEC. 40801. ENHANCED TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.

''(a) DEFINITIONS.—In this section—

''(1) the term 'exploitation' has the meaning given the term in section 2011 of the Social Security Act (42 U.S.C. 1397j);

''(2) the term 'later life', relating to an individual, means the individual is 50 years of age or older; and

''(3) the term 'neglect' means the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an individual in later life.

''(b) GRANT PROGRAM.—

''(1) GRANTS AUTHORIZED.—The Attorney General may make grants to eligible entities to carry out the activities described in paragraph (2).

''(2) MANDATORY AND PERMISSIBLE ACTIVITIES.—

''(A) MANDATORY ACTIVITIES.—An eligible entity receiving a grant under this section shall use the funds received under the grant to—

''(i) provide training programs to assist law enforcement agencies, prosecutors, agencies of States or units of local government, population specific organizations, victim service providers, victim advocates, and relevant officers in Federal, tribal, State, territorial, and local courts in recognizing and addressing instances of elder abuse;

''(ii) provide or enhance services for victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

''(iii) establish or support multidisciplinary collaborative community responses to victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and

''(iv) conduct cross-training for law enforcement agencies, prosecutors, agencies of States or units of local government, attorneys, health care providers, population specific organizations, faith-based advocates, victim service providers, and courts to better serve victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect.

''(B) PERMISSIBLE ACTIVITIES.—An eligible entity receiving a grant under this section may use the funds received under the grant to—

''(i) provide training programs to assist attorneys, health care providers, faith-based leaders, or other community-based organizations in recognizing and addressing instances of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; or

''(ii) conduct outreach activities and awareness campaigns to ensure that victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect receive appropriate assistance.

''(C) WAIVER.—The Attorney General may waive 1 or more of the activities described in subparagraph (A) upon making a determination that the activity would duplicate services available in the community.

''(D) LIMITATION.—An eligible entity receiving a grant under this section may use not more than 10 percent of the total funds received under the grant for an activity described in subparagraph (B)(ii).

''(3) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if—

''(A) the entity is—

''(i) a State;

''(ii) a unit of local government;

''(iii) a tribal government or tribal organization;

''(iv) a population specific organization with demonstrated experience in assisting individuals over 50 years of age;

''(v) a victim service provider with demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking; or

''(vi) a State, tribal, or territorial domestic violence or sexual assault coalition; and

''(B) the entity demonstrates that it is part of a multidisciplinary partnership that includes, at a minimum—

''(i) a law enforcement agency;

''(ii) a prosecutor's office;

''(iii) a victim service provider; and

''(iv) a nonprofit program or government agency with demonstrated experience in assisting individuals in later life;

''(4) UNDERSERVED POPULATIONS.—In making grants under this section, the Attorney General shall give priority to proposals providing services to culturally specific and underserved populations.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2012 through 2016.''.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. RAPE PREVENTION AND EDUCATION GRANT.

Section 393A of the Public Health Service Act (42 U.S.C. 280b–1b) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', territorial or tribal'' after ''crisis centers, State''; and

(B) in paragraph (6), by inserting ''and alcohol'' after ''about drugs''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''$80,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$50,000,000 for each of fiscal years 2012 through 2016''; and

(B) by adding at the end the following:

''(3) BASELINE FUNDING FOR STATES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—A minimum allocation of $150,000 shall be awarded in each fiscal year for each of the States, the District of Columbia, and Puerto Rico. A minimum allocation of $35,000 shall be awarded in each fiscal year for each Territory. Any unused or remaining funds shall be allotted to each State, the District of Columbia, and Puerto Rico on the basis of population.''.

SEC. 302. CREATING HOPE THROUGH OUTREACH, OPTIONS, SERVICES, AND EDUCATION FOR CHILDREN AND YOUTH.

Subtitle L of the Violence Against Women Act of 1994 is amended by striking sections 41201 through 41204 (42 U.S.C. 14043c through 14043c–3) and inserting the following:

"SEC. 41201. CREATING HOPE THROUGH OUTREACH, OPTIONS, SERVICES, AND EDUCATION FOR CHILDREN AND YOUTH ('CHOOSE CHILDREN & YOUTH').

''(a) GRANTS AUTHORIZED.—The Attorney General, working in collaboration with the Secretary of Health and Human Services and the Secretary of Education, shall award grants to enhance the safety of youth and children who are victims of, or exposed to, domestic violence, dating violence, sexual assault, or stalking and prevent future violence.

''(b) PROGRAM PURPOSES.—Funds provided under this section may be used for the following program purpose areas:

''(1) SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.—To develop, expand, and strengthen victim-centered interventions and services that target youth who are victims of domestic violence, dating violence, sexual assault, and stalking. Services may include victim services, counseling, advocacy, mentoring, educational support, transportation, legal assistance in civil, criminal and administrative matters, such as family law cases, housing cases, child welfare proceedings, campus administrative proceedings, and civil protection order proceedings, services to address the co-occurrence of sex trafficking, population-specific services, and other activities that support youth in finding safety, stability, and justice and in addressing the emotional, cognitive, and physical effects of trauma. Funds may be used to—

''(A) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

''(B) develop and implement policies, practices, and procedures to effectively respond to domestic violence, dating violence, sexual assault, or stalking against youth; or

''(C) provide technical assistance and training to enhance the ability of school personnel, victim service providers, child protective service workers, staff of law enforcement agencies, prosecutors, court personnel, individuals who work in after school programs, medical personnel, social workers, mental health personnel, and workers in other programs that serve children and youth to improve their ability to appropriately respond to the needs of children and youth who are victims of domestic violence, dating violence, sexual assault, and stalking, and to properly refer such children, youth, and their families to appropriate services.

''(2) SUPPORTING YOUTH THROUGH EDUCATION AND PROTECTION.—To enable middle schools, high schools, and institutions of higher education to—

''(A) provide training to school personnel, including healthcare providers and security personnel, on the needs of students who are victims of domestic violence, dating violence, sexual assault, or stalking;

''(B) develop and implement prevention and intervention policies in middle and high schools, including appropriate responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic

violence, dating violence, sexual assault, or stalking, and procedures for handling the requirements of court protective orders issued to or against students;

''(C) provide support services for student victims of domestic violence, dating violence, sexual assault or stalking, such as a resource person who is either on-site or on-call;

''(D) implement developmentally appropriate educational programming for students regarding domestic violence, dating violence, sexual assault, and stalking and the impact of such violence on youth; or

''(E) develop strategies to increase identification, support, referrals, and prevention programming for youth who are at high risk of domestic violence, dating violence, sexual assault, or stalking.

''(c) ELIGIBLE APPLICANTS.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall be—

''(A) a victim service provider, tribal nonprofit, or population-specific or community-based organization with a demonstrated history of effective work addressing the needs of youth who are, including runaway or homeless youth affected by, victims of domestic violence, dating violence, sexual assault, or stalking;

''(B) a victim service provider that is partnered with an entity that has a demonstrated history of effective work addressing the needs of youth; or

''(C) a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents' Education Act of 1978, a group of schools, a school district, or an institution of higher education.

''(2) PARTNERSHIPS.—

''(A) EDUCATION.—To be eligible to receive a grant for the purposes described in subsection (b)(2), an entity described in paragraph (1) shall be partnered with a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents' Education Act of 1978, a group of schools, a school district, or an institution of higher education.

''(B) OTHER PARTNERSHIPS.—All applicants under this section are encouraged to work in partnership with organizations and agencies that work with the relevant population. Such entities may include—

''(i) a State, tribe, unit of local government, or territory;

''(ii) a population specific or community-based organization;

''(iii) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders; or

''(iv) any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and child victims served by the partnership.

''(d) GRANTEE REQUIREMENTS.—Applicants for grants under this section shall establish and implement policies, practices, and procedures that—

''(1) require and include appropriate referral systems for child and youth victims;

''(2) protect the confidentiality and privacy of child and youth victim information, particularly in the context of parental or third party involvement and consent, mandatory reporting duties, and working with other service providers all with priority on victim safety and autonomy; and

''(3) ensure that all individuals providing intervention or prevention programming to children or youth through a program funded under this section have completed, or will complete, sufficient training in connection with domestic violence, dating violence, sexual assault and stalking.

''(e) DEFINITIONS AND GRANT CONDITIONS.—In this section, the definitions and grant conditions provided for in section 40002 shall apply.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2012 through 2016.

''(g) ALLOTMENT.—

''(1) IN GENERAL.—Not less than 50 percent of the total amount appropriated under this section for each fiscal year shall be used for the purposes described in subsection (b)(1).

''(2) INDIAN TRIBES.—Not less than 10 percent of the total amount appropriated under this section for each fiscal year shall be made available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this section shall not apply to funds allocated under this paragraph.

''(h) PRIORITY.—The Attorney General shall prioritize grant applications under this section that coordinate with prevention programs in the community.''.

SEC. 303. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

Section 304 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''stalking on campuses, and'' and inserting ''stalking on campuses,'';

(ii) by striking ''crimes against women on'' and inserting ''crimes on''; and

(iii) by inserting '', and to develop and strengthen prevention education and awareness programs'' before the period; and

(B) in paragraph (2), by striking ''$500,000'' and inserting ''$300,000'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting '', strengthen,'' after ''To develop''; and

(ii) by inserting ''including the use of technology to commit these crimes,'' after ''sexual assault and stalking,'';

(B) in paragraph (4)—

(i) by inserting ''and population specific services'' after ''strengthen victim services programs'';

(ii) by striking ''entities carrying out'' and all that follows through ''stalking victim services programs'' and inserting ''victim service providers''; and

(iii) by inserting '', regardless of whether the services are provided by the institution or in coordination with community victim service providers'' before the period at the end; and

(C) by adding at the end the following:

''(9) To develop or adapt and provide developmental, culturally appropriate, and linguistically accessible print or electronic materials to address both prevention and intervention in domestic violence, dating violence, sexual violence, and stalking.

''(10) To develop or adapt population specific strategies and projects for victims of domestic violence, dating violence, sexual assault, and stalking from underserved populations on campus.'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking ''any non-profit'' and all that follows through ''victim services programs'' and inserting ''victim service providers'';

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(iii) by inserting after subparagraph (C), the following:

''(D) describe how underserved populations in the campus community will be adequately served, including the provision of relevant population specific services;''; and

(B) in paragraph (3), by striking ''2007 through 2011'' and inserting ''2012 through 2016'';

(4) in subsection (d)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2), the following:

''(3) GRANTEE MINIMUM REQUIREMENTS.—Each grantee shall comply with the following minimum requirements during the grant period:

''(A) The grantee shall create a coordinated community response including both organizations external to the institution and relevant divisions of the institution.

''(B) The grantee shall establish a mandatory prevention and education program on domestic violence, dating violence, sexual assault, and stalking for all incoming students.

''(C) The grantee shall train all campus law enforcement to respond effectively to domestic violence, dating violence, sexual assault, and stalking.

''(D) The grantee shall train all members of campus disciplinary boards to respond effectively to situations involving domestic violence, dating violence, sexual assault, or stalking.''; and

(5) in subsection (e), by striking ''there are'' and all that follows through the period and inserting ''there is authorized to be appropriated $12,000,000 for each of fiscal years 2012 through 2016.''.

SEC. 304. CAMPUS SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING EDUCATION AND PREVENTION.

(a) IN GENERAL.—Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)(iii), by striking the period at the end and inserting '', when the victim of such crime elects or is unable to make such a report.''; and

(B) in subparagraph (F)—

(i) in clause (i)(VIII), by striking ''and'' after the semicolon;

(ii) in clause (ii)—

(I) by striking ''sexual orientation'' and inserting '' national origin, sexual orientation, gender identity,''; and

(II) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies.'';

(2) in paragraph (3), by inserting '', that withholds the names of victims as confidential,'' after ''that is timely'';

(3) in paragraph (6)(A)—

(A) by redesignating clauses (i), (ii), and (iii) as clauses (ii), (iii), and (iv), respectively;

(B) by inserting before clause (ii), as redesignated by subparagraph (A), the following:

''(i) The terms 'dating violence', 'domestic violence', and 'stalking' have the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).''; and

(C) by inserting after clause (iv), as redesignated by subparagraph (A), the following:

''(v) The term 'sexual assault' means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.'';

(4) in paragraph (7)—

(A) by striking ''paragraph (1)(F)'' and inserting ''clauses (i) and (ii) of paragraph (1)(F)''; and

(B) by inserting after ''Hate Crime Statistics Act.'' the following: ''For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).'';

(5) by striking paragraph (8) and inserting the following:

''(8)(A) Each institution of higher education participating in any program under this title and title IV of the Economic Opportunity Act of 1964, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

''(i) such institution's programs to prevent domestic violence, dating violence, sexual assault, and stalking; and

''(ii) the procedures that such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported.

''(B) The policy described in subparagraph (A) shall address the following areas:

''(i) Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include—

''(I) primary prevention and awareness programs for all incoming students and new employees, which shall include—

''(aa) a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

''(bb) the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;

''(cc) the definition of consent, in reference to sexual activity, in the applicable jurisdiction;

''(dd) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

''(ee) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and

''(ff) the information described in clauses (ii) through (vii); and

''(II) ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).

''(ii) Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

''(iii) Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—

''(I) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;

''(II) to whom the alleged offense should be reported;

''(III) options regarding law enforcement and campus authorities, including notification of the victim's option to—

''(aa) notify proper law enforcement authorities, including on-campus and local police;

''(bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

''(cc) decline to notify such authorities; and

''(IV) where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

''(iv) Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that—

''(I) such proceedings shall—

''(aa) provide a prompt and equitable investigation and resolution; and

''(bb) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

''(II) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and

''(III) both the accuser and the accused shall be simultaneously informed, in writing, of—

''(aa) the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

''(bb) the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;

''(cc) of any change to the results that occurs prior to the time that such results become final; and

''(dd) when such results become final.

''(v) Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

''(vi) Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

''(vii) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

''(C) A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options, as described in clauses (ii) through (vii) of subparagraph (B).'';

(6) in paragraph (9), by striking ''The Secretary'' and inserting ''The Secretary, in consultation with the Attorney General of the United States,'';

(7) by striking paragraph (16) and inserting the following:

''(16)(A) The Secretary shall seek the advice and counsel of the Attorney General of the United States concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

''(B) The Secretary shall seek the advice and counsel of the Attorney General of the United States and the Secretary of Health and Human Services concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, and stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements.''; and

(8) by striking paragraph (17) and inserting the following:

''(17) No officer, employee, or agent of an institution participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to the annual security report under section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) prepared by an institution of higher education 1 calendar year after the date of enactment of this Act, and each subsequent calendar year.

TITLE IV—VIOLENCE REDUCTION PRACTICES

SEC. 401. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Section 402(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 280b–4(c)) is amended by striking ''$2,000,000 for each of the fiscal years 2007 through 2011'' and inserting ''$1,000,000 for each of the fiscal years 2012 through 2016''.

SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION GRANTS.

(a) SMART PREVENTION.—Section 41303 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–2) is amended to read as follows:

''SEC. 41303. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION (SMART PREVENTION).

''(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Secretary of Health and Human Services and the Secretary of Education, is authorized to award grants for the purpose of preventing domestic violence, dating violence, sexual assault, and stalking by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms.

''(b) USE OF FUNDS.—Funds provided under this section may be used for the following purposes:

''(1) TEEN DATING VIOLENCE AWARENESS AND PREVENTION.—To develop, maintain, or enhance programs that change attitudes and behaviors around the acceptability of domestic violence, dating violence, sexual assault, and stalking and provide education and skills training to young individuals and individuals who influence young individuals. The prevention program may use evidence-based, evidence-informed, or innovative strategies and practices focused on youth. Such a program should include—

''(A) age and developmentally-appropriate education on domestic violence, dating violence, sexual assault, stalking, and sexual coercion, as well as healthy relationship skills, in school, in the community, or in health care settings;

''(B) community-based collaboration and training for those with influence on youth, such as parents, teachers, coaches, healthcare providers, faith-leaders, older teens, and mentors;

''(C) education and outreach to change environmental factors contributing to domestic violence, dating violence, sexual assault, and stalking; and

''(D) policy development targeted to prevention, including school-based policies and protocols.

''(2) CHILDREN EXPOSED TO VIOLENCE AND ABUSE.—To develop, maintain or enhance programs designed to prevent future incidents of domestic violence, dating violence, sexual assault, and stalking by preventing, reducing and responding to children's exposure to violence in the home. Such programs may include—

''(A) providing services for children exposed to domestic violence, dating violence, sexual assault or stalking, including direct counseling or advocacy, and support for the non-abusing parent; and

''(B) training and coordination for educational, after-school, and childcare programs on how to safely and confidentially identify children and families experiencing domestic violence, dating violence, sexual assault, or stalking and properly refer children exposed and their families to services and violence prevention programs.

''(3) ENGAGING MEN AS LEADERS AND ROLE MODELS.—To develop, maintain or enhance programs that work with men to prevent domestic violence, dating violence, sexual assault, and stalking by helping men to serve as role models and social influencers of other men and youth at the individual, school, community or statewide levels.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a victim service provider, community-based organization, tribe or tribal organization, or other non-profit, nongovernmental organization that has a history of effective work preventing domestic violence, dating violence, sexual assault, or stalking and expertise in the specific area for which they are applying for funds; or

''(2) a partnership between a victim service provider, community-based organization, tribe or tribal organization, or other non-profit, nongovernmental organization that has a history of effective work preventing domestic violence, dating violence, sexual assault, or stalking and at least one of the following that has expertise in serving children exposed to domestic violence, dating violence, sexual assault, or stalking, youth domestic violence, dating violence, sexual assault, or stalking prevention, or engaging men to prevent domestic violence, dating violence, sexual assault, or stalking:

''(A) A public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents' Education Act of 1978, a group of schools, or a school district.

''(B) A local community-based organization, population-specific organization, or faith-based organization that has established expertise in providing services to youth.

''(C) A community-based organization, population-specific organization, university or health care clinic, faith-based organization, or other non-profit, nongovernmental organization with a demonstrated history of effective work addressing the needs of children exposed to domestic violence, dating violence, sexual assault, or stalking.

''(D) A nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic violence, dating violence, sexual assault, or stalking.

''(E) Healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of children and youth.

''(F) Any other agencies, population-specific organizations, or nonprofit, nongovernmental organizations with the capacity to provide necessary expertise to meet the goals of the program; or

''(3) a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents' Education Act of 1978, a group of schools, a school district, or an institution of higher education.

''(d) GRANTEE REQUIREMENTS.—

''(1) IN GENERAL.—Applicants for grants under this section shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require that demonstrates the capacity of the applicant and partnering organizations to undertake the project.

''(2) POLICIES AND PROCEDURES.—Applicants under this section shall establish and implement policies, practices, and procedures that—

''(A) include appropriate referral systems to direct any victim identified during program activities to highly qualified follow-up care;

''(B) protect the confidentiality and privacy of adult and youth victim information, particularly in the context of parental or third party involvement and consent, mandatory reporting duties, and working with other service providers;

''(C) ensure that all individuals providing prevention programming through a program funded under this section have completed or will complete sufficient training in connection with domestic violence, dating violence, sexual assault or stalking; and

''(D) document how prevention programs are coordinated with service programs in the community.

''(3) PREFERENCE.—In selecting grant recipients under this section, the Attorney General shall give preference to applicants that—

''(A) include outcome-based evaluation; and

''(B) identify any other community, school, or State-based efforts that are working on domestic violence, dating violence, sexual assault, or stalking prevention and explain how the grantee or partnership will add value, coordinate with other programs, and not duplicate existing efforts.

''(e) DEFINITIONS AND GRANT CONDITIONS.—In this section, the definitions and grant conditions provided for in section 40002 shall apply.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2012 through 2016. Amounts appropriated under this section may only be used for programs and activities described under this section.

''(g) ALLOTMENT.—

''(1) IN GENERAL.—Not less than 25 percent of the total amounts appropriated under this section in each fiscal year shall be used for each set of purposes described in paragraphs (1), (2), and (3) of subsection (b).

''(2) INDIAN TRIBES.—Not less than 10 percent of the total amounts appropriated under this section in each fiscal year shall be made available for grants to Indian tribes or tribal organizations. If an insufficient number of applications are received from Indian tribes or tribal organizations, such funds shall be allotted to other population-specific programs.''.

(b) REPEALS.—The following provisions are repealed:

(1) Sections 41304 and 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–3 and 14043d–4).

(2) Section 403 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045c).

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. CONSOLIDATION OF GRANTS TO STRENGTHEN THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) GRANTS.—Section 399P of the Public Health Service Act (42 U.S.C. 280g–4) is amended to read as follows:

''SEC. 399P. GRANTS TO STRENGTHEN THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) IN GENERAL.—The Secretary shall award grants for—

''(1) the development or enhancement and implementation of interdisciplinary training for health professionals, public health staff, and allied health professionals;

''(2) the development or enhancement and implementation of education programs for medical, nursing, dental, and other health profession students and residents to prevent and respond to domestic violence, dating violence, sexual assault, and stalking; and

''(3) the development or enhancement and implementation of comprehensive statewide strategies to improve the response of clinics, public health facilities, hospitals, and other health settings (including behavioral and mental health programs) to domestic violence, dating violence, sexual assault, and stalking.

''(b) USE OF FUNDS.—

''(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

''(A) fund interdisciplinary training and education programs under paragraphs (1) and (2) of subsection (a) that—

''(i) are designed to train medical, psychology, dental, social work, nursing, and other health profession students, interns, residents, fellows, or current health care providers to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have been victims of domestic violence, dating violence, sexual assault, or stalking; and

''(ii) plan and develop culturally competent clinical training components for integration into approved internship, residency, and fellowship training or continuing medical or other health education training that address physical, mental, and behavioral health issues, including protective factors, related to domestic violence, dating violence, sexual assault, stalking, and other forms of violence and abuse, focus on reducing health disparities and preventing violence and abuse, and include the primacy of victim safety and confidentiality;

''(B) design and implement comprehensive strategies to improve the response of the health care system to domestic or sexual violence in clinical and public health settings, hospitals, clinics, and other health settings (including behavioral and mental health), under subsection (a)(3) through—

''(i) the implementation, dissemination, and evaluation of policies and procedures to guide health professionals and public health staff in identifying and responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety, and safely uses health information technology to improve documentation, identification, assessment, treatment, and follow-up care;

''(ii) the development of on-site access to services to address the safety, medical, and mental health needs of patients by increasing the capacity of existing health care professionals and public health staff to address domestic violence, dating violence, sexual assault, and stalking, or by contracting with or hiring domestic or sexual assault advocates to provide such services or to model other services appropriate to the geographic and cultural needs of a site;

''(iii) the development of measures and methods for the evaluation of the practice of identification, intervention, and documentation regarding victims of domestic violence, dating violence, sexual assault, and stalking, including the development and testing of quality improvement measurements, in accordance with the multi-stakeholder and quality measurement processes established under paragraphs (7) and (8) of section 1890(b) and section 1890A of the Social Security Act (42 U.S.C. 1395aaa(b)(7) and (8); 42 U.S.C. 1890A); and

''(iv) the provision of training and follow-up technical assistance to health care professionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking, including using tools and training materials already developed.

''(2) PERMISSIBLE USES.—

''(A) CHILD AND ELDER ABUSE.—To the extent consistent with the purpose of this section, a grantee may use amounts received under this section to address, as part of a comprehensive programmatic approach implemented under the grant, issues relating to child or elder abuse.

''(B) RURAL AREAS.—Grants funded under paragraphs (1) and (2) of subsection (a) may be used to offer to rural areas community-based training opportunities, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas, for medical, nursing, and other health profession students and residents on domestic violence, dating violence, sexual assault, stalking, and, as appropriate, other forms of violence and abuse.

''(C) OTHER USES.—Grants funded under subsection (a)(3) may be used for —

''(i) the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse, as well as childhood exposure to domestic and sexual violence;

''(ii) the development, expansion, and implementation of sexual assault forensic medical examination or sexual assault nurse examiner programs;

''(iii) the inclusion of the health effects of lifetime exposure to violence and abuse as well as related protective factors and behavioral risk factors in health professional training schools including medical, dental, nursing, social work, and mental and behavioral health curricula, and allied health service training courses; or

''(iv) the integration of knowledge of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards, and where appropriate, other allied health exams.

''(c) REQUIREMENTS FOR GRANTEES.—

''(1) CONFIDENTIALITY AND SAFETY.—

''(A) IN GENERAL.—Grantees under this section shall ensure that all programs developed with grant funds address issues of confidentiality and patient safety and comply with applicable confidentiality and nondisclosure requirements under section 40002(b)(2) of the Violence Against Women Act of 1994 and the Family Violence Prevention and Services Act, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security and confidentiality of the patients, patient records, and staff. Such grantees shall consult entities with demonstrated expertise in the confidentiality and safety needs of victims of domestic violence, dating violence, sexual assault, and stalking on the development and adequacy of confidentially and security procedures, and provide documentation of such consultation.

''(B) ADVANCE NOTICE OF INFORMATION DISCLOSURE.—Grantees under this section shall provide to patients advance notice about any circumstances under which information may be disclosed, such as mandatory reporting laws, and shall give patients the option to receive information and referrals without affirmatively disclosing abuse.

''(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall use not more than 10 percent of the amounts received under a grant under this section for administrative expenses.

''(3) APPLICATION.—

''(A) PREFERENCE.—In selecting grant recipients under this section, the Secretary shall give preference to applicants based on the strength of their evaluation strategies, with priority given to outcome based evaluations.

''(B) SUBSECTION (A)(1) AND (2) GRANTEES.—Applications for grants under paragraphs (1) and (2) of subsection (a) shall include—

''(i) documentation that the applicant represents a team of entities working collaboratively to strengthen the response of the health care system to domestic violence, dating violence, sexual assault, or stalking, and which includes at least one of each of—

''(I) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or other health field;

''(II) a health care facility or system; or

''(III) a government or nonprofit entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking; and

''(ii) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant, if any, with other interested health professions schools and national resource repositories for materials on domestic violence, dating violence, sexual assault, and stalking.

''(C) SUBSECTION (A)(3) GRANTEES.—An entity desiring a grant under subsection (a)(3) shall submit an application to the Secretary at such time, in such a manner, and containing such information and assurances as the Secretary may require, including—

''(i) documentation that all training, education, screening, assessment, services, treatment, and any other approach to patient care will be informed by an understanding of violence and abuse victimization and trauma-specific approaches that will be integrated into prevention, intervention, and treatment activities;

''(ii) strategies for the development and implementation of policies to prevent and address domestic violence, dating violence, sexual assault, and stalking over the lifespan in health care settings;

''(iii) a plan for consulting with State and tribal domestic violence or sexual assault coalitions, national nonprofit victim advocacy organizations, State or tribal law enforcement task forces (where appropriate), and population specific organizations with demonstrated expertise in domestic violence, dating violence, sexual assault, or stalking;

''(iv) with respect to an application for a grant under which the grantee will have contact with patients, a plan, developed in collaboration with local victim service providers, to respond appropriately to and make correct referrals for individuals who disclose that they are victims of domestic violence, dating violence, sexual assault, stalking, or other types of violence, and documentation provided by the grantee of an ongoing collaborative relationship with a local victim service provider; and

''(v) with respect to an application for a grant proposing to fund a program described in subsection (b)(2)(C)(ii), a certification that any sexual assault forensic medical examination and sexual assault nurse examiner programs supported with such grant funds will adhere to the guidelines set forth by the Attorney General.

''(d) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To be eligible to receive funding under paragraph (1) or (2) of subsection (a), an entity shall be—

''(A) a nonprofit organization with a history of effective work in the field of training health professionals with an understanding of, and clinical skills pertinent to, domestic violence, dating violence, sexual assault, or stalking, and lifetime exposure to violence and abuse;

''(B) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or allied health;

''(C) a health care provider membership or professional organization, or a health care system; or

''(D) a State, tribal, territorial, or local entity.

''(2) SUBSECTION (A)(3) GRANTEES.—To be eligible to receive funding under subsection (a)(3), an entity shall be—

''(A) a State department (or other division) of health, a State, tribal, or territorial domestic violence or sexual assault coalition or victim service provider, or any other nonprofit, nongovernmental organization with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking, and health care, including physical or mental health care; or

''(B) a local victim service provider, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other community-based organization with a history of effective work in the field of domestic violence, dating violence, sexual assault, or stalking and health care, including physical or mental health care.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—Of the funds made available to carry out this section for any fiscal year, the Secretary may make grants or enter into contracts to provide technical assistance with respect to the planning, development, and operation of any program, activity or service carried out pursuant to this section. Not more than 8 percent of the funds appropriated under this section in each fiscal year may be used to fund technical assistance under this subsection.

''(2) AVAILABILITY OF MATERIALS.—The Secretary shall make publicly available materials developed by grantees under this section, including materials on training, best practices, and research and evaluation.

''(3) REPORTING.—The Secretary shall publish a biennial report on—

''(A) the distribution of funds under this section; and

''(B) the programs and activities supported by such funds.

''(f) RESEARCH AND EVALUATION.—

''(1) IN GENERAL.—Of the funds made available to carry out this section for any fiscal year, the Secretary may use not more than 20 percent to make a grant or enter into a contract for research and evaluation of—

''(A) grants awarded under this section; and

''(B) other training for health professionals and effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan, prevent the health effects of such violence, and improve the safety and health of individuals who are currently being victimized.

''(2) RESEARCH.—Research authorized in paragraph (1) may include—

''(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating or sexual violence on health behaviors, health conditions, and health status of individuals, families, and populations, including underserved populations;

''(B) research to determine effective health care interventions to respond to and prevent domestic violence, dating violence, sexual assault, and stalking;

''(C) research on the impact of domestic, dating and sexual violence, childhood exposure to such violence, and stalking on the health care system, health care utilization, health care costs, and health status; and

''(D) research on the impact of adverse childhood experiences on adult experience with domestic violence, dating violence, sexual assault, stalking, and adult health outcomes, including how to reduce or prevent the impact of adverse childhood experiences through the health care setting.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2012 through 2016.

''(h) DEFINITIONS.—Except as otherwise provided herein, the definitions provided for in section 40002 of the Violence Against Women Act of 1994 shall apply to this section.''.

(b) REPEALS.—The following provisions are repealed:

(1) Section 40297 of the Violence Against Women Act of 1994 (42 U.S.C. 13973).

(2) Section 758 of the Public Health Service Act (42 U.S.C. 294h).

TITLE VI—SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 601. HOUSING PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) AMENDMENT.—Subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.) is amended—

(1) by inserting after the subtitle heading the following:

''CHAPTER 1—GRANT PROGRAMS'';

(2) in section 41402 (42 U.S.C. 14043e–1), in the matter preceding paragraph (1), by striking ''subtitle'' and inserting ''chapter'';

(3) in section 41403 (42 U.S.C. 14043e–2), in the matter preceding paragraph (1), by striking ''subtitle'' and inserting ''chapter''; and

(4) by adding at the end the following:

"CHAPTER 2—HOUSING RIGHTS

"SEC. 41411. HOUSING PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) DEFINITIONS.—In this chapter:

''(1) AFFILIATED INDIVIDUAL.—The term 'affiliated individual' means, with respect to an individual—

''(A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis; or

''(B) any individual, tenant, or lawful occupant living in the household of that individual.

''(2) APPROPRIATE AGENCY.—The term 'appropriate agency' means, with respect to a covered housing program, the Executive department (as defined in section 101 of title 5, United States Code) that carries out the covered housing program.

''(3) COVERED HOUSING PROGRAM.—The term 'covered housing program' means—

''(A) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

''(B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

''(C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

''(D) the program under subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

''(E) the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);

''(F) the program under paragraph (3) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)) that bears interest at a rate determined under the proviso under paragraph (5) of such section 221(d);

''(G) the program under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

''(H) the programs under sections 6 and 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f);

''(I) rural housing assistance provided under sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p–2); and

''(J) the low income housing tax credit program under section 42 of the Internal Revenue Code of 1986.

''(b) PROHIBITED BASIS FOR DENIAL OR TERMINATION OF ASSISTANCE OR EVICTION.—

''(1) IN GENERAL.—An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

''(2) CONSTRUCTION OF LEASE TERMS.—An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as—

''(A) a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or

''(B) good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

''(3) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—

''(A) DENIAL OF ASSISTANCE, TENANCY, AND OCCUPANCY RIGHTS PROHIBITED.—No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

''(B) BIFURCATION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), a public housing agency or owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

''(ii) EFFECT OF EVICTION ON OTHER TENANTS.—If public housing agency or owner or manager of housing assisted under a covered housing program evicts, removes, or terminates assistance to an individual under clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

''(C) RULES OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed—

''(i) to limit the authority of a public housing agency or owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to—

''(I) the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

''(II) the distribution or possession of property among members of a household in a case;

''(ii) to limit any otherwise available authority of a public housing agency or owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an affiliated person of the tenant, if the public housing agency or owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;

''(iii) to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if a public housing agency or owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or

''(iv) to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) DOCUMENTATION.—

''(1) REQUEST FOR DOCUMENTATION.—If an applicant for, or tenant of, housing assisted under a covered housing program represents to a public housing agency or owner or manager of the housing that the individual is entitled to protection under subsection (b), the public housing agency or owner or manager may request, in writing, that the applicant or tenant submit to the public housing agency or owner or manager a form of documentation described in paragraph (3).

''(2) FAILURE TO PROVIDE CERTIFICATION.—

''(A) IN GENERAL.—If an applicant or tenant does not provide the documentation requested under paragraph (1) within 14 business days after the tenant receives a request in writing for such certification from a public housing agency or owner or manager of housing assisted under a covered housing program, nothing in this chapter may be construed to limit the authority of the public housing agency or owner or manager to—

''(i) deny admission by the applicant or tenant to the covered program;

''(ii) deny assistance under the covered program to the applicant or tenant;

''(iii) terminate the participation of the applicant or tenant in the covered program; or

''(iv) evict the applicant, the tenant, or a lawful occupant that commits violations of a lease.

''(B) EXTENSION.—A public housing agency or owner or manager of housing may extend the 14-day deadline under subparagraph (A) at its discretion.

''(3) FORM OF DOCUMENTATION.—A form of documentation described in this paragraph is—

''(A) a certification form approved by the appropriate agency that—

''(i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

''(ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and

''(iii) includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide;

''(B) a document that—

''(i) is signed by—

''(I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and

''(II) the applicant or tenant; and

''(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);

''(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

''(D) at the discretion of a public housing agency or owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.

''(4) CONFIDENTIALITY.—Any information submitted to a public housing agency or owner or manager under this subsection, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the public housing agency or owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

''(A) requested or consented to by the individual in writing;

''(B) required for use in an eviction proceeding under subsection (b); or

''(C) otherwise required by applicable law.

''(5) DOCUMENTATION NOT REQUIRED.—Nothing in this subsection shall be construed to require a public housing agency or owner or manager of housing assisted under a covered housing program to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

''(6) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with subsection (b) by a public housing agency or owner or manager of housing assisted under a covered housing program based on documentation received under this subsection, shall not be sufficient to constitute evidence of an unreasonable act or omission by the public housing agency or owner or manager or an employee or agent of the public housing agency or owner or manager. Nothing in this paragraph shall be construed to limit the liability of a public housing agency or owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).

''(7) RESPONSE TO CONFLICTING CERTIFICATION.—If a public housing agency or owner or manager of housing assisted under a covered housing program receives documentation under this subsection that contains conflicting information, the public housing agency or owner or manager may require an applicant or tenant to submit third-party documentation, as described in subparagraph (B), (C), or (D) of paragraph (3).

''(8) PREEMPTION.—Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

''(d) NOTIFICATION.—

''(1) DEVELOPMENT.—The Secretary of Housing and Urban Development shall develop a notice of the rights of individuals under this section, including the right to confidentiality and the limits thereof.

''(2) PROVISION.—Each public housing agency or owner or manager of housing assisted under a covered housing program shall provide the notice developed under paragraph (1), together with the form described in subsection (c)(3)(A), to an applicant for or tenants of housing assisted under a covered housing program—

''(A) at the time the applicant is denied residency in a dwelling unit assisted under the covered housing program;

''(B) at the time the individual is admitted to a dwelling unit assisted under the covered housing program;

''(C) with any notification of eviction or notification of termination of assistance; and

''(D) in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d–1 note; relating to access to services for persons with limited English proficiency).

''(e) EMERGENCY TRANSFERS.—Each appropriate agency shall adopt a model emergency transfer plan for use by public housing agencies and owners or managers of housing assisted under covered housing programs that—

''(1) allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program if—

''(A) the tenant expressly requests the transfer; and

''(B)(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or

''(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer; and

''(2) incorporates reasonable confidentiality measures to ensure that the public housing agency or owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

''(f) POLICIES AND PROCEDURES FOR EMERGENCY TRANSFER.—The Secretary of Housing and Urban Development shall establish policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the availability of tenant protection vouchers, assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

''(g) IMPLEMENTATION.—The appropriate agency with respect to each covered housing program shall implement this section, as this section applies to the covered housing program.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 6.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(A) in subsection (c)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(B) in subsection (l)—

(i) in paragraph (5), by striking '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(ii) in paragraph (6), by striking ''; except that'' and all that follows through ''stalking.''; and

(C) by striking subsection (u).

(2) SECTION 8.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(A) in subsection (c), by striking paragraph (9);

(B) in subsection (d)(1)—

(i) in subparagraph (A), by striking ''and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(II) in clause (iii), by striking '', except that:'' and all that follows through ''stalking.'';

(C) in subsection (f)—

(i) in paragraph (6), by adding ''and'' at the end;

(ii) in paragraph (7), by striking the semicolon at the end and inserting a period; and

(iii) by striking paragraphs (8), (9), (10), and (11);

(D) in subsection (o)—

(i) in paragraph (6)(B), by striking the last sentence;

(ii) in paragraph (7)—

(I) in subparagraph (C), by striking ''and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(II) in subparagraph (D), by striking ''; except that'' and all that follows through ''stalking.''; and

(iii) by striking paragraph (20); and

(E) by striking subsection (ee).

(3) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall be construed—

(A) to limit the rights or remedies available to any person under section 6 or 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f), as in effect on the day before the date of enactment of this Act;

(B) to limit any right, remedy, or procedure otherwise available under any provision of part 5, 91, 880, 882, 883, 884, 886, 891, 903, 960, 966, 982, or 983 of title 24, Code of Federal Regulations, that—

(i) was issued under the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) or an amendment made by that Act; and

(ii) provides greater protection for victims of domestic violence, dating violence, sexual assault, and stalking than this Act; or

(C) to disqualify an owner, manager, or other individual from participating in or receiving the benefits of the low income housing tax credit program under section 42 of the Internal Revenue Code of 1986 because of noncompliance with the provisions of this Act.

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Chapter 11 of subtitle B of the Violence Against Women Act of 1994 (42 U.S.C. 13975 et seq.) is amended—

(1) in the chapter heading, by striking ''**CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT**'' and inserting ''**VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**''; and

(2) in section 40299 (42 U.S.C. 13975)—

(A) in the header, by striking ''**child victims of domestic violence, stalking, or sexual assault**'' and inserting ''**victims of domestic violence, dating violence, sexual assault, or stalking**'';

(B) in subsection (a)(1), by striking ''fleeing'';

(C) in subsection (b)(3)—

(i) in subparagraph (A), by striking '' and'' at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following:

''(B) secure employment, including obtaining employment counseling, occupational training, job retention counseling, and counseling concerning re-entry in to the workforce; and''; and

(iv) in subparagraph (C), as redesignated by clause (ii), by striking '' employment counseling,''; and

(D) in subsection (g)—

(i) in paragraph (1), by striking ''$40,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$35,000,000 for each of fiscal years 2012 through 2016''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking ''eligible'' and inserting ''qualified''; and

(II) by adding at the end the following:

''(D) QUALIFIED APPLICATION DEFINED.—In this paragraph, the term 'qualified application' means an application that—

''(i) has been submitted by an eligible applicant;

''(ii) does not propose any activities that may compromise victim safety, including—

''(I) background checks of victims; or

''(II) clinical evaluations to determine eligibility for services;

''(iii) reflects an understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking; and

''(iv) does not propose prohibited activities, including mandatory services for victims.''.

SEC. 603. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.) is amended—

(1) in section 41404(i) (42 U.S.C. 14043e–3(i)), by striking ''$10,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$4,000,000 for each of fiscal years 2012 through 2016''; and

(2) in section 41405(g) (42 U.S.C. 14043e–4(g)), by striking ''$10,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$4,000,000 for each of fiscal years 2012 through 2016''.

TITLE VII—ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Section 41501(e) of the Violence Against Women Act of 1994 (42 U.S.C. 14043f(e)) is amended by striking ''fiscal years 2007 through 2011'' and inserting ''fiscal years 2012 through 2016''.

TITLE VIII—PROTECTION OF BATTERED IMMIGRANTS

SEC. 801. U NONIMMIGRANT DEFINITION.

Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended by inserting ''stalking;'' after ''sexual exploitation;''.

SEC. 802. ANNUAL REPORT ON IMMIGRATION APPLICATIONS MADE BY VICTIMS OF ABUSE.

Not later than December 1, 2012, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes the following:

(1) The number of aliens who—

(A) submitted an application for nonimmigrant status under paragraph (15)(T)(i), (15)(U)(i), or (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) during the preceding fiscal year;

(B) were granted such nonimmigrant status during such fiscal year; or

(C) were denied such nonimmigrant status during such fiscal year.

(2) The mean amount of time and median amount of time to adjudicate an application for such nonimmigrant status during such fiscal year.

(3) The mean amount of time and median amount of time between the receipt of an application for such nonimmigrant status and the issuance of work authorization to an eligible applicant during the preceding fiscal year.

(4) The number of aliens granted continued presence in the United States under section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(3)) during the preceding fiscal year.

(5) A description of any actions being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing, of an application described in paragraph (1) or a request for continued presence referred to in paragraph (4).

SEC. 803. PROTECTION FOR CHILDREN OF VAWA SELF-PETITIONERS.

Section 204(l)(2) of the Immigration and Nationality Act (8 U.S.C. 1154(l)(2)) is amended—

(1) in subparagraph (E), by striking ''or'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) a child of an alien who filed a pending or approved petition for classification or application for adjustment of status or other benefit specified in section 101(a)(51) as a VAWA self-petitioner; or''.

SEC. 804. PUBLIC CHARGE.

Section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following:

''(E) SPECIAL RULE FOR QUALIFIED ALIEN VICTIMS.—Subparagraphs (A), (B), and (C) shall not apply to an alien who—

''(i) is a VAWA self-petitioner;

''(ii) is an applicant for, or is granted, nonimmigrant status under section 101(a)(15)(U); or

''(iii) is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)).''.

SEC. 805. REQUIREMENTS APPLICABLE TO U VISAS.

(a) RECAPTURE OF UNUSED U VISAS.—Section 214(p)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(p)(2)) is amended by—

(1) in subparagraph (A), by striking ''The number'' and inserting ''Except as provided in subparagraph (C), the number''; and

(2) by adding at the end the following:

''(C) Beginning in fiscal year 2012, if the numerical limitation set forth in subparagraph (A) is reached before the end of the fiscal year, up to 5,000 additional visas, of the aggregate number of visas that were available and not issued to nonimmigrants described in section 101(a)(15)(U) in fiscal years 2006 through 2011, may be issued until the end of the fiscal year.''.

(3) SUNSET DATE.—The amendments made by paragraphs (1) and (2) are repealed on the date on which the aggregate number of visas that were available and not issued in fiscal years 2006 through 2011 have been issued pursuant to section 214(p)(2)(C) of the Immigration and Nationality Act.

(b) AGE DETERMINATIONS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

''(7) AGE DETERMINATIONS.—

''(A) CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(U)(i), and who was under 21 years of age on the date on which such parent petitioned for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(U)(ii), if the alien attains 21 years of age after such parent's petition was filed but while it was pending.

''(B) PRINCIPAL ALIENS.—An alien described in clause (i) of section 101(a)(15)(U) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.''.

SEC. 806. HARDSHIP WAIVERS.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(2) in subparagraph (B), by striking ''(1), or'' and inserting ''(1); or'';

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon and ''or''; and

(4) by inserting after subparagraph (C) the following:

''(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony was battered by or subject to extreme cruelty perpetrated by the alien's intended spouse and was not at fault in failing to meet the requirements of paragraph (1).''.

(b) TECHNICAL CORRECTIONS.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)), as amended by subsection (a), is further amended—

(1) in the matter preceding subparagraph (A), by striking ''The Attorney General, in the Attorney General's'' and inserting ''The Secretary of Homeland Security, in the Secretary's''; and

(2) in the undesignated paragraph at the end—

(A) in the first sentence, by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(B) in the second sentence, by striking ''Attorney General'' and inserting ''Secretary'';

(C) in the third sentence, by striking ''Attorney General.'' and inserting ''Secretary.''; and

(D) in the fourth sentence, by striking ''Attorney General'' and inserting ''Secretary''.

SEC. 807. PROTECTIONS FOR A FIANCÉE OR FIANCÉ OF A CITIZEN.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking ''crime.'' and inserting ''crime described in paragraph (3)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in paragraph (3)(B)(i).'';

(B) in paragraph (2)(A), in the matter preceding clause (i)—

(i) by striking ''a consular officer'' and inserting ''the Secretary of Homeland Security''; and

(ii) by striking ''the officer'' and inserting ''the Secretary''; and

(C) in paragraph (3)(B)(i), by striking ''abuse, and stalking.'' and inserting ''abuse, stalking, or an attempt to commit any such crime.''; and

(2) in subsection (r)—

(A) in paragraph (1), by striking ''crime.'' and inserting ''crime described in paragraph (5)(B) and information on any permanent protection or restraining order issued against the petitioner related to any specified crime described in subsection (5)(B)(i).''; and

(B) by amending paragraph (4)(B)(ii) to read as follows:

''(ii) To notify the beneficiary as required by clause (i), the Secretary of Homeland Security shall provide such notice to the Secretary of State for inclusion in the mailing to the beneficiary described in section 833(a)(5)(A)(i) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(a)(5)(A)(i)).''; and

(3) in paragraph (5)(B)(i), by striking ''abuse, and stalking.'' and inserting ''abuse, stalking, or an attempt to commit any such crime.''.

(b) PROVISION OF INFORMATION TO K NONIMMIGRANTS.—Section 833 of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a) is amended—

(1) in subsection (a)(5)(A)—

(A) in clause (iii)—

(i) by striking ''State any'' and inserting ''State, for inclusion in the mailing described in clause (i), any''; and

(ii) by striking the last sentence; and

(B) by adding at the end the following:

''(iv) The Secretary of Homeland Security shall conduct a background check of the National Crime Information Center's Protection Order Database on each petitioner for a visa under subsection (d) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184). Any appropriate information obtained from such background check—

''(I) shall accompany the criminal background information provided by the Secretary of Homeland Security to the Secretary of State and shared by the Secretary of State with a beneficiary of a petition referred to in clause (iii); and

''(II) shall not be used or disclosed for any other purpose unless expressly authorized by law.

''(v) The Secretary of Homeland Security shall create a cover sheet or other mechanism to accompany the information required to be provided to an applicant for a visa under subsection (d) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) by clauses (i) through (iv) of this paragraph or by clauses (i) and (ii) of subsection (r)(4)(B) of such section 214, that calls to the applicant's attention—

''(I) whether the petitioner disclosed a protection order, a restraining order, or criminal history information on the visa petition;

''(II) the criminal background information and information about any protection order obtained by the Secretary of Homeland Security

regarding the petitioner in the course of adjudicating the petition; and

''(III) whether the information the petitioner disclosed on the visa petition regarding any previous petitions filed under subsection (d) or (r) of such section 214 is consistent with the information in the multiple visa tracking database of the Department of Homeland Security, as described in subsection (r)(4)(A) of such section 214.''; and

(2) in subsection (b)(1)(A), by striking ''or'' after ''orders'' and inserting ''and''.

SEC. 808. REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) IMPLEMENTATION OF THE INTERNATIONAL MARRIAGE BROKER ACT OF 2005.—

(1) FINDINGS.—Congress finds the following:

(A) The International Marriage Broker Act of 2005 (subtitle D of Public Law 109–162; 119 Stat. 3066) has not been fully implemented with regard to investigating and prosecuting violations of the law, and for other purposes.

(B) Six years after Congress enacted the International Marriage Broker Act of 2005 to regulate the activities of the hundreds of for-profit international marriage brokers operating in the United States, the Attorney General has not determined which component of the Department of Justice will investigate and prosecute violations of such Act.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report that includes the following:

(A) The name of the component of the Department of Justice responsible for investigating and prosecuting violations of the International Marriage Broker Act of 2005 (subtitle D of Public Law 109–162; 119 Stat. 3066) and the amendments made by this Act.

(B) A description of the policies and procedures of the Attorney General for consultation with the Secretary of Homeland Security and the Secretary of State in investigating and prosecuting such violations.

(b) TECHNICAL CORRECTION.—Section 833(a)(2)(H) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(a)(2)(H)) is amended by striking ''Federal and State sex offender public registries'' and inserting ''the National Sex Offender Public Website''.

(c) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—Section 833(d) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(d)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) PROHIBITION ON MARKETING OF OR TO CHILDREN.—

''(A) IN GENERAL.—An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

''(B) COMPLIANCE.—To comply with the requirements of subparagraph (A), an international marriage broker shall—

''(i) obtain a valid copy of each foreign national client's birth certificate or other proof of age document issued by an appropriate government entity;

''(ii) indicate on such certificate or document the date it was received by the international marriage broker;

''(iii) retain the original of such certificate or document for 7 years after such date of receipt; and

''(iv) produce such certificate or document upon request to an appropriate authority charged with the enforcement of this paragraph.'';

(2) in paragraph (2)—

(A) in subparagraph (A)(i)—

(i) in the heading, by striking ''REGISTRIES.—'' and inserting ''WEBSITE.—''; and

(ii) by striking ''Registry or State sex offender public registry,'' and inserting ''Website,''; and

(B) in subparagraph (B)(ii), by striking ''or stalking.'' and inserting ''stalking, or an attempt to commit any such crime.'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''Registry, or of the relevant State sex offender public registry for any State not yet participating in the National Sex Offender Public Registry, in which the United States client has resided during the previous 20 years,'' and inserting ''Website''; and

(ii) in clause (iii)(II), by striking ''background information collected by the international marriage broker under paragraph (2)(B);'' and inserting ''signed certification and accompanying documentation or attestation regarding the background information collected under paragraph (2)(B);''; and

(B) by striking subparagraph (C);

(4) in paragraph (5)—

(A) in subparagraph (A)(ii), by striking ''A penalty may be imposed under clause (i) by the Attorney General only'' and inserting ''At the discretion of the Attorney General, a penalty may be imposed under clause (i) either by a Federal judge, or by the Attorney General'';

(B) by amending subparagraph (B) to read as follows:

''(B) FEDERAL CRIMINAL PENALTIES.—

''(i) FAILURE OF INTERNATIONAL MARRIAGE BROKERS TO COMPLY WITH OBLIGATIONS.—Except as provided in clause (ii), an international marriage broker that, in circumstances in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States—

''(I) except as provided in subclause (II), violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both; or

''(II) knowingly violates or attempts to violate paragraphs (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(ii) MISUSE OF INFORMATION.—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of a requirement under paragraph (2) or (3) for any purpose other than the disclosures required under paragraph (3) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(iii) FRAUDULENT FAILURES OF UNITED STATES CLIENTS TO MAKE REQUIRED SELF-DISCLOSURES.—A person who knowingly and with intent to defraud another person outside the United States in order to recruit, solicit, entice, or induce that other person into entering a dating or matrimonial relationship, makes false or fraudulent representations regarding the disclosures described in clause (i), (ii), (iii), or (iv) of subsection (d)(2)(B), including by failing to make any such disclosures, shall be fined in accordance with title 18, United States Code, imprisoned for not more than 1 year, or both.

''(iv) RELATIONSHIP TO OTHER PENALTIES.—The penalties provided in clauses (i), (ii), and (iii) are in addition to any other civil or criminal liability under Federal or State law to which a person may be subject for the misuse of information, including misuse to threaten, intimidate, or harass any individual.

''(v) CONSTRUCTION.—Nothing in this paragraph or paragraph (3) or (4) may be construed to prevent the disclosure of information to law enforcement or pursuant to a court order.''; and

(C) in subparagraph (C), by striking the period at the end and inserting ''including equitable remedies.'';

(5) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(6) by inserting after paragraph (5) the following:

''(6) ENFORCEMENT.—

''(A) AUTHORITY.—The Attorney General shall be responsible for the enforcement of the provisions of this section, including the prosecution of civil and criminal penalties provided for by this section.

''(B) CONSULTATION.—The Attorney General shall consult with the Director of the Office on Violence Against Women of the Department of Justice to develop policies and public education designed to promote enforcement of this section.''.

(d) GAO STUDY AND REPORT.—Section 833(f) of the International Marriage Broker Regulation Act of 2005 (8 U.S.C. 1375a(f)) is amended—

(1) in the subsection heading, by striking ''STUDY AND REPORT.—'' and inserting ''STUDIES AND REPORTS.—''; and

(2) by adding at the end the following:

''(4) CONTINUING IMPACT STUDY AND REPORT.—

''(A) STUDY.—The Comptroller General shall conduct a study on the continuing impact of the implementation of this section and of section of 214 of the Immigration and Nationality Act (8 U.S.C. 1184) on the process for granting K nonimmigrant visas, including specifically a study of the items described in subparagraphs (A) through (E) of paragraph (1).

''(B) REPORT.—Not later than 2 years after the date of the enactment of the Violence Against Women Reauthorization Act of 2011, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under subparagraph (A).

''(C) DATA COLLECTION.—The Attorney General, the Secretary of Homeland Security, and the Secretary of State shall collect and maintain the data necessary for the Comptroller General to conduct the study required by paragraph (1)(A).''.

SEC. 809. ELIGIBILITY OF CRIME AND TRAFFICKING VICTIMS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TO ADJUST STATUS.

Section 705(c) of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 48 U.S.C. 1806 note), is amended by striking ''except that,'' and all that follows through the end, and inserting the following: ''except that—

''(1) for the purpose of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) has abandoned or lost such status by reason of absence from the United States, such alien's presence in the Commonwealth, before, on or after November 28, 2009, shall be considered to be presence in the United States; and

''(2) for the purpose of determining whether an alien whose application for status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) was granted is subsequently eligible for adjustment under subsection (l) or (m) of section 245 of such Act (8 U.S.C. 1255), such alien's physical presence in the Commonwealth before, on, or after November 28, 2009, and subsequent to the grant of the application, shall be considered as equivalent to presence in the United States pursuant to a nonimmigrant admission in such status.''.

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

Section 2015(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended—

(1) in paragraph (2), by inserting ''sex trafficking,'' after ''sexual assault,'';

(2) in paragraph (4), by inserting ''sex trafficking,'' after ''sexual assault,'';

(3) in paragraph (5), by striking ''and stalking'' and all that follows and inserting ''sexual assault, sex trafficking, and stalking;'';

(4) in paragraph (7)—

(A) by inserting ''sex trafficking,'' after ''sexual assault,'' each place it appears; and

(B) by striking ''and'' at the end;

(5) in paragraph (8)—

(A) by inserting ''sex trafficking,'' after ''stalking,''; and

(B) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

''(9) provide services to address the needs of youth and children who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of youth and children exposed to domestic violence, dating violence, sexual assault, or stalking, including support for the nonabusing parent or the caretaker of the youth or child; and

''(10) develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.''.

SEC. 902. GRANTS TO INDIAN TRIBAL COALITIONS.

Section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by striking subsection (d) and inserting the following:

''(d) TRIBAL COALITION GRANTS.—

''(1) PURPOSE.—The Attorney General shall award a grant to tribal coalitions for purposes of—

''(A) increasing awareness of domestic violence and sexual assault against Indian women;

''(B) enhancing the response to violence against Indian women at the Federal, State, and tribal levels;

''(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence, including sex trafficking; and

''(D) assisting Indian tribes in developing and promoting State, local, and tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

''(2) GRANTS.—The Attorney General shall award grants on an annual basis under paragraph (1) to—

''(A) each tribal coalition that—

''(i) meets the criteria of a tribal coalition under section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

''(ii) is recognized by the Office on Violence Against Women; and

''(iii) provides services to Indian tribes; and

''(B) organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located but no tribal coalition exists.

''(3) USE OF AMOUNTS.—For each of fiscal years 2012 through 2016, of the amounts appropriated to carry out this subsection—

''(A) not more than 10 percent shall be made available to organizations described in paragraph (2)(B), provided that 1 or more organizations determined by the Attorney General to be qualified apply;

''(B) not less than 90 percent shall be made available to tribal coalitions described in paragraph (2)(A), which amounts shall be distributed equally among each eligible tribal coalition for the applicable fiscal year

''(4) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by a tribal coalition shall not preclude the tribal coalition from receiving additional grants under this title to carry out the purposes described in paragraph (1).

''(5) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this subsection prohibits any tribal coalition or organization described in paragraph (2) from applying for funding to address sexual assault or domestic violence needs in the same application.''.

SEC. 903. CONSULTATION.

Section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d) is amended—

(1) in subsection (a)—

(A) by striking ''and the Violence Against Women Act of 2000'' and inserting '', the Violence Against Women Act of 2000''; and

(B) by inserting '', and the Violence Against Women Reauthorization Act of 2011'' before the period at the end;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Secretary of the Department of Health and Human Services'' and inserting ''Secretary of Health and Human Services, the Secretary of the Interior,''; and

(B) in paragraph (2), by striking ''and stalking'' and inserting ''stalking, and sex trafficking''; and

(3) by adding at the end the following:

''(c) ANNUAL REPORT.—The Attorney General shall submit to Congress an annual report on the annual consultations required under subsection (a) that—

''(1) contains the recommendations made under subsection (b) by Indian tribes during the year covered by the report;

''(2) describes actions taken during the year covered by the report to respond to recommendations made under subsection (b) during the year or a previous year; and

''(3) describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations made under subsection (b).

''(d) NOTICE.—Not later than 120 days before the date of a consultation under subsection (a), the Attorney General shall notify tribal leaders of the date, time, and location of the consultation.''.

SEC. 904. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE.

Title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the ''Indian Civil Rights Act of 1968'') is amended by adding at the end the following:

''SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE.

''(a) DEFINITIONS.—In this section:

''(1) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

''(2) DOMESTIC VIOLENCE.—The term 'domestic violence' means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic- or family- violence laws of an Indian tribe that has jurisdiction over the Indian country where the violence occurs.

''(3) INDIAN COUNTRY.—The term 'Indian country' has the meaning given the term in section 1151 of title 18, United States Code.

''(4) PARTICIPATING TRIBE.—The term 'participating tribe' means an Indian tribe that elects to exercise special domestic violence criminal jurisdiction over the Indian country of that Indian tribe.

''(5) PROTECTION ORDER.—The term 'protection order'—

''(A) means any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and

''(B) includes any temporary or final order issued by a civil or criminal court, whether obtained by filing an independent action or as a pendent lite order in another proceeding, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

''(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION.—The term 'special domestic violence criminal jurisdiction' means the criminal jurisdiction that a participating tribe may exercise under this section but could not otherwise exercise.

''(7) SPOUSE OR INTIMATE PARTNER.—The term 'spouse or intimate partner' has the meaning given the term in section 2266 of title 18, United States Code.

''(b) NATURE OF THE CRIMINAL JURISDICTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed by sections 201 and 203, the powers of self-government of a participating tribe include the inherent power of that tribe, which is hereby recognized and affirmed, to exercise special domestic violence criminal jurisdiction over all persons.

''(2) CONCURRENT JURISDICTION.—The exercise of special domestic violence criminal jurisdiction by a participating tribe shall be concurrent with the jurisdiction of the United States, of a State, or of both.

''(3) APPLICABILITY.—Nothing in this section—

''(A) creates or eliminates any Federal or State criminal jurisdiction over Indian country;

''(B) affects the authority of the United States or any State government that has been delegated authority by the United States to investigate and prosecute a criminal violation in Indian country;

''(C) shall apply to an Indian tribe in the State of Alaska, except with respect to the Metlakatla Indian Community, Annette Islands Reserve; or

''(D) shall limit, alter, expand, or diminish the civil or criminal jurisdiction of the State of Alaska or any subdivision of the State of Alaska.

''(c) CRIMINAL CONDUCT.—A participating tribe may exercise special domestic violence criminal jurisdiction over a defendant for criminal conduct that falls into one or more of the following categories:

''(1) DOMESTIC VIOLENCE AND DATING VIOLENCE.—An act of domestic violence or dating violence that occurs in the Indian country of the participating tribe.

''(2) VIOLATIONS OF PROTECTION ORDERS.—An act that—

''(A) occurs in the Indian country of the participating tribe; and

''(B) violates the portion of a protection order that—

''(i) prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person;

''(ii) was issued against the defendant;

''(iii) is enforceable by the participating tribe; and

''(iv) is consistent with section 2265(b) of title 18, United States Code.

''(d) DISMISSAL OF CERTAIN CASES.—

''(1) DEFINITION OF VICTIM.—In this subsection and with respect to a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction based on a criminal violation of a protection order, the term 'victim' means a person specifically protected by a protection order that the defendant allegedly violated.

''(2) NON-INDIAN VICTIMS AND DEFENDANTS.—In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the case shall be dismissed if—

''(A) the defendant files a pretrial motion to dismiss on the grounds that the alleged offense did not involve an Indian; and

''(B) the participating tribe fails to prove that the defendant or an alleged victim is an Indian.

''(3) TIES TO INDIAN TRIBE.—In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the case shall be dismissed if—

''(A) the defendant files a pretrial motion to dismiss on the grounds that the defendant and the alleged victim lack sufficient ties to the Indian tribe; and

''(B) the prosecuting tribe fails to prove that the defendant or an alleged victim—

''(i) resides in the Indian country of the participating tribe;

''(ii) is employed in the Indian country of the participating tribe; or

''(iii) is a spouse or intimate partner of a member of the participating tribe.

''(4) WAIVER.—A knowing and voluntary failure of a defendant to file a pretrial motion described in paragraph (2) or (3) shall be considered a waiver of the right to seek a dismissal under this subsection.

''(e) RIGHTS OF DEFENDANTS.—In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the participating tribe shall provide to the defendant—

''(1) all applicable rights under this Act;

''(2) if a term of imprisonment of any length is imposed, all rights described in section 202(c); and

''(3) all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise special domestic violence criminal jurisdiction over the defendant.

''(f) PETITIONS TO STAY DETENTION.—

''(1) IN GENERAL.—A person has filed a petition for a writ of habeas corpus in a court of the United States under section 203 may petition that court to stay further detention of that person by the participating tribe.

''(2) GRANT OF STAY.—A court shall grant a stay described in paragraph (1) if the court—

''(A) finds that there is a substantial likelihood that the habeas corpus petition will be granted; and

''(B) after giving each alleged victim in the matter an opportunity to be heard, finds by clear and convincing evidence that under conditions imposed by the court, the petitioner is not likely to flee or pose a danger to any person or the community if released.

''(g) GRANTS TO TRIBAL GOVERNMENTS.—The Attorney General may award grants to the governments of Indian tribes (or to authorized designees of those governments)—

''(1) to strengthen tribal criminal justice systems to assist Indian tribes in exercising special domestic violence criminal jurisdiction, including—

''(A) law enforcement (including the capacity of law enforcement or court personnel to enter information into and obtain information from national crime information databases);

''(B) prosecution;

''(C) trial and appellate courts;

''(D) probation systems;

''(E) detention and correctional facilities;

''(F) alternative rehabilitation centers;

''(G) culturally appropriate services and assistance for victims and their families; and

''(H) criminal codes and rules of criminal procedure, appellate procedure, and evidence;

''(2) to provide indigent criminal defendants with the effective assistance of licensed defense counsel, at no cost to the defendant, in criminal proceedings in which a participating tribe prosecutes a crime of domestic violence or dating violence or a criminal violation of a protection order;

''(3) to ensure that, in criminal proceedings in which a participating tribe exercises special domestic violence criminal jurisdiction, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and

''(4) to accord victims of domestic violence, dating violence, and violations of protection orders rights that are similar to the rights of a crime victim described in section 3771(a) of title 18, United States Code, consistent with tribal law and custom.

''(h) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under this section shall supplement and not supplant any other Federal, State, tribal, or local government amounts made available to carry out activities described in this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2012 through 2016 to carry out subsection (g) and to provide training, technical assistance, data collection, and evaluation of the criminal justice systems of participating tribes..''.

SEC. 905. TRIBAL PROTECTION ORDERS.

Section 2265 of title 18, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) TRIBAL COURT JURISDICTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe.

''(2) APPLICABILITY.—Paragraph (1)—

''(A) shall not apply to an Indian tribe in the State of Alaska, except with respect to the Metlakatla Indian Community, Annette Islands Reserve; and

''(B) shall not limit, alter, expand, or diminish the civil or criminal jurisdiction of the State of Alaska or any subdivision of the State of Alaska.''.

SEC. 906. AMENDMENTS TO THE FEDERAL ASSAULT STATUTE.

(a) IN GENERAL.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) Assault with intent to commit murder or a violation of section 2241 or 2242, by a fine under this title, imprisonment for not more than 20 years, or both.'';

(B) in paragraph (2), by striking ''felony under chapter 109A'' and inserting ''violation of section 2241 or 2242'';

(C) in paragraph (3) by striking ''and without just cause or excuse,'';

(D) in paragraph (4), by striking ''six months'' and inserting ''1 year'';

(E) in paragraph (7)—

(i) by striking ''substantial bodily injury to an individual who has not attained the age of 16 years'' and inserting ''substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years''; and

(ii) by striking ''fine'' and inserting ''a fine''; and

(F) by adding at the end the following:

''(8) Assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate, by a fine under this title, imprisonment for not more than 10 years, or both.''; and

(2) in subsection (b)—

(A) by striking ''(b) As used in this subsection—'' and inserting the following:

''(b) DEFINITIONS.—In this section—'';

(B) in paragraph (1)(B), by striking ''and'' at the end;

(C) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(3) the terms 'dating partner' and 'spouse or intimate partner' have the meanings given those terms in section 2266;

''(4) the term 'strangling' means intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim; and

''(5) the term 'suffocating' means intentionally, knowingly, or recklessly impeding the normal breathing of a person by covering the mouth of the person, the nose of the person, or both, regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim.''.

(b) INDIAN MAJOR CRIMES.—Section 1153(a) of title 18, United States Code, is amended by striking ''assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title)'' and inserting ''a felony assault under section 113''.

(c) REPEAT OFFENDERS.—Section 2265A(b)(1)(B) of title 18, United States Code, is amended by inserting ''or tribal'' after ''State''.

SEC. 907. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) IN GENERAL.—Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note) is amended—

(1) in paragraph (1)—

(A) by striking ''The National'' and inserting ''Not later than 2 years after the date of enactment of the Violence Against Women Reauthorization Act of 2011, the National''; and

(B) by inserting ''and in Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))'' before the period at the end;

(2) in paragraph (2)(A)—

(A) in clause (iv), by striking ''and'' at the end;

(B) in clause (v), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vi) sex trafficking.'';

(3) in paragraph (4), by striking ''this Act'' and inserting ''the Violence Against Women Reauthorization Act of 2011''; and

(4) in paragraph (5), by striking ''this section $1,000,000 for each of fiscal years 2007 and 2008'' and inserting ''this subsection $1,000,000 for each of fiscal years 2012 and 2013''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 905(b)(2) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note) is amended by striking ''fiscal years 2007 through 2011'' and inserting ''fiscal years 2012 through 2016''.

SEC. 908. EFFECTIVE DATES; PILOT PROJECT.

(a) GENERAL EFFECTIVE DATE.—Except as provided in section 4 and subsection (b) of this section, the amendments made by this title shall take effect on the date of enactment of this Act.

(b) EFFECTIVE DATE FOR SPECIAL DOMESTIC-VIOLENCE CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (b) through (e) of section 204 of Public Law 90–284 (as added by section 904) shall take effect on the date that is 2 years after the date of enactment of this Act.

(2) PILOT PROJECT.—

(A) IN GENERAL.—At any time during the 2-year period beginning on the date of enactment of this Act, an Indian tribe may ask the Attorney General to designate the tribe as a participating tribe under section 204(a) of Public Law 90–284 on an accelerated basis.

(B) PROCEDURE.—The Attorney General may grant a request under subparagraph (A) after coordinating with the Secretary of the Interior, consulting with affected Indian tribes, and concluding that the criminal justice system of the requesting tribe has adequate safeguards in place to protect defendants' rights, consistent with section 204 of Public Law 90–284.

(C) EFFECTIVE DATES FOR PILOT PROJECTS.—An Indian tribe designated as a participating

tribe under this paragraph may commence exercising special domestic violence criminal jurisdiction pursuant to subsections (b) through (e) of section 204 of Public Law 90–284 on a date established by the Attorney General, after consultation with that Indian tribe, but in no event later than the date that is 2 years after the date of enactment of this Act.

SEC. 909. INDIAN LAW AND ORDER COMMISSION.

(a) IN GENERAL.—Section 15(f) of the Indian Law Enforcement Reform Act (25 U.S.C. 2812(f)) is amended by striking ''2 years'' and inserting ''3 years''.

(b) REPORT.—The Attorney General, in consultation with the Attorney General of the State of Alaska, the Commissioner of Public Safety of the State of Alaska, the Alaska Federation of Natives and Federally recognized Indian tribes in the State of Alaska, shall report to Congress not later than one year after enactment of this Act with respect to whether the Alaska Rural Justice and Law Enforcement Commission established under Section 112(a)(1) of the Consolidated Appropriations Act, 2004 should be continued and appropriations authorized for the continued work of the commission. The report may contain recommendations for legislation with respect to the scope of work and composition of the commission.

TITLE X—OTHER MATTERS

SEC. 1001. CRIMINAL PROVISIONS RELATING TO SEXUAL ABUSE.

(a) SEXUAL ABUSE OF A MINOR OR WARD.—Section 2243(b) of title 18, United States Code, is amended to read as follows:

''(b) OF A WARD.—

''(1) OFFENSES.—

''(A) IN GENERAL.—It shall be unlawful for any person to knowingly engage, or knowingly attempt to engage, in a sexual act with another person who is—

''(i) in official detention or under official supervision or other official control of, the United States—

''(I) during or after arrest;

''(II) after release pretrial;

''(III) while on bail, probation, supervised release, or parole;

''(IV) after release following a finding of juvenile delinquency; or

''(V) after release pending any further judicial proceedings;

''(ii) under the professional custodial, supervisory, or disciplinary control or authority of the person engaging or attempting to engage in the sexual act; and

''(iii) at the time of the sexual act—

''(I) in the special maritime and territorial jurisdiction of the United States;

''(II) in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of, or pursuant to a contract or agreement with, the United States; or

''(III) under supervision or other control by the United States, or by direction of, or pursuant to a contract or agreement with, the United States.

''(B) SEXUAL CONTACT.—It shall be unlawful for any person to knowingly engage in sexual contact with, or cause sexual contact by, another person, if to do so would violate subparagraph (A) had the sexual contact been a sexual act.

''(2) PENALTIES.—

''(A) IN GENERAL.—A person that violates paragraph (1)(A) shall—

''(i) be fined under this title, imprisoned for not more than 15 years, or both; and

''(ii) if, in the course of committing the violation of paragraph (1), the person engages in conduct that would constitute an offense under section 2241 or 2242 if committed in the special maritime and territorial jurisdiction of the United States, be subject to the penalties provided for under section 2241 or 2242, respectively.

''(B) SEXUAL CONTACT.—A person that violates paragraph (1)(B) shall be fined under this title, imprisoned for not more than 2 years, or both.''.

(b) PENALTIES FOR SEXUAL ABUSE.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§ 250. Penalties for sexual abuse

''(a) OFFENSE.—It shall be unlawful for any person, in the course of committing an offense under this chapter or under section 901 of the Fair Housing Act (42 U.S.C. 3631) to engage in conduct that would constitute an offense under chapter 109A if committed in the special maritime and territorial jurisdiction of the United States.

''(b) PENALTIES.—A person that violates subsection (a) shall be subject to the penalties under the provision of chapter 109A that would have been violated if the conduct was committed in the special maritime and territorial jurisdiction of the United States, unless a greater penalty is otherwise authorized by law.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''250. Penalties for sexual abuse.''.

SEC. 1002. SEXUAL ABUSE IN CUSTODIAL SETTINGS.

(a) SUITS BY PRISONERS.—Section 7(e) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(e)) is amended by inserting before the period at the end the following: ''or the commission of a sexual act (as defined in section 2246 of title 18, United States Code)''.

(b) UNITED STATES AS DEFENDANT.—Section 1346(b)(2) of title 28, United States Code, is amended by inserting before the period at the end the following: ''or the commission of a sexual act (as defined in section 2246 of title 18)''.

(c) ADOPTION AND EFFECT OF NATIONAL STANDARDS.—Section 8 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) APPLICABILITY TO DETENTION FACILITIES OPERATED BY THE DEPARTMENT OF HOMELAND SECURITY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act of 2011, the Secretary of Homeland Security shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of aliens detained for a violation of the immigrations laws of the United States.

''(2) APPLICABILITY.—The standards adopted under paragraph (1) shall apply to detention facilities operated by the Department of Homeland Security and to detention facilities operated under contract with the Department.

''(3) COMPLIANCE.—The Secretary of Homeland Security shall—

''(A) assess compliance with the standards adopted under paragraph (1) on a regular basis; and

''(B) include the results of the assessments in performance evaluations of facilities completed by the Department of Homeland Security.

''(4) CONSIDERATIONS.—In adopting standards under paragraph (1), the Secretary of Homeland Security shall give due consideration to the recommended national standards provided by the Commission under section 7(e).

''(5) DEFINITION.—As used in this section, the term 'detention facilities operated under contract with the Department' includes, but is not limited to contract detention facilities and detention facilities operated through an intergovernmental service agreement with the Department of Homeland Security.

''(d) APPLICABILITY TO CUSTODIAL FACILITIES OPERATED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Reauthorization Act of 2011, the Secretary of Health and Human Services shall publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).

''(2) APPLICABILITY.—The standards adopted under paragraph (1) shall apply to facilities operated by the Department of Health and Human Services and to facilities operated under contract with the Department.

''(3) COMPLIANCE.—The Secretary of Health and Human Services shall—

''(A) assess compliance with the standards adopted under paragraph (1) on a regular basis; and

''(B) include the results of the assessments in performance evaluations of facilities completed by the Department of Health and Human Services.

''(4) CONSIDERATIONS.—In adopting standards under paragraph (1), the Secretary of Health and Human Services shall give due consideration to the recommended national standards provided by the Commission under section 7(e).''.

SEC. 1003. ANONYMOUS ONLINE HARASSMENT.

Section 223(a)(1) of the Telecommunications Act of 1934 (47 U.S.C. 223(a)(1)) is amended—

(1) in subparagraph (A), in the undesignated matter following clause (ii), by striking ''annoy,'';

(2) in subparagraph (C)—

(A) by striking ''annoy,''; and

(B) by striking ''harass any person at the called number or who receives the communication'' and inserting ''harass any specific person''; and

(3) in subparagraph (E), by striking ''harass any person at the called number or who receives the communication'' and inserting ''harass any specific person''.

SEC. 1004. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended by striking ''$3,000,000'' and all that follows and inserting ''$3,000,000 for fiscal years 2012 through 2016.''.

SEC. 1005. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1910) is amended by striking ''fiscal years 2007 through 2011'' and inserting ''fiscal years 2012 through 2016''.

SEC. 1006. CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS REAUTHORIZATION.

Subtitle C of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended in subsection (a) by striking ''$2,300,000'' and all that follows and inserting ''$2,300,000 for each of fiscal years 2012 through 2016.''.

SEC. 1007. MANDATORY MINIMUM SENTENCE.

Section 2241(a) of title 18, United States Code, is amended in the undesignated matter following paragraph (2), by striking ''any term of years or life'' and inserting ''not less than 5 years or imprisoned for life''.

SEC. 1008. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(F)) is amended by striking ''for which the term of imprisonment'' and inserting '', including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State or Federal law, for which the term of imprisonment is''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased that we are able to move directly to the legislation without a cloture vote.

The Violence Against Women Reauthorization Act is a bipartisan bill. It has 61 cosponsors. I was encouraged yesterday morning to hear the majority leader and the Republican leader discussing moving forward quickly to pass this legislation.

I agree with the majority leader. I don't want to see the bill weakened. I agree with the Republican leader that there is strong bipartisan support for the Leahy-Crapo bill. I look forward to working out an agreement. I have spoken to both of them and told them I will support an agreement that will allow us to consider, and expeditiously approve, the bill in short order. Of course, I will be happy to help in any way I can to facilitate that.

The bipartisan Violence Against Women Act has been the centerpiece of the Federal Government's commitment to combat domestic violence, dating violence, sexual assault, and stalking. The impact of the landmark law has been remarkable. It is one law I can point to and say that it has provided life-saving assistance to hundreds of thousands of women, children, and men.

At a time when we can sometimes be polarized around here, I appreciate the bipartisan support of this bill.

Senator CRAPO and I introduced the reauthorization of the Violence Against Women Act last year. We come from different parts of the country. We come from different parties. We, I think it is safe to say, come from different political philosophies. But we agreed that we all have to work to stop violence against women. In fact, we didn't move forward to do so at all until it had a lot of discussion both with the staff of the ranking member and other Republicans on the Judiciary Committee. We did our best to try to accommodate all points of view.

We continued our outreach after the introduction of the bill, in the hearings and in the committee process. The amendment the Judiciary Committee adopted on February 2 included several additional changes requested by Republican Senators. I made sure they were in there. They are outlined in the committee report.

We eliminated several provisions that would have offered significant assistance to immigrant victims of domestic and sexual violence. It was difficult to remove these provisions, but we earnestly sought compromise, and I was encouraged when in our committee meetings Senator GRASSLEY acknowledged our efforts to reach agreement where we could.

I said then and I now say that we were willing to go as far as we could to accommodate Senators on either side of the aisle. But as chairman of the Judiciary Committee, I cannot abandon core principles of fairness, and I will not. I continue to urge all Senators to join to protect the most vulnerable victims of violence, including battered immigrant women, assisting law enforcement, Native American women who suffer in record numbers, and those who have had trouble accessing services.

I have said so many times on this floor that a victim is a victim is a victim. They all need to be helped. They deserve our attention. They deserve the protection and access to the services our bill provides.

We now have 61 cosponsors, including 8 Republicans; 16 of the 17 women in the Senate, from both parties, have joined as cosponsors. They have been strong supporters from the start, and the bill is better because of their efforts.

There is one purpose, and one purpose alone, for the bill that Senator CRAPO and I have introduced: to help protect victims of domestic and sexual violence. That purpose is reinforced as we turn to this bill during Crime Victims' Rights Week and Sexual Assault Awareness Month.

Our bill is based on months of work with survivors, advocates, and law enforcement officers from all across the country—and I must say from all political persuasions, from the right to the left. the bipartisan bill was developed in an open and democratic process, and it is responsive to the unmet needs of victims.

The New York Times had a column by Dorothy Samuels last Sunday that got it right. She wrote:

> [T]he provisions respond to real humanitarian and law enforcement needs.

When Senator CRAPO and I worked to put this legislation together, we purposely avoided proposals that were extreme or divisive on either the right or the left. We selected only those proposals that law enforcement and survivors and the professionals who work with crime victims every day told us were essential. We did not go for somebody who didn't have firsthand experience. We asked the people who actually have to make the law work. That is actually why every one of these provisions has such widespread support.

In fact, our reauthorization bill is supported by more than 1,000 Federal, State, and local organizations, and they include service providers, law enforcement, religious organizations, and many more.

We have done a good job on the domestic violence front, so sexual assault is where we need to increase our focus. That is what the bill does. The administration is fully onboard, and I welcome their statement of support.

We have to pass this legislation. We have to pass this provision to focus on sexual assault. I think of the advocates in my State of Vermont who work not only in the cities but especially in the rural areas. Mr. President, it is not just those of us from small States; every single State has rural areas. The distinguished Presiding Officer does, the distinguished majority leader does, the distinguished Republican leader does. We all have rural areas.

I think of Karen Tronsgard-Scott of the Vermont Network to End Domestic and Sexual Violence and Jane Van Buren with Women Helping Battered Women. They have helped us put this together. I appreciate the guidance from all across the Nation from such organizations as the National Network to End Domestic Violence, the National Alliance to End Sexual Violence, the National Task Force to End Sexual and Domestic Violence Against Women. The coalition has been maintained and has been valuable in these efforts. It is working with them that we were able to adjust the allocation of funds to increase needed funding for sexual assault efforts, and do it without harming the other coordinated efforts.

We reached our understanding in working with them, not by picking a number out of a hat or trying to outbid some proposal. It wasn't there. Everybody worked together. We only have so many dollars. We tried to do it and use the money where it works the best.

The provision ensuring that services will be available to all victims regardless of sexual orientation and gender identity is supported by the Leadership Conference of Civil Rights and numerous civil rights and crime victim advocates. I was pleased to see a letter from Cindy Dyer, President Bush's Director of the Office of Violence Against Women, in which she writes:

> As criminal justice professionals, our job is to protect the community, but we are not able to do that unless all the tools necessary . . . are available to all victims of crime.

Of course, she is right. A victim is a victim is a victim.

Mr. President, when I was the State's attorney, I went to crime scenes at 3 o'clock in the morning and there was a battered and bloody victim—we hoped alive, but sometimes not. The police never said: Is this victim a Democrat or a Republican? Is this victim gay or straight? Is this victim an immigrant? Is this victim native born?

They said: This is a victim. How do we find the person who did this and stop them from doing it again? A victim is a victim is a victim. Everybody in law enforcement will tell you that.

Because of that, we added a limited number of new visas for immigrant victims of serious crimes who help law enforcement, which is backed only by the immigrants' rights organizations, as one might expect, but it is backed by the Fraternal Order of Police which writes that ''the expansion of the U visa program will provide incalculable benefits to our citizens and our communities at a negligible cost.'' My friends in law enforcement are right, as they so often are.

On Tuesday, in an editorial in our local paper, the Washington Post urged passage of our bipartisan bill, noting:

A comprehensive committee report convincingly details gaps in current programs as identified by law enforcement officers, victim-service providers, judges and health-care professions. No one—gay or straight, man or woman, legal or undocumented—should be denied protections against domestic abuse or sexual violence.

Mr. President, I agree with that editorial because what it says is what we have said over and over on this floor—a victim is a victim is a victim. If you are a victim, you should have somebody ready to help.

They are improvements that are not only reasonable but necessary if we are to fulfill our commitment to victims of domestic and sexual violence. If we say you are a victim of domestic or sexual violence, we can't pick and choose to say this victim will be helped but this one is going to be left on their own. We say we are going to help all of them. A victim is a victim is a victim.

I believe that if Senators of both parties take an honest look at all the provisions in our bipartisan VAWA reauthorization bill, they will find it to be a commonsense measure we can all support. This isn't a Democratic or a Republican measure, this is a good-government measure. This protects the people in our society who sadly need protection. Sixty-one Senators have already reached this conclusion from both parties, so I hope more will join us. I hope the Senate will promptly pass the Leahy-Crapo Violence Against Women Reauthorization Act.

Mr. President, I was going to suggest the absence of a quorum, but I see the distinguished Senator from Texas in the Chamber, so I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to talk about the Violence Against Women Act. Senator LEAHY, the distinguished chairman of the Judiciary Committee, has a bill that has many good parts, and I was listening to the things he said about it and agree with many of them. Because there are some areas of disagreement, I have worked with many of my colleagues to create a substitute that has the same coverage but is better in other ways also. So I hope we will have the ability to look at both and that from that we would be able to pass a bill out of the Senate to address the violence against women we see in our country.

Our bill, as Senator LEAHY's bill does, actually covers men, who we know now are also subject to this kind of violence. So our bill covers men who have suffered the same kinds of victimization as women and whom we covered 16 years ago.

I would like to point out that I have been championing this issue for a very long time. When I was in the Texas Legislature, I learned there were serious problems in the reporting and prosecution of rape in our country. The State statute in Texas in the early 1970s discouraged reporting because of embarrassment to the victim and the difficulty of obtaining convictions because victims were not willing to come forward and report rapes because they felt they were treated like a criminal sometimes. If they actually did report it and agree to help the prosecution, their treatment on the witness stand was so humiliating they often gave up. So the reports of rape were often not made. This was true in Texas, but it was true throughout our country.

I worked with Democratic members in our legislature and led the effort to strengthen victim protection in this area, and it included limiting irrelevant questions asked by law enforcement officials and attorneys and redefining the meaning of consent, all of which enhanced the privacy rights of our victims. We created a statute of limitations that was more in line with other crimes of assault and battery.

Our bill was so good when it passed in 1975 that it became a model for other States that were passing legislation. So this was the beginning of the effort to do just that. It was the model bill many States looked at to adapt and adopt in their States to protect the victims of violent crimes in our country.

In the Senate, it was my bill that created the Amber Alert system that would go across State lines. I worked with Senator FEINSTEIN on that bill, and our bill has saved 550 abducted children. That has been documented. So we have been able to do some things on a bipartisan basis. I have also strongly supported the National Domestic Violence Hotline, and stalking across State lines was also in my bill. So I have been in this effort for a long time.

Of course, 16 years ago when the Violence Against Women Act first passed, we did so unanimously, on a voice vote. Everyone supported it. We now have to renew this bill yet again, and I hope we are going to come together tomorrow to pass it.

I am going to support Senator LEAHY's bill. I like many parts of it. I also think we can improve it in the areas I have included in my substitute, and I hope we will be able to pass that as well. Our bill keeps much of the committee-reported bill intact. For instance, I am cosponsoring Senator KLOBUCHAR's bill to take the stalking bill I passed originally into cyber stalking because that was not a problem when we first passed the Violence Against Women Act but is a problem today.

The current legislation I am going to introduce will update and strengthen current law and fix some weaknesses that I think are in Senator LEAHY's bill. Our bill updates current law by mandating tougher sentences for violent crimes, increasing support for sexual assault investigations and rape kit testing, and requiring more effective Justice Department oversight of grant programs to ensure scarce funds aren't wasted. This was done as a result of the IG in the Justice Department saying there was not enough oversight and not enough auditing of the grants to ensure they go to the victims and victims' rights organizations for which they are intended. Our bill is one I certainly hope we will be able to pass.

One of the trends—and not a good trend—in this country right now is the downward curve of sentences handed out in Federal courts for child pornography. The most recent report to Congress from the U.S. Sentencing Commission notes that child pornography defendants are being sentenced to terms below Federal sentencing guidelines in 45 percent of the cases. Almost half of these defendants are receiving less than the recommended sentences. In one particularly egregious instance, a man was convicted of knowingly possessing hundreds of child pornography pictures and videos of 8- to-10-year-old girls being abused. I can hardly even talk about that, but even worse, the sentencing guidelines called for this man to receive 63 to 78 months of imprisonment, yet he was sentenced to 1 day in prison. That is ridiculous. It is obscene in and of itself.

Our bill would impose a mandatory minimum sentence of 1 year in these cases. If I could have written this bill by myself, it would have been more. So a minimum of 1 year for child pornography showing 8- to-10-year-old girls being violated. That is hard to talk about, and we need to do something about it. Our substitute does create a minimum sentence for this type of violation.

We have many other provisions in our bill that are very strong. My substitute is one I think we can put together with Senator LEAHY's bill when we go to conference. I know the House is going to pass a bill. They are introducing their own. We will go to conference on this bill, and we will come out with a good bill if everyone will cooperate because we are on the same path.

I think our bill is a good and solid one. I am looking forward to talking about it tomorrow, having a vote, and I hope we will be able to go forward with the sincerity I think everyone has on this issue.

I think Senator CORNYN has a wonderful amendment that will also increase getting rid of the backlog in the rape testing kits so that people who are guilty of these crimes can be found through the testing and stopped from committing future crimes on victims. That is the purpose. So Senator CORNYN and I hope to be able to have our amendments brought forward tomorrow—two amendments—and with Senator LEAHY's bill, we can pass this and send it to the House.

Something is going to pass the Senate, and I hope we will just have a minimum ability to move on our very respectable alternatives or amendments and then go to conference, where we can come out with a bill that extends this very important act in our country.

Mr. President, I have four letters of support for our bill. One letter is from a rape prevention and victim protection group. The PROTECT group says

their support is for strengthening Federal sentencing of child sexual exploitation. The Shared Hope International organization is very supportive of the parts of our bill that have gotten into the international realm of trafficking. The Rape Abuse & Incest National Network, which is the largest rape victim organization in America, has written a very strong letter of support, as has the Criminal Justice Legal Foundation.

I hope we will be able to talk again tomorrow about these pieces of legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the four letters to which I referred.

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

PROTECT,
Knoxville, TN, April 23, 2012.

Hon. CHUCK GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: We are writing to enthusiastically endorse your legislation to strengthen federal sentencing of child sexual exploitation.

Your proposed amendments to 18 U.S.C. 2252 and 2252A would create a mandatory minimum sentence of incarceration for any offender who possesses child abuse images of ''a prepubescent minor or a minor who had not attained 12 years of age.''

The Grassley bill stands squarely in the way of a growing movement by federal judges to weaken sentences for child pornography crimes. This judicial movement, given credence and momentum by the U.S. Sentencing Commission, would treat so-called ''simple possession'' as a victimless crime.

This outrageous judicial campaign leaves Congress no choice. With its aggressive criticism of child pornography penalties, the U.S. Sentencing Commission has shot across your bow. We cheer you for returning fire! The federal judiciary must hear loudly and clearly that the values of Americans demand that sexual exploitation be treated as a serious crime.

For the record, we hope to see even more Congressional action, strengthening protections for older children and meaningful restitution and asset forfeiture as well. Your bill is a reasonable but tough step to shore up and strengthen sentencing of child predators.

Never let the apologists for child pornography traffickers deny the pain and harm done by possessors of these images. These are human rights crimes, and should be treated as such. So-called ''simple possessors'' fuel the market for more and more crime scene recordings of children being raped, tortured and degraded. Even those who don't pay for the images they acquire create a crushing market demand for barter and production. Thank you for standing up for these victims.

Sincerely,

GRIER WEEKS,
Executive Director.

SHARED HOPE INTERNATIONAL,
April 24, 2012.

Sen. KAY BAILEY HUTCHISON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HUTCHISON: Shared Hope International supports your proposed VAWA Reauthorization bill. On October 21, 2009, the House Foreign Affairs Subcommittee on International Organizations, Human Rights and Oversight held a hearing on international violence against women at which I testified to the connections between sexual violence against children and women, and the need to view the sex trafficking occurring in the U.S. as part of the widespread crime of international violence against women. We view the inclusion of provisions related to mandatory minimum sentences for possession of pornography when the victim is under 12 and the expansion of the administrative subpoena power for the U.S. Marshals to track unregistered sex offenders as efforts to protect children who are subject to violence through sex trafficking. These provisions bring greater criminal enforcement and deterrence to child sex trafficking crimes. Child pornography is one form of child sex trafficking and is too often intertwined with the other forms of sexual exploitation, which include prostitution and sexual performance. Stiffer penalties will bring greater deterrence and justice for the victims. Prevention of child sex trafficking includes empowering families and communities with the knowledge of the location of sex offenders. Those offenders who fail to register circumvent the purpose of this law. Tools to increase the ability of the U.S. Marshals to track these unregistered sex offenders is important to enforcement of this law.

We commend your leadership in combating child sex trafficking by viewing it as part of the overall violence against women issue and fully support your efforts. Please contact me with any questions and thank you for considering our views on this bill.

Sincerely,

LINDA SMITH,
(U.S. Congress 1995–99, Washington State Senate/House 1983–94), Founder and President.

RAPE, ABUSE & INCEST NATIONAL NETWORK,
Washington, DC, April 24, 2012.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: I am writing to thank you for including the Sexual Assault Forensic Evidence Registry (SAFER) Act in S. 2338, to reauthorize the Violence Against Women Act. The SAFER Act is bipartisan and cost-free, and will help bring more rapists to justice by reducing the rape kit backlog. It is our hope that it will be included as part of the final VAWA reauthorization package.

One out of every six women and one in 33 men are victims of sexual assault—20 million Americans in all, according to the Department of Justice. Rapists tend to be serial criminals, often committing many crimes before they are finally caught; and only about 3% of rapists will ever spend a single day in prison.

We believe it is in the best interests of victims, the criminal justice system, and all Americans to enact the SAFER Act. The SAFER Act will help get an accurate count of the rape kit backlog on a national level, increasing transparency and efficiency and allowing lawmakers to target funding to the areas of greatest need. An accurate count of the backlog will lead to more successful prosecutions, and to more violent criminals behind bars.

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual assault organization. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and rainn.org), which has helped more than 1.7 million people since 1994. RAINN also carries out programs to prevent sexual assault, help victims, and ensure that rapists are brought to justice. For more information about RAINN, please visit www.rainn.org.

Thank you again for including the SAFER Act in S. 2338. We believe SAFER will greatly enhance VAWA and result in a stronger, more effective bill. We are grateful for your leadership in the battle to prevent sexual violence and prosecute its perpetrators, and we look forward to working with you to encourage passage of this important act and to reauthorize VAWA.

Sincerely,

SCOTT BERKOWITZ,
President and Founder.

CRIMINAL JUSTICE LEGAL FOUNDATION,
Sacramento, CA, April 19, 2012.

Re: S. 1925, Violence Against Women Reauthorization

Hon. CHARLES GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: the Criminal Justice Legal Foundation, an organization supporting the rights of victims of crime in the criminal justice system, supports your efforts to establish a minimum sentence for the crime of aggravated sexual abuse when committed within federal jurisdiction.

The present statute provides that a person who commits this crime, more commonly described as forcible rape, ''shall be fined . . ., imprisoned for any term of years or life, or both.'' (18 U.S.C. §2241(a).) Sentencing laws with such an enormous range of punishments are relics of a bygone era. At one time, it was thought proper to give the trial judge such wide latitude, but the disparate sentences under this system were eventually understood to outweigh the advantages.

In the Sentencing Reform Act of 1984, a bipartisan reform sponsored by Senators Kennedy and Thurmond, the wide-ranging sentences in the statutes were overlaid, and largely replaced, by a set of binding sentencing guidelines. From 1984 to 2005, a good argument against adding statutory mandatory minimums was that they were unnecessary in a properly functioning system of binding guidelines.

Unfortunately, Congress's chosen mechanism for reducing sentencing disparity was declared unconstitutional by the Supreme Court in *Booker* v. *United States*, 543 U.S. 220 (2005). In its place, we have a confusing, one might even say chaotic, system of discretion in the trial court and review in the courts of appeals.

Mr. HATCH. Mr. President, this body has a long tradition of bipartisan support for the Violence Against Women Act. One of the bills before us will continue that tradition. The other will destroy it. The bill introduced by the Senator from Texas, Mrs. HUTCHISON, stays true to the purpose and scope of the legislation that in the past received wide bipartisan support. The other bill introduced by the Senator from Vermont, Mr. LEAHY, deliberately departs from that purpose and scope and introduces divisive and controversial new provisions that, I believe, are designed to shatter that bipartisan support.

The purpose of the Violence Against Women Act is to combat violence against women. The description of the Office on Violence Against Women, currently on the Department of Justice Web site, states the same thing a half dozen times: that this legislation is designed to end violence against women.

The steadily growing bipartisan consensus behind this legislation has made it more important and more effective.

Senator LEAHY's bill, S. 1925, undermines the consensus that has been growing for two decades by introducing controversial and divisive proposals that fundamentally change the focus and scope of this legislation. If those proposals have merit, they should receive their own separate consideration with appropriate legislation introduced and hearings held. But it is inappropriate to use the Violence Against Women Act and the good will that it has attracted as cover for those new and divisive projects.

I support Senator HUTCHISON's bill both for what it contains and what it does not contain. First, it provides stronger penalties for crimes such as forcible rape, aggravated sexual assault, child pornography, and interstate domestic violence resulting in death. The Leahy bill is weaker than Senator HUTCHISON's when it comes to addressing these crimes, and in some instances it does not address them at all. Second, it targets more grant funding to address sexual assault and requires far more funding be used to reduce the backlog in testing rape kits. Third, it requires an audit of the Office for Victims of Crime to ensure that funds from the Crime Victims Fund are reaching those it exists to help. Forth, it addresses problems with inadequate oversight and administration by requiring that 10 percent of grantees be audited each year and by capping the percentage of appropriated funds that may be used for administrative costs.

Senator HUTCHISON's bill does not contain the controversial and divisive provisions that the majority insisted on including. It does not, for example, authorize unused U visas from previous years to be used in the future. This provision in the majority's bill led the Congressional Budget Office to conclude that it will add more than $100 million to the deficit. The Hutchison bill does not extend Indian tribal court criminal jurisdiction to non-Indians. A Congressional Research Service memo outlines a number of constitutional concerns regarding this provision in the majority bill.

Let me conclude by expressing both my disappointment and my thanks. I am truly disappointed that the majority has deliberately politicized the reauthorization of VAWA in a way that they knew would render impossible the kind of bipartisan consensus this legislation has had in the past. It seems that the majority was more interested in having a campaign issue for President Obama than in actually doing the hard work of creating a consensus bill that would protect women from violent crime.

However, I want to thank my colleagues, Senator HUTCHISON and the ranking member of the Judiciary Committee, Senator GRASSLEY, for stepping up and offering this legislation to reauthorize the Violence Against Women Act in a way that can attract that consensus and continue the effort to end violence against women.

Mrs. HUTCHISON. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING OUR ARMED FORCES

LANCE CORPORAL ABRAHAM TARWOE

Mr. REED. Mr. President, I rise today, along with my colleague, the Presiding Officer, to pay tribute to Lance Corporal Abraham Tarwoe, a Rhode Islander who served in the U.S. Marine Corps.

On April 12, Lance Corporal Tarwoe was killed while conducting combat operations in Helmand Province, Afghanistan. A memorial service will be held on Saturday in Rhode Island to honor his selfless sacrifice, and he will then be laid to rest in his native home of Liberia.

When he was about 7 years old, Lance Corporal Tarwoe left Liberia and started a new life in the United States. He was one among thousands of Liberians who came to the United States seeking safety from a civil war. We are proud that so many of these brave individuals and their families now call Rhode Island their home, and our State continues to be enriched by this strong community.

Lance Corporal Tarwoe enlisted in the U.S. Marine Corps in June 2009. He was on his second deployment to Afghanistan, assigned to the 2nd Battalion, 9th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, where he was serving as a mortarman and had additional duties as a military dog handler.

Each generation of Americans is called upon to protect and sustain our democracy, and among our greatest heroes are the men and women who have worn the uniform of our Nation and have sacrificed for our country to keep it safe and to keep it free.

It is our duty to protect the freedom they sacrificed their lives for through our service, our citizenship. We must continue to keep their memories alive and honor their heroism, not simply by our words but by our deeds as citizens of this great country.

Today, our thoughts are with Lance Corporal Tarwoe's loving family in Liberia, Famatta and Abraham Kar, his brother Randall, his wife Juah, and his son Avant, and all his family, friends, and his comrades-in-arms. We join them in commemorating his sacrifice and honoring his example of selfless service, love, courage, and devotion to the Marines with whom he served and the people of Afghanistan he was trying to help.

Lance Corporal Tarwoe is one among many Rhode Islanders who have proven their loyalty, their integrity, and their personal courage by giving the last full measure of their lives in service to our country in Afghanistan, in Iraq, and elsewhere around the globe.

Today, we honor his memory and the memory of all those who have served and sacrificed as he did. He has joined a distinguished roll of honor, including many Rhode Islanders who have served and sacrificed since September 11, 2001.

All of these men and women who have given their lives in the last decade in Afghanistan and Iraq have done a great service to the Nation. It is a roll of honor. It is a roll that Lance Corporal Tarwoe joins, and it should be for us a roll not just to recognize and remember but to recommit, to try in some small way to match their great sacrifice for this great Nation.

In Lance Corporal Tarwoe's situation, it also should remind us that this young man, born in Liberia, who came as a child and to Rhode Island, demonstrates to us all that being an American is about what is in your heart, not necessarily where you were born or what language you may have spoken as a child. It is about believing in America—believing so much that you would give your life to defend the values that we so much cherish.

TRIBUTE TO SERGEANT MAXWELL R. DORLEY

Mr. REED. Mr. President, I rise today, along with the Presiding Officer, my colleague, Senator WHITEHOUSE, to pay my respect and honor the life of Sergeant Maxwell R. Dorley, a distinguished and beloved member of the Providence Police Department, who passed away tragically in the line of duty.

Sergeant Dorley's personal story, which began in Liberia is another example of the extraordinary contribution of the Liberian community to the State of Rhode Island, along with recently deceased Lance Corporal Tarwoe of the U.S. Marines. Sergeant Dorley's story is also another example of inspiration and hope for all of us.

At the young age of 7, Sergeant Dorley followed his aunt, Hawa Vincent, to Providence, beginning his own chapter of the American dream, and he wrote a remarkable chapter in that great story of America. Sergeant Dorley attended Mount Pleasant High School, and not only graduated at the top of his class earning admission to Brown University, but he also befriended Kou, who would become his wife and partner for 27 years. His love and devotion to his family was so deep and genuine that when their first child, Amanda, was on her way, Sergeant Dorley declined admission to Brown University and began working four jobs so he could support his new family.

At this early stage in his life, Sergeant Dorley chose to prioritize his new family over himself. And as he did

so many times throughout his life, Sergeant Dorley thought about others before he thought of himself. His example of hard work—four jobs to support the family—is the story of America, coming here from someplace else, working as hard as you can to build a strong family and contribute to a strong community.

From helping his family pay off the notes on their cars to gathering old and used police uniforms for his fellow police officers in Liberia, Sergeant Dorley exemplified the best of what we expect from our public servants—a deep commitment to serving others for the greater good.

While terribly tragic, Sergeant Dorley passed away last Thursday doing what he knew best, helping others by trying to come to the aid of his Providence Police Officers, Edwin Kemble and Tony Hampton, who were trying to break up a fight.

Today, we offer our deepest condolences, and our thoughts are with all of Sergeant Dorley's family, friends, and colleagues, but especially with his mother Miatta who is traveling from Liberia, his wife Kou, and daughter Amanda, his son Robert, and all of his beloved family. We join them in celebrating Sergeant Dorley's many contributions.

Despite his short time with us, he gave us much, and we honor his memory and his service to the people of Providence as a Providence Police Officer.

The loss of Sergeant Dorley is also a reminder of the great sacrifice and incredible courage of all of our Police Officers who voluntarily put themselves in harm's way to preserve the peace and stability that allows us to enjoy our own lives. Today, we especially salute the service and sacrifice of Sergeant Dorley, and we honor the legacy he leaves of serving others and prioritizing the greater good over his own personal interest. We have indeed lost a remarkable individual and a great example of selfless service. Again, we offer our deepest condolences to his family.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, it is an honor to follow my senior Senator, JACK REED, who has been kind enough to preside now for me so that we may deliver these remarks together.

The State of Rhode Island has lost two men in recent days, two men who came from far away to our State to dedicate themselves to its service and to the service of our country, one serving our country with honor and distinction in Afghanistan and the other serving our Ocean State's great capital city of Providence.

U.S. Marine LCpl Abraham Tarwoe, of Providence, was a mortarman with Weapons Company, 2nd Battalion, 9th Marine Regiment of the 2nd Marine Division out of Camp Lejeune, NC. He deployed with the Second Marine Expeditionary Force Forward, where he served as a dog handler in addition to his duties as a mortarman.

Abraham was born in Liberia during a time of civil war. His mother and father sent him to America when he was only 7 years old to find a better life. He joined our Liberian community in Rhode Island, which is an important and valued part of our Rhode Island civic life.

Abraham grew of age and joined the Marines in June of 2009 and was promoted to Lance Corporal in August of 2010. In December he deployed for a second tour of duty to Afghanistan. He had earned the Combat Action Ribbon, the Sea Service Deployment Ribbon, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the National Defense Service Medal, and the NATO Medal.

He died Thursday, April 12, from wounds sustained from an improvised explosive device during a dismounted patrol in support of combat operations in the Marjah district of Helmand Province. He was 25 years old.

His commanding officer, Captain Charles E. Anklam III, said Abraham had an understanding of suffering and sacrifice from his childhood and family ties to Liberia. ''He also knew about disproportionate service,'' Captain Anklam said. ''He held no birth obligation to America; in fact his citizenship was still being processed when he gave his life for his newly adopted country and his brothers-in-arms.''

Abraham leaves behind his wife, Juah Kelly, and their 18-month-old baby boy, Avant Kar, who Abraham would talk to by webcam almost every night. My prayers for comfort and solace go out to them, and to Abraham's mother Famatta Kar, his brother Randall Kar, and to his network of extended family and friends in the United States and Liberia.

A memorial service will be held by Abraham's family and friends in Rhode Island this weekend. And then Abraham will be transported to Liberia, where a funeral will be held and he will be laid to rest.

On Monday, in Afghanistan, the Marines and sailors of Weapons Company gathered around a makeshift battlefield cross for their own memorial service in Abraham's honor. As Abraham's comrades stepped forward one by one to pay their silent respect, Yeager, the black lab who had been Abraham's partner since July 2011, walked to the front and lay down before his handler's cross.

The Marine's Prayer says, in part: ''Protect my family. Give me the will to do the work of a Marine.''

Abraham's wife Juah said that the Marine Corps was Abraham's other love, his second family. Abraham died doing the work of a Marine. And we pray in Abraham's memory for the protection of his brothers and sisters so bravely serving our country in the Marine Corps, and of his beloved family here at home.

Like Lance Corporal Tarwoe, Providence Police Sergeant Maxwell Dorley was also born in Liberia, and came to America as a child. He and his mother settled in Providence and Max attended Mount Pleasant High School where he met his high school sweetheart and wife, Kou. Max worked four jobs to support their young family, and eventually became a Providence police officer, where he would serve the people of Rhode Island's capital city for 15 years.

Max practiced community policing in the truest sense. He went by his first name when he was on patrol. His life experiences growing up in Providence public housing allowed him to relate to the kids in the neighborhoods on his beat.

Max was dedicated to the Police Department, and to the men and women of the force. When a call for back-up came across the radio this past Thursday morning from two officers trying to break up a fight on River Avenue, Max leapt into his cruiser. As he rushed to the aid of his fellow officers, lights and sirens blaring, he swerved to avoid a collision with a car that crossed his path. He lost control and struck a utility pole. He was rushed to Rhode Island Hospital, but his injuries were too great. Maxwell Dorley died at age 41.

He now joins a list of other Providence, Police Officers who have given their lives: Steven Shaw, Cornel Young, and James Allen.

Max is remembered as a devoted husband and loving father, always seeking the best for his children, Amanda and Robert, and encouraging them to follow their dreams. ''Life has no limits,'' he would tell them.

Today, on behalf of the people of Rhode Island and the U.S. Senate, I send my wholehearted condolences to Kou, Amanda, and Robert, to Max's mother, Miatta Dorley, and to the brave men and women of the Providence Police Force who have lost another colleague and friend.

Max gave his life protecting the citizens of our community. And for that, we owe him a gratitude that we cannot repay.

We mourn the loss of two good men. Two men with similar beginnings, and a common calling to serve and protect others. Abraham and Max helped make our neighborhoods, our country, our world a better and safer place to live. They gave their lives, making a real difference in the lives of so many others. We honor them today in the U.S. Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REED. Mr. President, I ask unanimous consent that on Thursday, April 26, 2012, at 11:30 a.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 509 and 510; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; and that any related statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

MORNING BUSINESS

Mr. REED. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

STOP THE STUDENT LOAN INTEREST RATE HIKE ACT

Mr. REED. Mr. President, on July 1, approximately 7.4 million college students will see the interest rate double on their student loans unless Congress takes action. For every year we fail to act, borrowers will pay $1,000 more in interest on their loans. In January, I introduced S. 2051, the Student Loan Affordability Act, to maintain the subsidized student loan interest rate at the current 3.4 percent. Today, I am proud to join my colleagues Senator BROWN of Ohio and Senator HARKIN, the chairman of the Health, Education, Labor, and Pensions Committee, in sponsoring the Stop Student Loan Interest Rate Hike Act. This legislation is a fully paid for, 1-year extension of the 3.4-percent interest rate for subsidized student loans.

There is bipartisan support for keeping interest rates low. Governor Romney has endorsed a temporary extension of the current 3.4 percent rate. Two-thirds of Republican Senators voted to cut the interest rate to 3.4 percent under the College Cost Reduction and Access Act of 2007.

The Stop the Student Loan Interest Rate Hike Act will maintain the interest rate at 3.4 percent for another year. The 1-year extension is fully paid for by eliminating a tax loophole that has allowed some shareholder-employees of so-called S corporations to avoid paying their fair share of Social Security and Medicare payroll taxes. This offset will apply only to a subset of S corporations that are professional service businesses—those that derive 75 percent of their gross income from the services of three or fewer shareholders or where the S corporation is a partner in a partnership whose primary activity is professional services. Additionally, the offset only impacts filers with income over $250,000, filing jointly, or $200,000, single filer.

The nonpartisan Government Accountability Office, GAO, found that in the 2003 and 2004 tax years, individuals used S corporations to underreport over $23 billion in wage income. The median misreported amount was $20,127.

Closing this loophole will fully offset the $6 billion cost of a 1-year extension of the interest rate and would make the Tax Code more fair. It is a win-win proposition.

Some may say that the Federal Government cannot afford to forgo the higher interest payments because of the budget deficit. However, this legislation is fully paid for and should garner support from both sides of the aisle.

It is a matter of priorities. We need to put the interests of middle-class Americans ahead of those who would avoid paying their fair share in taxes.

Student loan debt affects millions of Americans. Two-thirds of the class of 2010 graduated owing student loans, with an average debt of over $25,000. Student loan debt has passed the $1 trillion mark—exceeding credit card debt. Moreover, the students and families we are trying to help with the Stop the Student Loan Interest Rate Hike have demonstrated economic need. Indeed, nearly 60 percent of the dependent students who qualify for subsidized loans come from families with incomes of less than $60,000.

The question before us is, Will we make the student loan debt burden worse by allowing interest rates to double or will we take action to protect low and moderate income students?

We need to act fast. July 1 is only 66 days away. I urge all my colleagues to join with Senator SHERROD BROWN, Chairman HARKIN, and me in supporting the Stop the Student Loan Interest Rate Hike Act.

REMEMBERING ROBERT SATTER

Mr. BLUMENTHAL. Mr. President, today I wish to pay tribute to the extraordinary life and immeasurable legacy of long-time Connecticut legislator and Superior Court judge, the Honorable Robert Satter, who passed away on January 16, 2012, Martin Luther King, Jr. Day. The symbolic meaning of this coincidence resonated with many who admired Judge Satter for his crusading work on behalf of civil rights and equal opportunity.

After serving in the Navy during World War II, Bob dedicated himself wholeheartedly to the law, first as a well-known attorney in Hartford where he took on controversial death penalty cases. In 1959, Bob won a seat in the Connecticut Legislature, attributing his successful campaign to the path previously blazed by Democratic Governor Abraham Rubicoff. He served in the Connecticut Legislature until 1961 and then again from 1963 to 1966 where he is known for fighting for society's most marginalized. As a State legislator, he penned Connecticut's first civil rights bill that targeted discrimination in housing sales. Starting in 1966, Bob served as general counsel to the Democratic legislative majority, and was nominated to the bench in 1975 as a Connecticut State judge. Although officially retiring at the age of 70, Bob served as a senior judge and trial referee—only vacating this role when he was too ill to continue serving.

As an attorney, legislator, Superior Court Judge and then as a senior judge, Bob continually challenged himself, presiding in many difficult and controversial cases and always working to make laws to serve the people of Connecticut.

He constantly made the time to give back to future generations of lawyers, teaching courses such as Constitutional Law at Trinity College, Liberties of an American at the University of Hartford, Administrative Law at the University of Connecticut's Graduate School of Political Science, and the Development of Social Policy at Yale University. Bob is a legend at the University of Connecticut Law School, where he taught a Legislative Process course for 27 years.

Bob achieved national renown, but was also well known personally throughout his local community, participating in informal groups, including book, poker, and writing clubs. In his last column for the Connecticut Law Tribune, ''The Last Word on a Long, Rich Life,'' Bob wrote of his appreciation for practicing law in Hartford as opposed to New York City where he started out his legal career. In the greater Hartford area, Bob wrote, ''I found time to participate in the community.'' He created the Hartford Community Renewal Team, which was Hartford's first agency dedicated exclusively to combatting poverty, and in his last published newspaper column, he wrote that he ''would drop any legal matter to come to its assistance.''

This humanity is clearly evident in Bob's essays and books—true gifts to future generations. When he turned 90, he wrote in the Hartford Courant: ''Internally, I am a bunch of memories of people I've known, events I've experienced, books I've read and poems I can still recite. More and more I live in that interior space, recalling the past. When I die, that presence and circuitry will vanish.'' Respectfully, my own view is that his memories will endure through the family and friends that adore him, his legal accomplishments will withstand time, and his ''presence and circuitry'' will be ever vibrant.

Although he served Connecticut for more than 5 decades, Bob's contributions were immeasurable. Connecticut has lost a great mind, teacher, and integral part of its political and progressive infrastructure. Connecticut and the Nation will never forget this great man. He lives on through his words and his tremendous acts of vision and courage as well as his passion for life, the law, and the State of Connecticut.

2012 INTEL SCIENCE TALENT SEARCH

Mr. BLUMENTHAL. Mr. President, today I wish to acknowledge the seven Connecticut students who have been named 2012 Intel Science Talent Search semifinalists. This elite, national competition seeks to honor high school students who excel in a science or math research project in order to ''highlight the need for improved math and science education in the United States.'' Beginning in 1942, the Society for Science and the Public, SSP, has partnered with Westinghouse and then in 1998 with the Intel Corporation to offer this opportunity for young scientists and mathematicians. These 7 students from Connecticut have been selected from over 1,500 applications from around the country, and I am proud that they represent Greenwich, Guilford, Hamden, Lakeville, Wallingford, and Woodbridge Counties. Their hard work, motivation, and curiosity gives me great pride and hope in their ability to change the world. Using their intelligence, ideas, and passion, they can help solve some of our Nation's most pressing issues.

Student Zizi Yu from Amity Regional High School observed the severe food allergies experienced by some of her peers. Through a survey and a case controlled study, she took a closer look at what has been commonly called the hygiene hypothesis, finding a correlation between the age of exposure to certain foods and substances and the prevalence of allergies later in life. After being named a semifinalist on January 25, 2012, Zizi was selected as one of 40 finalists and traveled to Washington, DC, in March to meet with national leaders to present her findings.

William Bennett Hallisey and Ryota Ishizuka took a unique, independent science research class at Greenwich High School, where they were inspired to experiment with the intersection of biology and environmental studies. After learning about research conducted at Stanford University, William adjusted the materials previously used in experimentation and examined how silver nanoparticles and felt substrates could serve as an easily transportable, low-cost, and user-friendly filtration system, removing about 95 percent of a system's bacteria. Ryota Ishizuka looked at ways to harness the potential of microbial fuel cells to generate electricity through hydrogen output. She found that she could create a fully autonomous water treatment system, powering a wastewater treatment reactor, by the reactions of bacteria found in the wastewater itself.

Guilford High School's Yuning Zhang used this competition, in conjunction with work at Yale University's School of Medicine, to express his interest in biomedical research. According to his advanced placement biology teacher, Ruth Heckman, Yuning is ''so excited about doing research and wants to make it his future.'' After isolating kidney cells, growing them in enriched cultures, and staining and characterizing them, he compared these samples to non-selectively grown cells. He found that there was an over 70 percent increase in the amount of stem cells that would grow from selectively grown cells, which has incredible future applications for injury repairing and wound healing.

Aaron Shim of Choate Rosemary Hall used computer models and an opportunity to work alongside Yale chemistry professors to study organometallic complexes and their possible applications for renewable energy. His goal was to further refine the modeling methods of these complexes in order to expedite our understanding and utilization of the way hydrogen is stored in fuel cells. Over the course of his research, Aaron was motivated by and hopes to explore in the future how computers can help ''us understand a little bit more about the natural world around us, helping solve real-world problems through their rather abstract power of mathematics and computation.''

Hailing from Hamden High School, Yiyuan Hu examined MyD88—a protein involved in the body's immune system—and its role in DNA damage response. Through novel research of infectious diseases as part of Dr. Albert Shaw's laboratory at Yale University's School of Medicine, Yiyuan helped discover unexpected new applications for MyD88 to counter diseases tied to chemicals that help kill bacteria but can also damage DNA. Yiyuan has even inspired other students at Hamden High School to become excited about research and involved in the school's science club.

Student Seung Hyun Lee contemplated the Steiner ratio problem as part of an independent study project in conjunction with his math instructor at his high school, the Hotchkiss School, and Hofstra University's Professor Dan Ismailescu. Seung experimented with the field of combination optimization, a study that combines math and theoretical computer science, with the aim to advance our understanding of the Steiner ratio problem.

The success of these talented young adults is a testament to the care and dedication of the teachers, mentors, and administrators who nurtured them and their projects, giving the time and space for creativity, problem-solving, and experimentation. Even though the Intel Science Competition has strict rules about independent student work, these brilliant mentors inspire their students to spend their free time researching new ideas and thinking big thoughts.

Greenwich High School's independent science research class is taught by Andy Bramante, who left a 15-year career as a chemical engineer and chemist to inspire high school students to love research. An advanced placement biology teacher at Guilford High School and educator for 36 years, Ruth Heckman was excited to report that she gets to learn from students like Yuning Zhang. Zizi's research was guided by Deborah Day, science research teacher at Amity Regional High School. Kevin Rogers, the head of the science department and chemistry teacher at Choate Rosemary Hall, helped Aaron Shim work with an outside group at Yale University in furtherance of his research. Similarly, the instructor of mathematics at the Hotchkiss School, Marta Eso, worked with Seung Hyun Lee to complete an independent study research project at his high school and also at Hofstra University. And Sonia Beloin, teacher and adviser to the Science Bowl and Science Olympiad clubs at Hamden High School, mentored Yiyuan Hu, helping to facilitate his successful work at the Section of Infectious Diseases at Yale School of Medicine and supporting him to improve his presentation over time.

Several of these students were invited to join high-level study on their chosen topics at several select universities. Yuning Zhang, Aaron Shim, and Yiyuan Hu were invited into cutting-edge laboratories at Yale University. Yuning worked with Dr. Gilbert Moeckel, the director of the Renal Pathology and Electron Microscopy Laboratory at Yale University's School of Medicine. After reading some of their papers, Aaron was invited to join Professor Victor S. Batista's research team at Yale University's Department of Chemistry. Yiyuan Hu assisted Dr. Albert Shaw's laboratory in the Section of Infectious Diseases at the Yale School of Medicine, and Seung Hyun Lee worked in conjunction with Professor Dan Ismailescu from Hofstra University. I applaud this fruitful and nurturing relationship between high school students and universities.

I wish the best of luck to the seven Connecticut 2012 Intel Science Talent Search semifinalists as they continue to inspire others to dedicate their brilliance to STEM fields. I know my colleagues will join me in honoring these impressive accomplishments of our Nation's young people.

TRIBUTE TO SALVATORE PRINCIOTTI

Mr. BLUMENTHAL. Mr. President, today I rise to recognize the Stamford Young Artists Philharmonic, SYAP, and most especially, Salvatore

Princiotti, SYAP's beloved founder and conductor, who is retiring after 52 years.

Currently, SYAP runs eight different ensembles for a wide range of ages, including the advanced Young Artists Philharmonic, an intermediate level orchestra, a string ensemble, flute choirs, jazz groups, and a Summer Jazz Workshop that draws student musicians from around the country.

SYAP has become closely connected to the Stamford area community. Its members are artistic ambassadors, sharing their love of music as a common language and source of connection with all of Connecticut. Through both classical and jazz programming, the SYAP shares different styles of music in venues around Stamford—outreach through plush melodies and moving rhythms—holding performances, for example, at Stamford Town Center, such as the popular outdoor concert series, Jazz on the Plaza.

Committed to a strong tradition of giving back to the less fortunate, the SYAP has partnered with the Union Baptist Church in Stamford where, in exchange for rehearsal space, it held an annual holiday concert whose proceeds benefited the church's senior members. In addition, the Philharmonic partners with the Waterside School in their Outreach String Program, offering lessons to students who cannot afford instruments.

SYAP's level of musicianship is first-rate as demonstrated by its relationship with the Stamford Symphony, which mentors the young musicians, sharing performances and giving workshops. However, the surest indicator of the high level of musicianship is the leadership and 52 dedicated years of the enormously talented violinist and conductor, Maestro Princiotti.

Sal Princiotti, or ''the Prince,'' as he is called by the orchestra members, has dedicated a half a century to enhancing the lives of young musicians, inspiring a passion for melody with specific performances as temporary goals, but with overall experience as his motivating principle. Mr. Princiotti brings enormous talent to the SYAP as a graduate of the Juilliard School and past soloist at Tanglewood Music Festival under world-renown conductors Leonard Bernstein and Charles Munch. In addition to founding and leading the SYAP, and conducting the Ridgefield Symphony and Stamford Symphony, Mr. Princiotti maintains a busy, private teaching practice and has directed the string programs for the Greenwich and Darien school systems.

Under Mr. Princiotti's baton, the SYAP has performed for many significant commemorations, including the New York World's Fair in 1964, the rededication of the Statue of Liberty, and a program for President George H.W. Bush. In addition to enriching our Nation's history, Mr. Princiotti has ensured that his groups of musicians give back to their country through annual holiday concerts at Grand Central Station for AmeriCares. He has also expanded the horizons of the SYAP, bringing them to Italy in 2001 and 2006 on an international tour. He is the author of a book—The Heart of Music—which explores the art of music education.

I am in the company of many others who have demonstrated their appreciation of Mr. Princiotti. He was the 2000 recipient of the Film and Arts Bravo Network Award, the 1987 Stamford Community Arts Council Arts Award, and has been inducted into the Stamford High School Wall of Fame. Mr. Princiotti holds the keys to the City of Stamford, and is a most treasured member of the Stamford area and the State of Connecticut.

''The Prince's'' final concert will be held on May 6, 2012, at the Palace Theater in Stamford, CT, where friends, family, alumni of the orchestra, and current young artists of this esteemed group will spend hours wrapped in melodic memory in celebration of more than 50 years of artistry, education, and true connection. At this event, a scholarship fund and chair will be dedicated in Mr. Princiotti's honor. I can say with certainty that there is no need for a chair for the Maestro to be remembered for decades to come.

ADDITIONAL STATEMENTS

TRIBUTE TO JEROME D. SCHNYDMAN

• Mr. CARDIN. Mr. President, today I wish to recognize Jerome D. Schnydman who will be retiring on June 30 from Johns Hopkins University. Jerome has spent his adult years at Johns Hopkins, first as a student and All-American lacrosse player, graduating in 1967, then as an assistant lacrosse coach from 1968 until 1978, when he rose from assistant director to become the director of undergraduate admissions for the schools of Arts and Sciences and Engineering. He went on to serve as executive director of the Office of Alumni Relations and, most recently, as the secretary to the board of trustees and executive assistant to the president of Johns Hopkins.

If you count Jerome's stint as captain of the 1967 National Championship Lacrosse Team, he has served Johns Hopkins University for 4½ decades and he has done so with grace, intelligence, compassion, and distinction. He received the Alexander K. Barton Cup for ''strong character, high ideals, and effective moral leadership'' upon graduating. In 1998, he was inducted into the Johns Hopkins Athletic Hall of Fame. In 2003, he was inducted into the National Lacrosse Hall of Fame.

There will be 10 different disciplines at the University honoring Jerome Schnydman for his distinguished service. That is no surprise: he has been the ''go-to'' guy for everyone and everything. Generations of Hopkins students, faculty, and staff on any of the University's campuses—from Homewood to East Baltimore; from Bayview to SAIS in Washington, D.C.; from Bologna to Shanghai—all know of Jerome and the fine work he has done on their behalf and on behalf of the University. Whether someone works in the Homewood garage or is a Nobel Laureate exploring the cure for cancer, he or she counts Jerome as a friend. He has great respect for the institution, and especially for those who work each day to create and sustain the ''Hopkins family.''

I am proud to say that Jerome and his wife Tammy, a special education teacher, are personal friends. Their children—Becky and her husband Larry, and Andy and his wife Nancy—and their grandchildren—Sophie, Jason, Tucker, and Cassidy—are an integral part of Baltimore. When Jerome retires from Johns Hopkins University, he is excited about serving as the president of his synagogue, Beth El, and spending more time with his family and friends in Baltimore and Bethany Beach.

I ask my colleagues to recognize the enormous contributions that Jerome has made to the Johns Hopkins University and Baltimore communities and to wish him well in his well-deserved retirement.•

RECOGNIZING THE GELATO FIASCO

• Ms. SNOWE. Mr. President, in anticipation of the warm spring weather upon us and the long summer days ahead in my home State of Maine, our thoughts quickly turn towards fun in the sun and cool refreshing treats. Today, I rise to commend and recognize The Gelato Fiasco, located in Brunswick, ME, for developing and growing a niche market serving delectable frozen gelato treats while expanding and creating economic opportunities across the State.

In 2002, the founders of The Gelato Fiasco, Josh Davis and Bruno Tropeano, were students at Bentley University in Waltham, MA, and dreamed of starting their own company and becoming successful entrepreneurs. As the two students spent their time exploring various ventures, this team decided to open a homemade gelato store as a result of being dissatisfied with the gelato options available to them throughout the Northeast.

Made mostly from milk and sugar, gelato has less fat than standard ice cream and also contains less air, making the final product denser. Taking advantage of the small gelato market that existed with an estimated 1,500 gelaterias total in the United States Bruno and Josh saw an opportunity to market a superior version of the delicious Italian treat. Determined to serve a top quality gelato, The Gelato Fiasco features only the best local ingredients available.

In these uncertain economic times, as young entrepreneurs, Josh and

Bruno faced unique challenges while attempting to accomplish their dream and receive funding for their first store. Initially, they pursued loans from about 20 banks but were turned down by all of them. However, with persistence and determination, they were able to acquire a $225,000 SBA-backed loan which covered the majority of their startup costs.

Their premier store, The Gelato Fiasco, opened in 2007, and has served more than 450 flavors since its start. Even with the complex challenges of trying to grow during these tough economic times, Bruno and Josh's initial success allowed them to garner additional support from Coastal Enterprises Inc., CEI, a local community development financial institution. CEI granted this small business a $140,000 loan through a new crowdfunding initiative established by Starbucks CEO Howard Schultz called ''Create Jobs for USA.'' The Gelato Fiasco utilized these critical funds to expand to a second location in Portland, ME, buy equipment, and hire at least 10 new employees to help staff it.

As this small firm continues to grow, introducing more customers to their gelato treat, the shop diligently produces 25 to 35 different flavors each morning in their store. Despite the tumultuous economy, Josh and Bruno remain focused on ensuring the fun-loving experience and quality of their gelato are consistent. Their remarkable vision has become a reality as their Italian style ice cream has continued to find its way throughout Maine and New England in various coffeehouses, restaurants, and grocery freezer cases.

Despite difficult economic times and the obstacles faced by young entrepreneurs, the dynamic duo of Bruno Tropeano and Josh Davis has clearly fostered a winning strategy. I am proud to extend my praise to Josh and Bruno and everyone at The Gelato Fiasco for their entrepreneurial spirit and successful company. I offer my best wishes for their future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 491. An act to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the national forest, and for other purposes.

H.R. 2157. An act to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes.

H.R. 2947. An act to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

S. 2366. A bill to extend student loan interest rates for undergraduate Federal Direct Stafford Loans.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 491. An act to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the national forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2157. An act to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2947. An act to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5807. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, Selected Acquisition Reports (SARs) for the quarter ending December 31, 2011 (DCN OSS 2012–0567); to the Committee on Armed Services.

EC–5808. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Marc E. Rogers, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5809. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Richard Y. Newton III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5810. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General William T. Lord, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5811. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Donald J. Hoffman, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5812. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5813. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals and accompanying reports relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC–5814. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2011 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC–5815. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5816. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–5817. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons to the Entity List'' (RIN0694–AF61) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5818. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Condition-Monitoring Techniques for Electric Cables Used in Nuclear Plants'' (Regulatory Guide 1.218) received in the Office of the President of the Senate on April 19, 2012; to the Committee on Environment and Public Works.

EC–5819. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Interpretations; Removal of Part 8'' (RIN3150–AJ02) received in the Office of the President of the Senate on April 19, 2012; to the Committee on Environment and Public Works.

EC–5820. A communication from the Director of Congressional Affairs, Nuclear Reactor

Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice of Availability of Revision 4 to the Standard Technical Specifications'' (NUREG–1430, –1431, –1432, –1433, and –1434) received in the Office of the President of the Senate on April 23, 2012; to the Committee on Environment and Public Works.

EC–5821. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Hawaii State Implementation Plan'' (FRL No. 9634–1) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5822. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Removal of the 1980 Consent Order for the Maryland Slag Company'' (FRL No. 9664–2) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5823. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Unregulated Contaminant Monitoring Regulation (UCMR 3) for Public Water Systems'' (FRL No. 9660–4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5824. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona; Update to Stage II Gasoline Vapor Recovery Program; Change in the Definition of 'Gasoline' to Exclude 'E85' '' (FRL No. 9661–3) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5825. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Underground Storage Tank Program: Approved State Program for the State of Oregon'' (FRL No. 9615–4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5826. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia; Approval of Substitution for Transportation Control Measures'' (FRL No. 9662–8) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5827. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Direct Final Approval of Hospital/Medical/Infectious Waste Incinerators State Plan for Designated Facilities and Pollutants: Illinois'' (FRL No. 9663–4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Direct Final Approval of Hospital/Medical/Infectious Waste Incinerators State Plan for Designated Facilities and Pollutants: Indiana'' (FRL No. 9663–2) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5829. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modification of Significant New Uses of Tris Carbamoyl Triazine; Technical Amendment'' (FRL No. 9344–7) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5830. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9345–4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5831. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9343–4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5832. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9665–5) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5833. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Eastern Kern and Santa Barbara County Air Pollution Control Districts'' (FRL No. 9652–4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5834. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Missouri and Illinois; St. Louis; Determination of Attainment by Applicable Attainment Date for the 1997 Ozone National Ambient Air Quality Standard (NAAQS)'' (FRL No. 9666–2) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5835. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Determination of Attainment of the One-hour Ozone Standard for the Springfield Area'' (FRL No. 9664–8) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5836. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures'' (FRL No. 9664–6) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC–5837. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Reporting Interest Paid to Nonresident Aliens'' ((RIN1545–BJ01) (TD 9584)) received in the Office of the President of the Senate on April 23, 2012; to the Committee on Finance.

EC–5838. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of the Normal Retirement Age Requirements to Governmental Plans'' (Notice 2012–29) received in the Office of the President of the Senate on April 23, 2012; to the Committee on Finance.

EC–5839. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, a report relative to the Federal Disability Insurance (DI) Trust Fund becoming inadequate within the next 10 years; to the Committee on Finance.

EC–5840. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–019, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–5841. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–023, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–5842. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–007, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–5843. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period December 1, 2011 through January 31, 2012; to the Committee on Foreign Relations.

EC–5844. A communication from the Presiding Governor of the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for 2011; to the Committee on Foreign Relations.

EC–5845. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fourth Biennial Report to Congress on Evaluation, Research, and Technical Assistance Activities Supported by the Promoting

Safe and Stable Families Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–5846. A communication from the Secretary of Health and Human Services, transmitting, a report relative to the Administration's proposal for the reauthorization of the Medical Device User Fee Act (MDUFA); to the Committee on Health, Education, Labor, and Pensions.

EC–5847. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, reports entitled ''The National Healthcare Quality Report 2011'' and ''The National Healthcare Disparities Report 2011''; to the Committee on Health, Education, Labor, and Pensions.

EC–5848. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Information for Certain Intellectual Property Rights Enforced at the Border'' (RIN1515–AD87) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5849. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Executive Summary'' of the ''2011 Annual Report of the Director of the Administrative Office of the U.S. Courts'' and ''Judicial Business of the United States Courts'' and the Uniform Resource Locators (URL) for the complete copies of those reports; to the Committee on the Judiciary.

EC–5850. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, a report relative to the memorial construction; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–76. A joint resolution adopted by the Legislature of the State of Maine urging the President of the United States and the United States Congress to review portions of the National Defense Authorization Act; to the Committee on Armed Services.

HOUSE PAPER NO. 1397

We, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

Whereas, the United States Congress passed the National Defense Authorization Act for fiscal year 2012 on December 15, 2011, and the President of the United States signed the Act into law on December 31, 2011; and

Whereas, the Act directs the Armed Forces of the United States to detain any person who is captured in the course of hostilities authorized by the federal Authorization for Use of Military Force Against Terrorists and who is determined to be a member of or part of al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda and to have participated in the course of planning or carrying out an attack against the United States or its coalition partners; and

Whereas, the disagreements and uncertainty in interpretation of the law has raised significant concerns about due process for United States citizens; and

Whereas, the prospect of the indefinite detention of United States citizens violates, without due process of law, basic rights enshrined in the United States Constitution, such as the right to seek a writ of habeas corpus, the right to petition for a redress of grievances, the right to be free from unreasonable searches and seizures and the right to counsel; and

Whereas, it is crucial to national security that funding contained in the National Defense Authorization Act for the Department of Defense and members of the military and their dependents remain intact; and

Whereas, the members of this Legislature have taken an oath to uphold the United States Constitution and the Constitution of Maine: Now, therefore, be it

Resolved, That We, your Memorialists, most respectfully urge and request that the President of the United States and the United States Congress amend the National Defense Authorization Act to clarify that any provisions contained within will not deprive United States citizens of the rights of due process; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–77. A resolution adopted by the House of Representatives of the State of Michigan memorializing Congress to reject the recommendations of the United States Department of Defense to remove the A–10 Thunderbolt II force from the 127th Wing of the Air National Guard at Selfridge Air National Guard Base; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 211

Whereas, The federal mission of the Air National Guard is to maintain well-trained, well-equipped units available for prompt mobilization during war and to provide assistance during national emergencies; and

Whereas, The Michigan Air National Guard exemplifies this federal mission and provides well-trained citizen-airmen to the United States Air Force; and

Whereas, Utilizing the highly-trained and experienced citizen-airmen of the Michigan Air National Guard is significantly more economical for the United States Department of Defense than utilizing active military units; and

Whereas, The Michigan Air National Guard provides protection of life and property, and preserves peace, order, and public safety in the state of Michigan, by providing emergency relief support during natural disasters; conducting search and rescue operations; providing support to civil defense authorities; and maintaining vital public services and counterdrug operations in the state; and

Whereas, The Michigan Air National Guard, being the air force militia of the state, has a long and proud history with the state of Michigan; and

Whereas, The Selfridge Air National Guard Base dates back to 1917, and currently hosts 20 units from all branches of the United States military, as well as the United States Coast Guard and the United States Customs and Border Patrol; and

Whereas, The 127th Wing flies KC–135 Stratotankers, which provide aerial refueling capabilities around the globe in support of Air Mobility Command, and A–10 Thunderbolt 11, which provide support to Air Combat Command. Additionally, the 127th Wing supports the Air Force Special Operations Command with its 107th Weather Flight; and

Whereas, The A–10 Thunderbolt II mission was transferred to Selfridge Air National Guard Base from the Battle Creek Air National Guard Base following the 2005 Base Realignment and Closure Commission recommendations; and

Whereas, The Department of Defense has proposed the removal of all 24 of the A–10 Thunderbolt II aircraft from the 127th Wing and replacing them with four additional KC–135 Stratotankers; and

Whereas, Approximately 650 personnel are attached to the A-I0 Thunderbolt 11 mission; and

Whereas, It is unknown how many support personnel will be necessary to service the additional KC–35 Stratotankers; and

Whereas, Removing the A–10 Thunderbolt II mission could affect more than 600 families in and around Macomb County; and

Whereas, The removal of the A–10 Thunderbolt 11 mission could make the Selfridge Air National Guard Base vulnerable to closure in future Base Realignment and Closure Commission recommendations; and

Whereas, The Selfridge Air National Guard Base is one of the busiest, most diverse military installations in the United States, encompassing approximately 680 buildings, runways measuring 9,000 and 4,870 feet, over a million square yards of taxiway and paved aircraft parking ramps, 39 miles of paved roads, and seven miles of railroad track; and

Whereas, Recent military construction improvements to Selfridge include $5.2 million to replace the Control Tower/Radar Approach Control Center and $9.8 million for an infrastructure upgrade; and

Whereas, The Selfridge Air National Guard Base is essential to the local economy, as nearly 3,000 full-time civilian and military personnel work at the base, in addition to approximately 3,000 members of the Air and Army National Guard and the reserve components of the United States military who are stationed at the base; and

Whereas, Portions of the Selfridge Air National Guard Base have previously been targeted for closure in 1995 and 2005; and

Whereas, The defense industry is vital to the economy of Macomb County; and

Whereas, The loss of the Selfridge Air National Guard Base will have a significant impact on the local community, with the loss of employment positions, local revenue, and a significant source of community pride; and

Whereas, The military presence in Michigan has already been significantly reduced by the United States Department of Defense with the 1977 decision to close Kincheloe Air Force Base in Chippewa County, the 1991 decision to close the Wurtsmith Air Force Base in Iosco County, the 1993 decision to close the K.I. Sawyer Air Force Base in Marquette County, and the 2005 decision to close the United States Army Garrison at Selfridge Air National Guard Base; and

Whereas, Losses to the 127th Wing of the Air National Guard at Selfridge Air National Guard Base will have immeasurable consequences for the state of Michigan, both in terms of economic ramifications, as well as in terms of community pride and disaster readiness: Now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress of the United States to reject the United States Department of Defense recommendations to remove the A–10 Thunderbolt II aircraft from the 127th Wing of the Air National Guard at Selfridge Air National Guard Base; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Defense, President of the United States Senate, the Speaker of the United States

House of Representatives, and the members of the Michigan congressional delegation.

POM–78. A memorial adopted by the Legislature of the State of Florida, memorializing Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010; to the Committee on Banking, Housing, and Urban Affairs.

SENATE MEMORIAL NO. 1778

Whereas, Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act in 2010, and

Whereas, the stated purposes of the act are ''To promote the financial stability of the United States by improving accountability and transparency in the financial system, to end 'too big to fail,' to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial Services practices . . .,'' and

Whereas, the act's almost 2,400 pages of federal legislation increases the size of the Federal Government by creating 13 new regulatory agencies requiring 2,600 new positions while abolishing only one agency, and

Whereas, the Congressional Budget Office predicts that the cost for companies to implement the act over the next 5 years will be approximately $2.9 billion, and other groups estimate that the broader economic costs of the act could approach $1 trillion, and

Whereas, the extensive regulations imposed by the Dodd-Frank Wall Street Reform and Consumer Protection Act will severely damage the ability of American companies to compete internationally with foreign companies or even create American jobs, and

Whereas, the Dodd-Frank Wall Street Reform and Consumer Protection Act is an inadequate response to the financial devastation that began in 2008, in part because it has given unfair advantages to the Federal Home Loan Mortgage Corporation (''Freddie Mac'') and the Federal National Mortgage Association (''Fannie Mae''), institutions that were substantial contributors to the financial crisis, and,

Whereas, the Dodd-Frank Wall Street Reform and Consumer Protection Act was championed as creating the most significant financial regulatory reform since the Great Depression, but, in contrast, it has become a radical expansion of federal regulation, vests unprecedented power in the hands of unelected bureaucrats, increases the likelihood that there will be more taxpayer bailouts, has not strengthened the economy or brought stability to the troubled housing market, and does nothing to address the most elemental causes that created the financial crisis of 2008: Now, therefore, be it

Resolved, by the Legislature of the State of Florida: That the Congress of the United States is urged to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010; be it further

Resolved, that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–79. A concurrent memorial adopted by the Legislature of the State of Arizona memorializing the United States Congress enact legislation exempting United States military bases and training facilities from the regulations and restrictions of the Endangered Species Act; to the Committee on Environment and Public Works.

SENATE CONCURRENT MEMORIAL NO. 1008

Whereas, the mission of the United States Department of Defense is ''to provide the military forces needed to deter war and to protect the security of our country''; and

Whereas, according to the Department of Defense and the Government Accountability Office (GAO), a fundamental principle of military readiness is that the military must train as it intends to fight; and

Whereas, the Department of Defense has established military training facilities in Arizona, including Luke Air Force Base, Fort Huachuca and the Barry M. Goldwater range, among others, to accomplish this goal; and

Whereas, Department of Defense officials indicate that heightened focus on the application of environmental statutes has affected the use of its training areas; and

Whereas, compliance with environmental regulations, especially the Endangered Species Act (ESA), has caused some training activities to be canceled, postponed or modified; and

Whereas, compliance with environmental regulations, particularly the ESA, has forced military officials to make adjustments to training regimens, including requiring units in training to avoid areas with ESA restrictions; and

Whereas, since 2003, the Department of Defense has obtained exemptions from three environmental laws and sought exemptions from three others; and

Whereas, these exemptions allow the military to maintain its high state of readiness and help to ensure its ability to meet unexpected threats; and

Whereas, these exemptions are under increased scrutiny by environmental groups and federal officials who would rather protect wildlife than allow the military to maintain its readiness; and

Whereas, a GAO report found no instances in which the Department of Defense's use of exemptions from the ESA or the Migratory Bird Treaty Act has adversely affected the environment; and

Whereas, the United States military has proven itself to be a responsible and effective steward of the land and environment.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress enact legislation exempting United States military bases and training facilities from the regulations and restrictions of the Endangered Species Act.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–80. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to consider eliminating or reducing them; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 57

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a public pension benefit; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit; and

Whereas, nine out of ten public employees affected by the GPO lose their entire spousal benefits, even though their spouses paid Social Security taxes for many years; and

Whereas, the GPO often reduces spousal benefits so significantly it makes the difference between self-sufficiency and poverty; and

Whereas, the GPO has a harsh effect on thousands of citizens and undermines the original purpose of the Social Security dependent/survivor benefit; and

Whereas, the GPO negatively impacts approximately 28,825 Louisianians; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

Whereas, the WEP causes hardworking individuals to lose a significant portion of the Social Security benefits that they earn themselves; and

Whereas, the WEP negatively impacts approximately 27,755 Louisianians; and

Whereas, because of these calculation characteristics, the GPO and the WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation and because of the longer life expectancy of women; and

Whereas, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here lifelong, yet the current GPO and WEP provisions compromise that quality of life; and

Whereas, retired individuals negatively affected by GPO and WEP have significantly less money to support their basic needs and sometimes have to turn to government assistance programs; and

Whereas, the GPO and the WEP penalize individuals who have dedicated their lives to public service by taking away benefits they have earned; and

Whereas, our nation should respect, not penalize, public servants; and

Whereas, the number of people affected by GPO and WEP is growing every day as more and more people reach retirement age;

Whereas, the GPO and WEP are established in federal law, and repeal of the GPO and the WEP can only be enacted by the United States Congress: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the Government

Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2011 (H.R. 1332), the Public Servant Retirement Protection Act of 2011 (S. 113), or a similar instrument; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–81. A memorial adopted by the Legislature of the State of Florida memorializing Congress to initiate and support nationwide efforts to commemorate the 40th anniversary of the end of the United States' involvement in the Vietnam War and demonstrate the nation's appreciation for the honorable service and sacrifice of Vietnam veterans; to the Committee on Foreign Relations.

SENATE MEMORIAL NO. 1080

Whereas, the Vietnam War was a Cold War military conflict that occurred in Vietnam, Laos, and Cambodia from November 1, 1955, until the United States Congress passed the Case-Church amendment in 1973 which prohibited the further use of American military forces in the conflict, and

Whereas, 2013 marks the 40th anniversary of the end of the United States' involvement in the Vietnam War, and

Whereas, there are an estimated 650,000 Vietnam veterans in the State of Florida, and

Whereas, because of the intense public opposition to the war that existed at the time, members of the United States Armed Services returned home to an unprecedented lack of formal positive recognition of the honorable service they had provided on behalf of their country and the tremendous sacrifices they had made, and

Whereas, the lack of formal ''Welcome Home'' parades and other traditional celebrations for returning soldiers that were common in previous military conflicts in which the United States was engaged, coupled with verbal and sometimes physical abuse, resulted in great disillusionment, undeserved indignity, and often great suffering and anguish among returning Vietnam veterans, and

Whereas, many of these brave men and women are now reaching an advanced age, and

Whereas, March 30, 2013, will mark the official date of the 40th anniversary of the end of the United States' involvement in the Vietnam War, and

Whereas, on that date this nation will be presented with a unique and historic opportunity to hold appropriate observances and long-overdue recognition ceremonies that will honor our nation's aging Vietnam War veterans and that may finally provide these brave men and women a fitting expression of gratitude and a measure of healing and official closure that has been denied them for decades and that they so greatly deserve, and

Whereas, the importance of the commemoration of the 40th anniversary of the end of the United States' involvement in the Vietnam War and the opportunity that such an historical anniversary presents to attempt to rectify past injustices and ingratitude cannot be stressed strongly enough, and

Whereas, it is fitting and appropriate that the United States Congress initiate and support efforts at the national level to mark this historic anniversary and to attempt to redress the lack of appropriate recognition and undeserved ingratitude that so many of these brave servicemen and servicewomen received upon returning home, and

Whereas, as part of a national effort, it is also requested that the United States Congress authorize the minting of a 40th anniversary commemorative medal expressing the nation's appreciation for the honorable service of Vietnam veterans, and

Whereas, for this historic opportunity to be fully realized, the United States Congress should act promptly and decisively: Now, therefore, be it

Resolved by the Legislature of the State of Florida: That the Congress of the United States is urged to initiate and support nationwide efforts to commemorate the 40th anniversary of the end of the United States' involvement in the Vietnam War and demonstrate the nation's appreciation for the honorable service and sacrifice of Vietnam veterans; and be it further

Resolved, That, as part of such national effort, the United States Congress is requested to authorize the minting of a 40th anniversary commemorative medal expressing the nation's appreciation for the honorable service of Vietnam veterans; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the legislative governing body of each of the other 49 states of the United States.

POM–82. A joint resolution adopted by the Legislature of the State of Wyoming memorializing the United States Congress, the United States Department of Health and Human Services, and the President of the United States reverse the mandate that virtually all private health care plans must cover sterilization, abortifacients and contraception; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 5

Whereas, on January 20, 2012 the U.S. Department of Health and Human Services reaffirmed a rule that virtually all private health care plans must cover sterilization, abortifacients and contraception; and

Whereas, there are religious faiths in the United States that view sterilization, abortifacients and contraception as immoral and view paying for them as against their religion; and

Whereas, the administration is attempting to force those religious faiths and their institutions, including schools and hospitals to violate the commandments of their faith by paying for this mandate; and

Whereas, this mandate violates the First Amendment to the Constitution of the United States by denying these faiths the free exercise of their religion; and

Whereas, this mandate sets a precedent that would allow for an opposite law forbidding the coverage of these items thus denying faiths with opposing views the free exercise of their religion; and

Whereas, the mandate threatens the religious freedoms of all Americans; and

Whereas, it is an injustice to force Americans to choose between violating their consciences and forgoing their healthcare; and

Whereas, longstanding federal laws expressing the decided opinion of Congress and the American people have protected Constitutional conscience rights: Now therefore, be it

Resolved by the Members of the Legislature of the State of Wyoming:

Section 1. That the Wyoming Legislature call on all Americans to defend our freedom of religion by opposing this mandate.

Section 2. That the Wyoming Legislature calls upon The President to reverse the mandate of the U.S. Department Human Services.

Section 3. That the Wyoming Legislature calls upon Congress to act in defense of First Amendment rights, states' rights, rights of conscience and freedom of religion.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–83. A concurrent resolution adopted by the Legislature of the State of Arizona memorializing its support of increasing Border Patrol personnel; to the Committee on Homeland Security and Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 1014

Whereas, the United States Customs and Border Protection service (CBP) of the United States Department of Homeland Security is vested with a priority mission of enforcing immigration and drug laws and the responsibility for securing and facilitating trade; and

Whereas, the CBP includes both Border Patrol and Customs Field Office personnel; and

Whereas, the need to increase CBP personnel in the Tucson sector along the border between the United States and Mexico is critical to increasing border security as well as economic stability in our border communities; and

Whereas, the need to increase the number of Customs Field Office personnel who work at the port of entry in Nogales, Douglas and Yuma, Arizona is a vital component of the economic stability in our border communities and will increase border security between the United States and Mexico; and

Whereas, an integrated approach to securing the border and increasing economic stability along the border and in our border communities is important to residents living along the border and in our border communities, and

Whereas, increasing the number of Customs Field Office personnel at the port of entry in Nogales, Douglas and Yuma, Arizona will allow increased commercial traffic and will result in increased economic growth and stability for Arizona; and

Whereas, all of the benefits of increased economic stability in Arizona can be realized if the port of entry's workload capacity is increased and less congestion and delay result; and

Whereas, increasing the number of Customs Field Office personnel at the port of entry in Nogales, Douglas and Yuma, Arizona should be part of the infrastructure improvements that are occurring at the port of entry: Therefore be it

Resolved by the Senate of the State of Arizona, the House of Representatives concurring:

A. That, in order to secure the border between the United States and Mexico, to enhance the security of people and their property in the currently unsecure regions of the border and to increase economic growth and stability for the residents of Arizona, the Legislature:

1. Supports the increase of Border Patrol personnel as called for in the Restore Our Border (ROB) Security Plan in the Tucson sector along the border between the United States and Mexico.

2. Supports the increase of Customs Field Office personnel at the ports of entry in Nogales, Douglas and Yuma, Arizona.

B. That the Secretary of State of the State of Arizona transmit a copy of this resolution

to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–84. A concurrent memorial adopted by the Legislature of the State of Arizona urging Congress to adopt a Veterans Remembered Flag; to the Committee on Rules and Administration.

SENATE CONCURRENT MEMORIAL NO. 1007

Whereas, there are flags for all branches of the armed services and there is a flag for POWs and MIAs, but there is no flag to honor the millions of former military personnel who have served our nation; and

Whereas, a flag is a symbol of recognition for a group or an ideal. Veterans comprise a group and certainly represent an ideal, and surely they deserve their own symbol; and

Whereas, it is estimated that 20,400,000 veterans, affiliated and unaffiliated with veterans' organizations, who have served in our nation's military comprise a significant portion of our country's population; and

Whereas, a Veterans Remembered Flag would memorialize and honor all past, present and future veterans and provide an enduring symbol to support tomorrow's veterans today; and

Whereas, displaying and flying this flag would validate the lives of millions of individuals who have served our country in times of war, peace and national crisis; and

Whereas, the Veterans Remembered Flag would fill the void of a flag to honor all veterans who have served in our country's armed forces; and

Whereas, the symbolism of this unique flag's design would be all-inclusive and would pay respect to the history of our nation and to all branches of the military, and would honor those who have served or died in the service of our nation; and

Whereas, the design of the Veterans Remembered Flag does all of the following:

1. Depicts the founding of our nation through the 13 stars that emanate from the hoist of the flag and march to the large red star that represents our nation and the five branches of our country's military that defend her: the Army, Navy, Air Force, Marines and Coast Guard.

2. The white star indicates a veteran's dedication to service.

3. The blue star honors all men and women who have ever served in our country's military.

4. The gold star memorializes those who have fallen while defending our nation.

5. The blue stripe that bears the title of the flag honors the loyalty of veterans to our nation, flag and government.

6. The green field represents the hallowed ground where all rest eternally.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress adopt a Veterans Remembered Flag as described in this Memorial.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–85. A resolution adopted by the California State Lands Commission memorializing its opposition to enactment of any bill that reverses President Obama's Offshore Moratorium Act; to the Committee on Energy and Natural Resources.

POM–86. A resolution adopted by the Lauderdale Lakes City Commission, Lauderdale Lakes, Florida memorializing condolences to the family of Trayvon Martin and calling upon all authorities to see that justice is served; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2013.'' (Rept. No. 112–160).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1119. A bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes (Rept. No. 112–161).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1952. A bill to improve hazardous materials transportation safety and for other purposes (Rept. No. 112–162).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 298. A bill to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the ''Army Specialist Matthew Troy Morris Post Office Building''.

H.R. 1423. A bill to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the ''Specialist Micheal E. Phillips Post Office''.

H.R. 2079. A bill to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office''.

H.R. 2213. A bill to designate the facility of the United States Postal Service located at 801 West Eastport Street in Iuka, Mississippi, as the ''Sergeant Jason W. Vaughn Post Office''.

H.R. 2244. A bill to designate the facility of the United States Postal Service located at 67 Castle Street in Geneva, New York, as the ''Corporal Steven Blaine Riccione Post Office''.

H.R. 2660. A bill to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the ''Tomball Veterans Post Office''.

H.R. 2767. A bill to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''.

H.R. 3004. A bill to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the ''Private First Class Alejandro R. Ruiz Post Office Building''.

H.R. 3246. A bill to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

H.R. 3247. A bill to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

H.R. 3248. A bill to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

S. Res. 419. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the United States during Public Service Recognition week.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Adam Gamoran, of Wisconsin, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2015.

*Judith D. Singer, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2014.

*Hirokazu Yoshikawa, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2015.

*David James Chard, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2015.

*Bonnie L. Bassler, of New Jersey, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2016.

*Deborah S. Delisle, of South Carolina, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Roy Wallace McLeese III, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

*Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission for the remainder of the term expiring October 14, 2012.

*Mark A. Robbins, of California, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2018.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. BLUNT):

S. 2346. A bill to amend the Farm Security and Rural Investment Act of 2002 to modify the definition of the term ''biobased product''; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 2347. A bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services; to the Committee on Finance.

By Mr. LEVIN:

S. 2348. A bill to suspend temporarily the duty on cyclopentylpropionyl chloride; to the Committee on Finance.

By Mr. LEVIN:

S. 2349. A bill to suspend temporarily the duty on cyanamide; to the Committee on Finance.

By Mr. LEVIN:

S. 2350. A bill to suspend temporarily the duty on diethylaminoethyl-dextran; to the Committee on Finance.

By Mr. LEVIN:

S. 2351. A bill to suspend temporarily the duty on 3-Phthalimidopropionaldehyde; to the Committee on Finance.

By Mr. LEVIN:

S. 2352. A bill to suspend temporarily the duty on cinnamic acid; to the Committee on Finance.

By Mr. LEVIN:

S. 2353. A bill to suspend temporarily the duty on benzylimidazole phenyl ethanol; to the Committee on Finance.

By Mr. LEVIN:

S. 2354. A bill to extend and modify the temporary reduction of duty on Oxadiazon; to the Committee on Finance.

By Mr. LEVIN:

S. 2355. A bill to extend and modify the temporary reduction of duty on (3-acetoxy-3-cyanopropyl)methylphosphinic acid, butyl ester; to the Committee on Finance.

By Mr. LEVIN:

S. 2356. A bill to reduce temporarily the duty of Glufosinate-ammonium; to the Committee on Finance.

By Mr. LEVIN:

S. 2357. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rates for carpet cleaners and parts thereof imported into the United States; to the Committee on Finance.

By Mr. LEVIN:

S. 2358. A bill to reduce temporarily the duty on certain pasta tools; to the Committee on Finance.

By Mr. LEVIN:

S. 2359. A bill to reduce temporarily the duty on certain food processors; to the Committee on Finance.

By Mr. LEVIN:

S. 2360. A bill to suspend temporarily the duty on certain food choppers; to the Committee on Finance.

By Mr. LEVIN:

S. 2361. A bill to reduce temporarily the duty on certain coffee makers; to the Committee on Finance.

By Mr. LEVIN:

S. 2362. A bill to suspend temporarily the duty on certain toasters; to the Committee on Finance.

By Mr. LEVIN:

S. 2363. A bill to suspend temporarily the duty on certain handheld food blenders; to the Committee on Finance.

By Ms. SNOWE (for herself, Ms. LANDRIEU, and Mrs. SHAHEEN):

S. 2364. A bill to extend the availability of low-interest refinancing under the local development business loan program of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. HATCH (for himself, Mr. BARRASSO, Mr. MORAN, Mr. CRAPO, and Mr. RISCH):

S. 2365. A bill to promote the economic and energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. ENZI, Mr. KYL, Mr. CORNYN, Mr. WICKER, Mr. INHOFE, Mr. BARRASSO, Mrs. HUTCHISON, Mr. BLUNT, Mr. HOEVEN, Mr. JOHANNS, Mr. COATS, and Mr. ISAKSON):

S. 2366. A bill to extend student loan interest rates for undergraduate Federal Direct Stafford Loans; placed on the calendar.

By Mr. CONRAD (for himself and Mr. CRAPO):

S. 2367. A bill to strike the word ''lunatic'' from Federal law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON of Wisconsin (for himself, Mrs. HUTCHISON, Mr. KYL, Mr. SHELBY, Mr. THUNE, Mr. DEMINT, Mr. PAUL, Ms. AYOTTE, Mr. RISCH, Mr. JOHANNS, Mr. COATS, Mr. CHAMBLISS, Mr. RUBIO, Mr. BOOZMAN, Mr. BARRASSO, Mr. VITTER, Mr. MCCONNELL, Mr. BLUNT, Mr. SESSIONS, Mr. ROBERTS, Mr. INHOFE, Mr. GRAHAM, Mr. TOOMEY, Mr. BURR, Mr. HELLER, Mr. MORAN, Mr. ISAKSON, Mr. CORNYN, Mr. LEE, Ms. COLLINS, Mr. COCHRAN, Mr. HOEVEN, Mr. MCCAIN, Mr. COBURN, and Mr. WICKER):

S. 2368. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on midnight rules during a President's final days in office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mr. BROWN of Ohio):

S. 2369. A bill to establish the American Innovation Bank, to improve science and technology job training, to authorize grants for curriculum development, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. RUBIO):

S. Res. 435. A resolution calling for democratic change in Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. BEGICH:

S. Res. 436. A resolution designating the week of April 22 through 28, 2012, as the ''Week of the Young Child''; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. Res. 437. A resolution congratulating the Boston College men's ice hockey team on winning its fifth National Collegiate Athletic Association Division I Men's Hockey Championship; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mr. THUNE, and Mr. WICKER):

S. Res. 438. A resolution to support the goals and ideals of National Safe Digging Month; considered and agreed to.

By Mr. BLUMENTHAL (for himself, Mr. KIRK, Mr. WHITEHOUSE, Mr. CORNYN, Mr. LIEBERMAN, Mr. RUBIO, and Mrs. GILLIBRAND):

S. Res. 439. A resolution expressing the sense of the Senate that Village Voice Media Holdings, LLC should eliminate the ''adult entertainment'' section of the classified advertising website Backpage.com; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 57, a bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on certain vessels.

S. 219

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 705

At the request of Mr. CARPER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 1244

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2103

At the request of Mr. LEE, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. HATCH), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Indiana (Mr. COATS) and the Senator from North Carolina (Mr. BURR) were

added as cosponsors of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2159

At the request of Mr. LEAHY, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2207

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2207, a bill to require the Office of the Ombudsman of the Transportation Security Administration to appoint passenger advocates at Category X airports to assist elderly and disabled passengers who believe they have been mistreated by TSA personnel and for other purposes.

S. 2219

At the request of Mr. WHITEHOUSE, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2219, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 2237

At the request of Mr. REID, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

S. 2280

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2280, a bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes.

S. 2288

At the request of Ms. LANDRIEU, the names of the Senator from Maine (Ms. COLLINS), the Senator from Missouri (Mr. BLUNT), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2288, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 2319

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2319, a bill to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

At the request of Mr. BEGICH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2320, supra.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 2338

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. MORAN), the Senator from Arizona (Mr. KYL) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 2338, a bill to reauthorize the Violence Against Women Act of 1994.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2343

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2343, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 419

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 419, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the United States during Public Service Recognition week.

S. RES. 430

At the request of Mr. WICKER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 430, a resolution recognizing the 75th anniversary of the founding of Ducks Unlimited, Incorporated, the achievements of the organization in habitat conservation, and the support of the organization for the waterfowling heritage of the United States.

AMENDMENT NO. 2032

At the request of Mr. TESTER, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 2032 proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

AMENDMENT NO. 2073

At the request of Mr. CARDIN, his name was added as a cosponsor of amendment No. 2073 proposed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Ms. LANDRIEU, and Mrs. SHAHEEN):

S. 2364. A bill to extend the availability of low-interest refinancing under the local development business loan program of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to urge my colleagues to support a one-year extension of the Small Business Administration, SBA, 504 loan refinancing program that was originally authorized in the Small Business Jobs Act of 2010. This bill would allow small business owners to use 504 loans to refinance up to 90 percent of existing commercial mortgages.

The 504 loan program provides approved small businesses with long-term, fixed-rate financing used to acquire fixed assets for expansion or modernization. According to the SBA, as of February 15, 2012, the $50 billion in 504 loans has created over 2 million jobs. The refinancing option in the Small Business Jobs Act authorized $7.5 billion in refinancing until September 27, 2012. Unfortunately, because of a delay in promulgating regulations to enable refinancing, the program did not become operational until a few months ago, significantly shortening the period of time that business could refinance existing 504 loans. The 504 loan program also comes at no cost to taxpayers, has created jobs and will provide much needed relief to businesses for one additional year.

America's small business owners face a daunting business life cycle that is volatile at best: according to the SBA, while seven out of 10 new employer firms survive for at least 2 years, only ⅓ of these firms exist after 10 years. These failure rates are quite constant for different industries. Yet one factor that is a bell-weather for success is access to capital. The SBA identifies the

major factors in a firm's survivability as including: an ample supply of capital, being large enough to have employees, the owner's education level, and the owner's reason for starting the firm.

Clearly, the drive of an entrepreneur is a major factor in start-ups where statistics from the 2008 ''Report to the President on the Small Business Economy'' delivered by SBA's Office of Advocacy, show that in 2005, more than 12 million individuals were involved in starting 7 million ventures. After six years, only one third of entrepreneurs have a working business despite the fact that they put in 9.9 billion hours of uncompensated time in 2005 launching their businesses. These uncompensated hours represented 2.7 percent of total paid work in the United States that year and almost one half of the hours for all American self-employed workers. That is an incredible effort of time and talent and a show of great risk taking.

A number of small businesses utilize 504 loans as long-term, fixed-rate financing used to acquire fixed assets for expansion or modernization. These 504 loans are made available through Certified Development Companies, CDCs, SBA's community based partners for providing 504 loans. The 504 loan program offers small businesses both immediate and long-term benefits, so business owners can focus on growing their business. These benefits include 90 percent financing, longer loan amortizations, no balloon payments, fixed-rate interest rates, and savings that result in improved cash flow for small businesses.

Generally, a business must create or retain one job for every $65,000 guaranteed by the SBA under this program. Small manufacturers must create or retain a ratio of one job for every $100,000 guaranteed. In addition, the 504 program serves to revitalize a business district, expand exports, promote small businesses owned and controlled by women, minorities and veterans, especially service-disabled veterans, aid rural development, and increase productivity and competitiveness.

As I mentioned at the outset of my remarks, the 504 program is a job creator that does not receive any appropriated funds. The 1-year extension of the refinancing for the 504 loan program will allow businesses to retain employees and it also comes at zero cost to taxpayers. These are solid measures that will help small businesses at a time when many small enterprises are struggling to keep their employees and run basic operations. I ask my colleagues to support this legislation as swiftly as possible, as our Nation's capital-starved small businesses deserve no less.

By Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. ENZI, Mr. KYL, Mr. CORNYN, Mr. WICKER, Mr. INHOFE, Mr. BARRASSO, Mrs. HUTCHISON Mr. BLUNT, Mr. HOEVEN, Mr. JOHANNS, Mr. COATS, and Mr. ISAKSON):

S. 2366. A bill to extend student loan interest rates for undergraduate Federal Direct Stafford Loans; placed on the calendar.

Mr. ALEXANDER. Mr. President, I would like to talk a little bit more specifically this morning about the issue of interest rates on student loans. President Obama is busy this week traveling to campuses across America to talk about student loans. It is a noble goal to talk about making it easier for students to afford college. It is a goal we all share.

But I am afraid the President is not telling the whole story. Because if he were to tell the whole story, what he would have to tell the students is that the principal reason for the rise in tuition at public colleges and universities and community colleges across America and the principal reason for the increase in student loans is President Obama himself and his own health care policies.

To be fair, he did not start many of these policies. They have been going on for a good while. But he has made them worse over the last several years. When the new health care law goes into effect in 2014, with its new mandates on States, we will find an exaggeration of what has already been happening, which is that Federal health care mandates on States are soaking up the money States otherwise would spend on the University of Oklahoma, and Tennessee, and the State University of New York.

When States do not support their public colleges and universities, which is where approximately three-quarters of our college students attend, then their only choice is either to become more efficient, to decrease their quality or to raise tuition. Most of them are trying to do all three.

So Federal health care policies are the main reason tuition is up, and the reason tuition is up is the main reason debt is up. Specifically, what we are talking about, and what the President has been talking about, is a 3.4-percent interest rate for some student loans.

Here are some facts about that. The President has proposed that for 1 year, for new Stafford subsidized loans, rates would remain at 3.4 percent. Governor Romney agrees with him. I agree with him. So there is substantial support from both the President and his probable Republican opponent in the Presidential race for this next year. New loans, after July 1, which are now at 3.4 percent, would stay at 3.4 percent. The benefit to students who get the advantage of that lower rate—most other loans are at 6.8 percent by law—is about $7 a month, according to the Congressional Research Service.

All this talk is about offering students the benefit of about $7 a month for new loans. It is important to notice that no student who has a 3.4-percent loan today will see his or her interest rate go up. I will say that again. If you have a loan and you are going to the University of North Carolina and are paying 3.4 percent today, your rate will not go up on July 1. The law only affects new loans, and it doesn't affect 60 percent of loans. For 60 percent of those getting new loans after July 1, they will continue to pay the 6.8 percent set by Congress a long time ago.

I am glad the President is bringing this issue up, because the real driver of higher tuition and higher interest rates is the President's own policies—in two ways: The government and congressional Democrats who passed the health care law are actually overcharging students—all students—on student loans and using some of the money to pay for the health care law. These aren't just my figures. The CBO said when the new health care law passed, Congress took $61 billion of so-called savings—I call them profits on student loans—and it spent $10 billion to reduce the debt, $8.7 billion on the health care law, and the rest on Pell grants.

How does that work? How could Congress be overcharging students? Well, under the health care law, the government borrows money at 2.8 percent. The government then loans to students at 6.8 percent. That produces a profit. The Congressional Budget Office has said that the Congress could have lowered the interest rate from 6.8 to 5.3 percent and save all students $2,200 over the life of their average 10-year loan. I am introducing legislation today on my behalf and on behalf of others called the Student Interest Rate Reduction Act. This law proposes to keep the interest rate at 3.4 percent for subsidized Stafford loans beginning July 1 of this year, just as the President and Governor Romney proposed. We will pay for that by taking back the money that the Congress overcharged students on their student loans under the health care law.

This 1-year solution, as I said, will save students about $7 a month on interest payments on their new loans, or about $83 a year. It will cost the taxpayers about $6 billion, which will be paid for by reductions in savings from the new health care law.

Let's talk a moment about the real cost of tuition and student debt going up—that is, Federal health care policies. When I was Governor of Tennessee in the 1980s, the same thing would happen every year as I made up my State budget, and it is happening today in every State capital in America. I would work through all the things we had to fund with State tax dollars—the roads, the schools, the prisons, and the various State agencies. Then I would get down to the end of the budgeting process and have some money left. The choice would always be between Medicaid and higher education—our public colleges and universities. I spent my whole 8 years as Governor trying to keep the amount we gave to Medicaid down so that I could increase the

amount for colleges and universities, because I thought that was the future of our State.

In fact, we had a formula then that said if you went to a public college or university, the taxpayer would pay for 70 percent of it and the student would pay for 30 percent. If we raised your tuition, we would raise the State's share. We kept that 70/30. That is now turned completely around in Tennessee, where it is closer to 30/70 now; the student pays 30 percent and the taxpayers pay nearly 70 percent. This shift is because Medicaid mandates from Washington on every State have forced Governors and legislatures to take the money they would otherwise spend for public colleges and universities and spend it instead for Medicaid. As a result, State colleges and universities have less money, and to get more money, they must raise tuition.

When tuition goes up at the University of California, and you see students protesting, the reason is because of Washington. As I said, President Obama didn't invent this problem—this is a 30-year old problem—but he has made it worse. He made it worse with laws that say when States have less money, they have to spend more on Medicaid. If they are told from Washington to spend more on Medicaid, even though they have less revenues, they are going to spend less on something else. So they spend less on the University of California, or the State University of New York, or the University of Tennessee.

Last year in Tennessee, State funding for Medicaid went up 16 percent in actual dollars; as a result, State funding for community colleges and the University of Tennessee went down 15 percent in real cuts. That was not a cut in growth. That was a real cut. What did the state colleges and universities do? They raised tuition 8 percent. What did students do? They borrowed more money.

I have been trying to get this point across ever since I became a Senator. I said during the health care debate that everybody who voted for it ought to be sentenced to serve as Governor for 8 years in his or her State so they would understand this problem.

We cannot continue to order the States to spend more for Medicaid and expect our great colleges and universities to be affordable and continue to be the best in the world. That is the real reason why tuition is going up and loans are going up.

Here are the facts. There are still good options for students. I mentioned earlier that the average cost of tuition at a 4-year public university in America is about $8,200. For a community college, it is around $3,000. There are many scholarships to help them go there. It is true that loans are going up to very high levels. It is true that there are some abuses here and there—within the for-profit and other parts of the higher education system. But it is also true that in the United States we not only have some of the best colleges and universities in the world, we have almost all of them. Many of them are public colleges and universities. They are at risk today. Why? Because of Federal health care policies that are hamstringing States and soaking up the money that States should be using to fund the universities of this country and the community colleges of this country.

Mr. President, again, I am introducing today the Student Loan Interest Rate Reduction Act. It addresses exactly the subject President Obama is talking about on the campaign trail these days. How do we keep the interest rate on subsidized Stafford loans, the new loans that began July 1—how do we keep that at 3.4 percent for 1 year? Governor Romney supports that. President Obama supports that. I support that. The only difference is how we pay for it. It will cost $6 billion.

Our friends on the Democratic side have come up with their usual methods of paying for it: They are going to raise taxes on small business and people who create jobs.

We have a little better idea on this side, which is, let's take the $8.7 billion back that the Federal Government overcharges students on student loans today to help pay for the health care law and give it back to the students, and let's extend this for 1 year. That will leave nearly $3 billion extra, which we can use to shore up the Pell grant funding gap that is expected over the next couple of years.

Respectfully, I say to President Obama, when you visit the next college campus, tell the whole story. It is hard to attend and pay for college. There are many good options. Debt is up. But in fairness, the principal reason tuition is rising, and therefore debt is rising, is because of President Obama's own health care policy. He didn't start it, but he made it worse. What he has done is put into place a set of policies that are soaking up the money States would use to fund public colleges and universities and community colleges across this country, forcing them to use that money for Medicaid. As a result, the universities and community colleges have less money, they raise tuition, and that is the principal reason why we have higher tuition and higher interest rates.

The way to stop that would be to either repeal the health care law or repeal the Medicaid mandates. That would improve the quality of American public higher education, and it would improve access to higher education. It would slow down the rising of tuition and slow down the rising of student debt.

By Mr. CONRAD (for himself and Mr. CRAPO):

S. 2367. A bill to strike the word ''lunatic'' from Federal law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CONRAD. Mr. President, today I am pleased to be joined by Senator CRAPO in introducing the 21st Century Language Act of 2012. This bipartisan legislation updates federal law by eliminating references that contribute to the stigmatization of mental health conditions. Specifically, this legislation removes the word ''lunatic'' from several sections of the United States Code to reflect our nation's modern understanding of mental health conditions.

Recently, a North Dakota constituent contacted my office to express support for legislative efforts to remove this outdated and inappropriate language from federal law. Senator CRAPO and I agree that federal law should reflect the 21st century understanding of mental illness and disease, and that the continued use of this pejorative term has no place in the U.S. Code.

Senator CRAPO and I have worked with the Senate Banking Committee to confirm that ''lunatic'' is an unnecessary term and that its removal will have no impact on the broader federal law. This legislation enjoys strong support from a number of mental health advocates across the nation, including the National Alliance on Mental Illness, Mental Health America, National Council on Community Behavioral Healthcare, and the Clinical Social Work Association. I hope my colleagues will join me in working to pass this overdue update to the U.S. Code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 435—CALLING FOR DEMOCRATIC CHANGE IN SYRIA, AND FOR OTHER PURPOSES

Mr. CASEY (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 435

Whereas the Republic of Syria is a party to the International Covenant on Civil and Political Rights (ICCPR), adopted at New York December 16, 1966, and the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and voted in favor of the Universal Declaration of Human Rights, adopted at Paris December 10, 1948;

Whereas, since March 2011, the Government of Syria has engaged in a sustained campaign of violence and gross human rights violations against civilians in Syria, including the use of weapons of war, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment;

Whereas the United Nations estimated that, as of April 16, 2012, at least 10,000 people had been killed in Syria since the violence began in March 2011;

Whereas, on August, 18, 2011, President Barack Obama called upon President Bashar al Assad to step aside;

Whereas, in November 2011 and February 2012, the United Nations Commission of Inquiry released reports documenting gross human rights violations committed in Syria;

Whereas the League of Arab States deployed a team of international monitors to Syria on December 26, 2011;

Whereas, on January 28, 2012, the League of Arab States suspended its monitoring mission in Syria in response to an escalation in violence;

Whereas, on March 16, 2012, United Nations and League of Arab States Special Envoy Kofi Annan presented a six-point peace plan for Syria that called on the Government of Syria to, among other things: commit to stop the fighting and urgently achieve a United Nations-supervised cessation of violence; work with the Envoy in an inclusive Syrian-led political process; cease military activity in and around civilian population centers; ensure timely provision of humanitarian assistance; release arbitrarily detained persons; ensure freedom of movement for journalists; and respect the freedom of association and the right to demonstrate peacefully;

Whereas, on March 21, 2012, the United Nations Security Council unanimously adopted a Presidential Statement giving full support to the efforts of Joint Special Envoy Annan and calling on the Government of Syria and the opposition in Syria to work in good faith to fully and immediately implement Mr. Annan's six point proposal;

Whereas, on April 1, 2012, the group Friends of the Syrian People met in Istanbul and announced measures to increase the pressure on the Assad regime, provide greater humanitarian relief to people in need, and support the Syrian opposition as it works toward an inclusive democratic transition.

Whereas, as of April 1, 2012, the United States Government had pledged $25,000,000 in humanitarian assistance, as well as non-lethal communications equipment, to activists inside Syria;

Whereas, on April 5, 2012, the United Nations Security Council adopted a Presidential Statement calling on the Government of Syria to implement urgently and visibly its commitments to Mr. Annan, including ceasing armed violence within 48 hours;

Whereas, on April 14, 2012, the United Nations Security Council adopted Resolution 2042, which authorized the deployment of an advance team of United Nations military observers to monitor adherence to a ceasefire in the country;

Whereas the Governments of Turkey, Jordan, Lebanon, and Iraq have provided refuge for tens of thousands of people displaced by the violence in Syria; and

Whereas the Governments of the Russian Federation and the Islamic Republic of Iran continue to supply military equipment to the Government of Syria notwithstanding that government's violent repression of demonstrators:

Now, therefore, be it

Resolved, That the Senate—

(1) condemns Syrian President Bashar al-Assad's ongoing slaughter of his own people;

(2) reaffirms that it is the policy of the United States that the legitimate aspirations of the Syrian people cannot be realized so long as Bashar al-Assad remains in power and that he must step aside;

(3) recognizes the efforts of the United Nations and the League of Arab States to establish a ceasefire in Syria and to deploy international personnel to observe adherence by the Government of Syria to Special Envoy Kofi Annan's six-point peace plan to bring an end to violence and human rights violations and as a first step toward a full democratic transition in Syria;

(4) urges robust support for the United Nations-administered Emergency Response Fund to ensure the sustained provision of humanitarian and emergency medical support for the population of Syria affected by the conflict;

(5) urges the continued provision of adequate humanitarian assistance to displaced Syrians currently located in Turkey, Jordan, Lebanon, and Iraq;

(6) calls on the President to engage with the League of Arab States, the European Union, and the Government of the Republic of Turkey to explore options to protect civilians in Syria;

(7) demands that the Government of Syria allow additional United Nations personnel into the country, with complete freedom of movement, and take necessary measures to ensure their safety in Syria so that they may observe the ceasefire and the adherence by the Government of Syria to the United Nation six-point peace plan;

(8) urges the Syrian opposition to renew its commitment to a democratic and inclusive society in the post-Assad era based on the rule of law, commitment to universal human rights for all of its people, and protections for religious and ethnic minorities;

(9) calls upon the League of Arab States, the United Nations, the Friends of the Syrian People, and other interested international bodies to continue to exert maximum diplomatic pressure for Assad to step aside and for a political transition in Syria;

(10) urges the Friends of the Syrian People to renew efforts to incentivize the enhanced cohesion of democratically oriented organizations in Syria, and to encourage these groups to make clear their intention to represent and protect the interests of all Syrians;

(11) calls upon the President to continue to provide support, including communications equipment to organizations in Syria that are representative of the people of Syria, make demonstrable efforts to protect human rights and religious freedom, reject terrorism, cooperate with international counterterrorism and nonproliferation efforts, and abstain from destabilizing neighboring countries;

(12) urges the President to develop a plan to identify weapons stockpiles and prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria; and

(13) strongly condemns the Governments of the Russian Federation and the Islamic Republic of Iran for providing military and security equipment to the Government of Syria, which has been used to repress peaceful demonstrations and commit mass atrocities against unarmed civilian populations in Syria.

SENATE RESOLUTION 436—DESIGNATING THE WEEK OF APRIL 22 THROUGH 28, 2012, AS THE ''WEEK OF THE YOUNG CHILD''

Mr. BEGICH submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 436

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies show that high-quality early childhood education programs improve the likelihood that children will have success in school and in life by improving their cognitive, social, emotional, and physical development;

Whereas many children eligible for, and in need of, high-quality child care, Early Head Start, Head Start, and other early childhood education programs are not served by such programs;

Whereas child care assistance and other early childhood education programs enable parents to work, go to school, and support their families;

Whereas the individuals who work with young children deserve the respect of the people of the United States, professional support, and fair compensation to reflect the important value of their work;

Whereas economist and Nobel Laureate James Heckman has stated that investment in childhood education reaps economic returns due to outcomes such as lower special education placements, lower juvenile delinquency rates, and greater school graduation rates; and

Whereas the National Association for the Education of Young Children established the ''Week of the Young Child'' to bring attention to the developmental and learning needs of young children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 22 through 28, 2012, as the ''Week of the Young Child'';

(2) encourages the people of the United States to celebrate—

(A) young children and families; and

(B) the individuals who provide high-quality care and early childhood education to the young children of the United States; and

(3) urges the people of the United States to recognize the importance of—

(A) high-quality, comprehensive early childhood education programs; and

(B) the value of those programs for preparing children to—

(i) experience positive development and education; and

(ii) enjoy lifelong success.

Mr. BEGICH. Mr. President, today I rise to submit a resolution to recognize the Week of the Young Child.

My resolution recognizes April 22 to 28 as the Week of the Young Child. This week in Alaska, and in States and communities across the Nation, we celebrate and bring greater awareness to the importance of the early years of children's lives.

The Week of the Young Child officially began in 1971 as an annual observance and public education effort of the National Association for the Education of Young Children, the Nation's oldest and recognized leader in early childhood education for children from birth through age 8, to reach out to families and communities and to emphasize the crucial role adults play in giving children the foundation they need to succeed in school and beyond.

This week focuses attention on the importance of children's early years. Early childhood educators, librarians, United Ways, and other organizations provide a range of activities to highlight how each of us can help children and families thrive. This is a national issue as well as local issue. Federal policy and funding is a significant component of early childhood education in this country, from Early Head Start and Head Start to the Child Care and Development Block Grant as well as Title I and even higher education financial aid and teacher support programs for the early childhood education workforce. Yet our investments remain inadequate, especially when you consider the work of noted economists such as James Heckman on the return on investment to our Nation's economy. Today, not quite half of the poorest preschoolers in our country

can enroll in Head Start and only 3 percent of the babies and toddlers who could benefit from Early Head Start can attend because of inadequate resources. Child care assistance reaches only one in seven eligible children, making it harder for families to have stable jobs and for children to have safe and nurturing places to grow and learn. The committed individuals who work in child care earn woefully inadequate salaries, often without health care or retirement support.

I hope all of my colleagues will find out more about the activities celebrating the Week of the Young Child in their States and can show their support for families and the professionals who work with young children every day.

SENATE RESOLUTION 437—CONGRATULATING THE BOSTON COLLEGE MEN'S ICE HOCKEY TEAM ON WINNING ITS FIFTH NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S HOCKEY CHAMPIONSHIP

Mr. KERRY (for himself and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 437

Whereas, on April 7, 2012, Boston College won the 2012 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') Division I Men's Hockey Championship;

Whereas the 2012 NCAA Division I Men's Hockey Championship is the fifth national championship for the Boston College Eagles men's ice hockey team;

Whereas the 2012 NCAA Division I Men's Hockey Championship is the third national championship in the last 5 years for Boston College and its head coach, Jerry York;

Whereas Jerry York has the most wins of any active coach in NCAA Division I Men's Hockey;

Whereas Father William P. Leahy, S.J., the President of Boston College, and Gene DeFilippo, the Athletic Director of Boston College, have shown great leadership in bringing athletic success to Boston College;

Whereas the semifinal games and final game of the NCAA Division I Men's Hockey Tournament are known as the ''Frozen Four'';

Whereas junior goaltender Parker Milner was named the Most Outstanding Player of the Frozen Four after allowing only 2 goals during the entire NCAA Division I Men's Hockey Tournament;

Whereas Boston College finished the 2011–2012 men's hockey season on a 19-game winning streak, which is a single-season team record;

Whereas, on February 13, 2012, Boston College won its third consecutive Beanpot Championship, defeating Boston University in sudden death overtime by a score of 3 to 2;

Whereas, on March 17, 2012, Boston College won its third consecutive Hockey East Championship, defeating the University of Maine by a score of 4 to 1;

Whereas, on April 5, 2012, Boston College defeated the University of Minnesota in a Frozen Four semifinal game by a score of 6 to 1 to advance to the national championship game; and

Whereas Boston College won the Frozen Four championship game with a victory over Ferris State University by a score of 4 to 1:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped Boston College win the 2012 National Collegiate Athletic Association Division I Men's Hockey Championship; and

(2) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Father William P. Leahy, S.J., the President of Boston College;

(B) Gene DeFilippo, the Athletic Director of Boston College; and

(C) Jerry York, the head coach of the Boston College men's ice hockey team.

SENATE RESOLUTION 438—TO SUPPORT THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mr. THUNE, and Mr. WICKER) submitted the following resolution; which considered and agreed to:

S. RES. 438

Whereas each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to locating underground utility lines often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas ''One Call'' has helped reduce the number of digging damages caused by failure to call before digging from 48 percent in 2004 to 32 percent in 2010;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the exact location of underground lines; and

Whereas the Common Ground Alliance has designated April as ''National Safe Digging Month'' to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number:

Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month; and

(2) encourages all homeowners and excavators throughout the United States to call 811 before digging.

SENATE RESOLUTION 439—EXPRESSING THE SENSE OF THE SENATE THAT VILLAGE VOICE MEDIA HOLDINGS, LLC SHOULD ELIMINATE THE ''ADULT ENTERTAINMENT'' SECTION OF THE CLASSIFIED ADVERTISING WEBSITE BACKPAGE.COM

Mr. BLUMENTHAL (for himself, Mr. KIRK, Mr. WHITEHOUSE, Mr. CORNYN, Mr. LIEBERMAN, Mr. RUBIO, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 439

Whereas, according to the Department of Justice, there was a 59 percent increase in identified victims of human trafficking worldwide between 2009 and 2010;

Whereas, according to the Department of Health and Human Services, human trafficking is the fastest-growing criminal enterprise in the world;

Whereas experts estimate that up to 300,000 children are at risk of sexual exploitation each year in the United States;

Whereas experts estimate that the average female victim of sex trafficking is forced into prostitution for the first time between the ages of 12 and 14, and the average male victim of sex trafficking is forced into prostitution for the first time between the ages of 11 and 13;

Whereas the Bureau of Justice Statistics found that 40 percent of incidents investigated by federally-funded task forces on human trafficking between 2008 and 2010 involved prostitution of a child or the sexual exploitation of a child;

Whereas, according to the classified advertising consultant Advanced Interactive Media Group (referred to in this preamble as ''AIM Group''), Backpage.com is the leading United States website for prostitution advertising;

Whereas Backpage.com is owned by Village Voice Media Holdings, LLC (referred to in this preamble as ''Village Voice Media'');

Whereas the National Association of Attorneys General tracked more than 50 cases in which charges were filed against persons who were trafficking or attempting to traffic minors on Backpage.com;

Whereas Myrelle and Tyrelle Locket—

(1) in February 2011 were each sentenced to 4 years in prison on charges of trafficking of persons for forced labor or services for operating an Illinois sex trafficking ring that included minors; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Arthur James Chappell—

(1) in March 2011 was sentenced to 28 years in prison on charges of sex trafficking of a minor for running a prostitution ring with at least 1 juvenile victim in Minnesota; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Brandon Quincy Thompson—

(1) in April 2011 was sentenced to life imprisonment on charges of sex trafficking a child by force for running a South Dakota prostitution ring that involved multiple underage girls; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Clint Eugene Wilson—

(1) in May 2011 was sentenced to 20 years in prison on charges of sex trafficking of a minor by force, fraud, or coercion for forcing a 16-year-old Dallas girl into prostitution, threatening to assault her, and forcing her to get a tattoo that branded her as his property; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Demetrius Darnell Homer—

(1) in August 2011 was sentenced to 20 years in prison on charges of sex trafficking of a minor for violently forcing a 14-year-old Atlanta girl into prostitution, controlling her through beatings, threatening her with a knife, shocking her with a taser in front of another underage girl whom he had placed in prostitution, and forcing her to engage in prostitution while she was pregnant with his child; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Leighton Martin Curtis—

(1) in February 2012 was sentenced to 30 years in prison on charges of sex trafficking of a minor and production of child pornography for pimping a 15-year-old girl throughout Florida, Georgia, and North Carolina to approximately 20 to 35 customers each week for more than a year; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Ronnie Leon Tramble—

(1) in March 2012 was sentenced to 15 years in prison on charges of sex trafficking through force, fraud, and coercion for forcing more than 5 young women and minors into prostitution over a period of at least 5 years throughout the State of Washington, during which time period he constantly subjected the victims to brutal physical and emotional abuse; and

(2) used Backpage.com to facilitate the prostitution;

Whereas, according to AIM Group, 80 percent of online prostitution advertising revenue for the month of February 2012 was attributed to Backpage.com;

Whereas, according to AIM Group, the number of Backpage.com advertisements for ''escorts'' and ''body rubs'', a thinly veiled code for prostitution, increased by nearly 5 percent between February 2011 and February 2012;

Whereas, according to AIM Group, Backpage.com earned an estimated $26,000,000 from prostitution advertisements between February 2011 and February 2012;

Whereas Backpage.com vice president Carl Ferrer acknowledged to the National Association of Attorneys General that the company identifies more than 400 ''adult entertainment'' posts that may involve minors each month;

Whereas the actual number of ''adult entertainment'' posts on Backpage.com each month that involve minors may be far greater than 400;

Whereas, according to the National Association of Attorneys General, Missouri investigators found that the review procedures of Backpage.com are ineffective in policing illegal activity;

Whereas, in September 2010, Craigslist.com removed the ''adult services'' section of its website following calls for removal from law enforcement and advocacy organizations;

Whereas, by September 16, 2011, 51 attorneys general of States and territories of the United States had called on Backpage.com to shut down the ''adult entertainment'' section of its website;

Whereas, on September 16, 2011, the Tri-City Herald of the State of Washington published an editorial entitled ''Attorneys general target sexual exploitation of kids'', writing, ''. . . we'd also encourage the owners of Backpage.com to give the attorneys general what they are asking for'';

Whereas, on October 25, 2011, 36 clergy members from across the United States published an open letter to Village Voice Media in the New York Times, calling on the company to shut down the ''adult entertainment'' section of Backpage.com;

Whereas, on December 2, 2011, 55 anti-trafficking organizations called on Village Voice Media to shut down the ''adult entertainment'' section of Backpage.com;

Whereas, on December 29, 2011, the Seattle Times published an editorial entitled ''Murders strengthen case against Backpage.com'', writing, ''Backpage.com cannot continue to dismiss the women and children exploited through the website, nor the 3 women in Detroit who are dead possibly because they were trafficked on the site. Revenue from the exploitation and physical harm of women and minors is despicable. Village Voice Media, which owns Backpage.com, must shut this site down. Until then, all the pressure that can be brought to bear must continue.'';

Whereas, on March 18, 2012, Nicholas Kristof of the New York Times wrote in an opinion piece entitled ''Where Pimps Peddle Their Goods'' that ''[t]here are no simple solutions to end sex trafficking, but it would help to have public pressure on Village Voice Media to stop carrying prostitution advertising.'';

Whereas, on March 29, 2012, Change.org delivered a petition signed by more than 240,000 individuals to Village Voice Media, calling on the company to shut down the ''adult entertainment'' section of Backpage.com;

Whereas, on January 12, 2012, John Buffalo Mailer, son of Village Voice co-founder Norman Mailer, joined the Change.org petition to shut down the ''adult entertainment'' section of Backpage.com, stating, ''For the sake of the Village Voice brand and for the sake of the legacy of a great publication, take down the adult section of Backpage.com, before the Village Voice must answer for yet another child who is abused and exploited because you did not do enough to prevent it.'';

Whereas, on March 30, 2012, a private equity firm owned by Goldman Sachs Group, Inc. completed a deal to sell its 16 percent ownership stake in Village Voice Media back to management;

Whereas, in M.A. ex rel. P.K. v. Village Voice Media Holdings, LLC (809 F. Supp. 2d 1041 (E.D. Mo. 2011)), the United States District Court for the Eastern District of Missouri held that section 230 of the Communications Act of 1934 (47 U.S.C. 230) (as added by section 509 of the Communications Decency Act of 1996 (Public Law 104–104; 110 Stat. 137)) protects Backpage.com from civil liability for the ''horrific victimization'' the teenage plaintiff suffered at the hands of the criminal who posted on the website to perpetrate her vicious crimes; and

Whereas the Communications Decency Act of 1996 (Public Law 104–104; 110 Stat. 56) and the amendments made by that Act do not preclude a service provider from voluntarily removing a portion of a website known to facilitate the sexual exploitation of minors in order to protect children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the efforts of law enforcement agencies to provide training to law enforcement agents on how to identify victims of sex trafficking, investigate cases of sex trafficking, prosecute sex trafficking offenses, and rescue victims of sex trafficking;

(2) supports services for trafficking victims provided by the Federal Government, State and local governments, and non-profit and faith-based organizations, including medical, legal, mental health, housing, and other social services; and

(3) calls on Village Voice Media Holdings, LLC to act as a responsible global citizen and immediately eliminate the ''adult entertainment'' section of the classified advertising website Backpage.com to terminate the website's rampant facilitation of online sex trafficking.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2085. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1925, to reauthorize the Violence Against Women Act of 1994; which was ordered to lie on the table.

SA 2086. Mr. CORNYN (for himself, Mr. KIRK, Mr. BENNET, Mr. MCCONNELL, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1925, supra; which was ordered to lie on the table.

SA 2087. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1925, supra; which was ordered to lie on the table.

SA 2088. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1925, supra; which was ordered to lie on the table.

SA 2089. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1925, supra; which was ordered to lie on the table.

SA 2090. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1925, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2085. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1925, to reauthorize the Violence Against Women Act of 1994; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IDENTIFYING UNNECESSARY DUPLICATION WITHIN THE DEPARTMENT OF JUSTICE.

(a) REQUIREMENT TO IDENTIFY AND DESCRIBE PROGRAMS.—Each fiscal year, for purposes of the report required by subsection (c), the Attorney General shall—

(1) identify and describe every program administered by the Department of Justice;

(2) for each such program—

(A) determine the total administrative expenses of the program;

(B) determine the expenditures for services for the program;

(C) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(D) estimate—

(i) the number of full-time employees who administer the program; and

(ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance) who assist in administering the program; and

(3) identify programs within the Federal Government (whether inside or outside the agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(b) RELATIONSHIP TO CATALOG OF DOMESTIC ASSISTANCE.—With respect to the requirements of paragraphs (1) and (2)(B) of subsection (a), the Attorney General may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(c) REPORT.—Not later than February 1 of each fiscal year, the Attorney General shall publish on the official public website of the agency a report containing the following:

(1) The information required under subsection (a) with respect to the preceding fiscal year.

(2) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under subsection (a)(1), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(3) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(4) The total amount of unspent and unobligated program funds held by the Department and grant recipients (not including individuals) stated as an amount—

(A) held as of the beginning of the fiscal year in which the report is submitted; and

(B) held for five fiscal years or more.

(5) Such recommendations as the Attorney General considers appropriate—

(A) to consolidate programs that are duplicative or overlapping;

(B) to eliminate waste and inefficiency; and

(C) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(d) CONSOLIDATING UNNECESSARY DUPLICATION WITHIN THE DEPARTMENT OF JUSTICE.—Notwithstanding any other provision of law and not later than 150 days after the date of enactment of this section, the Attorney General shall—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in—

(A) the February 2012 Government Accountability Office report to Congress entitled ''2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 12 342SP); and

(B) subsection (a);

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in—

(A) the February 2012 Government Accountability Office report to Congress entitled ''2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO 12 342SP); and

(B) subsection (c); and

(3) develop a plan that would result in financial cost savings of no less than 20 percent of the nearly $3,900,000,000 in duplicative grant programs identified by the Government Accountability Office as a result of the actions required by paragraph (1).

(e) ELIMINATING THE BACKLOG OF UNANALYZED DNA FROM SEXUAL ASSAULT, RAPE, KIDNAPPING, AND OTHER CRIMINAL CASES.—Notwithstanding any other provision of law and not later than 1 year after the enactment of this section, the Director of the Office of Management and Budget in consultation with Attorney General shall—

(1) rescind from the appropriate accounts the total amount of cost savings from the plan required in subsection (d)(3);

(2) apply as much as 75 percent of the savings towards alleviating any backlogs of analysis and placement of DNA samples from rape, sexual assault, homicide, kidnapping and other criminal cases, including casework sample and convicted offender backlogs, into the Combined DNA Index System; and

(3) return the remainder of the savings to the Treasury for the purpose of deficit reduction.

(f) REPORTING THE SAVINGS RESULTING FROM CONSOLIDATING UNNECESSARY DUPLICATION.—Notwithstanding any other provision of law, the Attorney General shall post a report on the public Internet website of the Department of Justice detailing—

(1) the programs consolidated as a result of this section, including any programs eliminated;

(2) the total amount saved from reducing such duplication;

(3) the total amount of such savings directed towards the analysis and placement of DNA samples into the Combined DNA Index System;

(4) the total amount of such savings returned to the Treasury for the purpose of deficit reduction; and

(5) additional recommendations for consolidating duplicative programs, offices, and initiatives within the Department of Justice.

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term ''administrative expenses'' has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111–85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section—

(A) costs incurred by the Department as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the Department; and

(B) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the Department.

(2) PERFORMANCE INDICATOR; PERFORMANCE GOAL; OUTPUT MEASURE; PROGRAM ACTIVITY.—The terms ''performance indicator'', ''performance goal'', ''output measure'', and ''program activity'' have the meanings provided by section 1115 of title 31, United States Code.

(3) PROGRAM.—The term ''program'' has the meaning provided by the Director of the Office of Management and Budget in consultation with the Attorney General and shall include any organized set of activities directed toward a common purpose or goal undertaken by the Department of an agency that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, cooperative agreements, compacts, loans, leases, technical support, consultation, or other guidance.

(4) SERVICES.—The term ''services'' has the meaning provided by the Attorney General and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).

SA 2086. Mr. CORNYN (for himself, Mr. KIRK, Mr. BENNET, Mr. MCCONNELL, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1925, to reauthorize the Violence Against Women Act of 1994; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XI—THE SAFER ACT

SECTION 1101. SHORT TITLE.

This title may be cited as the ''Sexual Assault Forensic Evidence Registry Act of 2012'' or the ''SAFER Act of 2012''.

SEC. 1102. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(6) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.'';

(2) in subsection (c), by adding at the end the following new paragraph:

''(4) ALLOCATION OF GRANT AWARDS FOR AUDITS.—For each of fiscal years 2012 through 2016, not less than 7 percent of the grant amounts distributed under paragraph (1) shall be awarded for the purpose described in subsection (a)(6).''; and

(3) by adding at the end the following new subsection:

''(n) USE OF FUNDS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.—

''(1) ELIGIBILITY.—The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(6) only if the State or unit of local government—

''(A) submits a plan for performing the audit of samples described in such subsection; and

''(B) includes in such plan a good-faith estimate of the number of such samples.

''(2) GRANT CONDITIONS.—A State or unit of local government receiving a grant for the purpose described in subsection (a)(6) shall—

''(A) not later than 1 year after receiving such grant—

''(i) complete the audit referred to in paragraph (1)(A) in accordance with the plan submitted under such paragraph; and

''(ii) for each sample of sexual assault evidence identified in such audit, subject to paragraph (4), enter into the Sexual Assault Forensic Evidence Registry established under subsection (o) the information listed in subsection (o)(2);

''(B) not later than 21 days after receiving possession of a sample of sexual assault evidence that was not in the possession of the State or unit of local government at the time of such audit, subject to paragraph (4), enter into the Sexual Assault Forensic Evidence Registry the information listed in subsection (o)(2) with respect to the sample; and

''(C) not later than 30 days after a change in the status referred to in subsection (o)(2)(A)(v) of a sample with respect to which the State or unit of local government has entered information into such Registry, update such status.

''(3) EXTENSION OF INITIAL DEADLINE.—The Attorney General may grant an extension of the deadline under paragraph (2)(A) to a State or unit of local government that demonstrates that more time is required for compliance with such paragraph.

''(4) SAMPLES EXEMPT FROM REGISTRY REQUIREMENT.—A State or unit of local government is not required under paragraph (2) to enter into the Registry described in such paragraph information with respect to a sample of sexual assault evidence if—

''(A) the sample is not considered criminal evidence (such as a sample collected anonymously from a victim who is unwilling to make a criminal complaint); or

''(B) the sample relates to a sexual assault for which the prosecution of each perpetrator is barred by a statute of limitations.

''(5) DEFINITIONS.—In this subsection:

''(A) AWAITING TESTING.—The term 'awaiting testing' means, with respect to a sample of sexual assault evidence, that—

''(i) the sample has been collected and is in the possession of a State or unit of local government;

''(ii) DNA and other appropriate forensic analyses have not been performed on such sample; and

''(iii) the sample is related to a criminal case or investigation in which final disposition has not yet been reached.

''(B) FINAL DISPOSITION.—The term 'final disposition' means, with respect to a criminal case or investigation to which a sample of sexual assault evidence relates—

''(i) the conviction or acquittal of all suspected perpetrators of the crime involved;

''(ii) a determination by the State or unit of local government in possession of the sample that the case is unfounded; or

''(iii) a declaration by the victim of the crime involved that the act constituting the basis of the crime was not committed.

''(C) POSSESSION.—

''(i) IN GENERAL.—The term 'possession', used with respect to possession of a sample of sexual assault evidence by a State or unit of local government, includes possession by an individual who is acting as an agent of the State or unit of local government for the collection of the sample.

''(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to create or amend any Federal rights or privileges for non-governmental vendor laboratories described in regulations promulgated under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131).''.

SEC. 1103. SEXUAL ASSAULT FORENSIC EVIDENCE REGISTRY.

(a) IN GENERAL.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135), as amended by section 1102 of this title, is further amended by adding at the end the following new subsection:

''(o) SEXUAL ASSAULT FORENSIC EVIDENCE REGISTRY.—

''(1) IN GENERAL.—Subject to subsection (j), not later than 1 year after the date of enactment of the SAFER Act of 2012, the Attorney General shall establish a Sexual Assault Forensic Evidence Registry (in this subsection referred to as the 'Registry') that—

''(A) allows States and units of local government to enter information into the Registry about samples of sexual assault evidence that are in the possession of such States or units of local government and are awaiting testing; and

''(B) tracks the testing and processing of such samples.

''(2) INFORMATION IN REGISTRY.—

''(A) IN GENERAL.—A State or unit of local government that chooses to enter information into the Registry about a sample of sexual assault evidence shall include the following information:

''(i) The date of the sexual assault to which the sample relates.

''(ii) The city, county, or other appropriate locality in which the sexual assault occurred.

''(iii) The date on which the sample was collected.

''(iv) The date on which information relating to the sample was entered into the Registry.

''(v) The status of the progression of the sample through testing and other stages of the evidentiary handling process, including the identity of the entity in possession of the sample.

''(vi) The date or dates after which the State or unit of local government would be barred by any applicable statutes of limitations from prosecuting a perpetrator of the sexual assault for the sexual assault.

''(vii) Such other information as the Attorney General considers appropriate.

''(B) PERSONALLY IDENTIFIABLE INFORMATION.—The Attorney General shall ensure that the Registry does not include personally identifiable information or details about a sexual assault that might lead to the identification of the individuals involved, except for the information listed in subparagraph (A).

''(3) SAMPLE IDENTIFICATION NUMBER.—

''(A) IN GENERAL.—A State or unit of local government that chooses to enter information about a sample of sexual assault evidence into the Registry shall assign to the sample a unique numeric or alphanumeric identifier.

''(B) UNIQUE IDENTIFIER REQUIRED.—In assigning the identifier under subparagraph (A), a State or unit of local government may use a case-numbering system used for other purposes, but the Attorney General shall ensure that the identifier assigned to each sample is unique with respect to all samples entered by all States and units of local government.

''(4) UPDATE OF INFORMATION.—A State or unit of local government that chooses to enter information about a sample of sexual assault evidence into the Registry shall, not later than 30 days after a change in the status of the sample referred to in paragraph (2)(A)(v), update such status.

''(5) INTERNET ACCESS.—The Attorney General shall make publicly available aggregate non-individualized and non-personally identifying data gathered from the Registry, to allow for comparison of backlog data by State and unit of local government, on an appropriate Internet website.

''(6) TECHNICAL ASSISTANCE.—The Attorney General shall—

''(A) provide a means by which an entity that does not have access to the Internet may enter information into the Registry; and

''(B) provide the technical assistance necessary to allow States and units of local government to participate in the Registry.''.

(b) FUNDING.—Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

(1) by inserting ''and for carrying out subsection (o)'' after ''for grants under subsection (a)''; and

(2) by adding at the end the following new sentence: ''For each of fiscal years 2012 through 2016, not less than 1 percent of the amount authorized to be appropriated under the previous sentence for such fiscal year shall be for carrying out subsection (o).''

SEC. 1104. REPORTS TO CONGRESS.

Not later than 90 days after the end of each fiscal year for which a grant is made for the purpose described in section 2(a)(6) of the DNA Analysis Backlog Elimination Act of 2000, as added by section 1102 of this title, the Attorney General shall submit to Congress a report that—

(1) lists the States and units of local government that have been awarded such grants and the amount of the grant received by each such State or unit of local government;

(2) states the number of extensions granted by the Attorney General under section 2(n)(3) of the DNA Analysis Backlog Elimination Act of 2000, as added by section 1102 of this title; and

(3) summarizes the processing status of the samples of sexual assault evidence about which information has been entered into the Sexual Assault Forensic Evidence Registry established under section 2(o) of the DNA Analysis Backlog Elimination Act of 2000, as added by section 1103(a) of this title, including the number of samples that have not been tested.

TITLE XII—JUSTICE FOR VICTIMS

SEC. 1201. REDUCING THE RAPE KIT BACKLOG.

Section 2(c)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(c)(3)) is amended by adding at the end the following:

''(C) For each of fiscal years 2012 through 2014, not less than 75 percent of the total grant amounts shall be awarded for a combination of purposes under paragraphs (2) and (3) of subsection (a).''.

SEC. 1202. ENHANCED PENALTIES FOR AGGRAVATED INTERSTATE DOMESTIC VIOLENCE.

Section 2261(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''not less than 15 years'' after ''any term of years'';

(2) in paragraph (2), by striking ''20 years'' and inserting ''25 years''; and

(3) in paragraph (3), by striking ''10 years'' and inserting ''15 years''.

SEC. 1203. ENHANCED PENALTIES FOR AGGRAVATED SEXUAL ABUSE.

Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), in the undesignated matter following paragraph (2), by striking ''any term of years or life'' and inserting ''not less than 10 years or imprisoned for life''; and

(2) in subsection (b), in the undesignated matter following paragraph (2), by striking ''any term of years or life'' and inserting ''not less than 5 years or imprisoned for life''.

SEC. 1204. ENHANCED PENALTIES FOR INTERSTATE TRANSPORTATION OF CHILD PROSTITUTES.

Section 2423(a) of title 18, United States Code, is amended by striking the period at the end and inserting the following: '', but if the individual who was transported in interstate or foreign commerce had not attained 12 years of age, imprisoned not less than 20 years or for life.''.

SEC. 1205. FINDING FUGITIVE SEX OFFENDERS.

(a) SUBPOENA AUTHORITY FOR THE UNITED STATES MARSHALS SERVICE.—Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue administrative subpoenas in accordance with section 3486 of title 18 solely for the purpose of investigating unregistered sex offenders (as that term is defined in section 3486 of title 18).''.

(b) CONFORMING AMENDMENT TO ADMINISTRATIVE SUBPOENA STATUTE.—

(1) IN GENERAL.—Section 3486(a)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) in clause (i)(II), by striking ''or'' at the end;

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

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

''(D) As used in this paragraph—

''(i) the term 'Federal offense involving the sexual exploitation or abuse of children' means an offense under section 1201, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years; and

''(ii) the term 'sex offender' means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(A) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(B) in paragraph (9), by striking ''or (1)(A)(ii)'' and inserting ''or (1)(A)(iii)''; and

(C) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

(c) REPORT.—Section 3486 of title 18, United States Code, is amended by adding at the end the following:

''(f) REPORTS.—The Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an annual report containing—

''(1) the number of subpoenas issued by the United States Marshals pursuant to section 566(e)(1)(C) of title 28;

''(2) the crime being investigated pursuant to the issuance of each subpoena; and

''(3) the number of unregistered sex offenders arrested by the United States Marshals subsequent to the issuance of a subpoena pursuant to section 566(e)(1)(C) of title 28 and the information that led to each individual's arrest.''.

SEC. 1206. REPORT ON COMPLIANCE WITH THE DNA FINGERPRINT ACT OF 2005.

Not later than 180 days after date of the enactment of this Act, the Secretary of Homeland Security shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) describes, in detail, the measures and procedures taken by the Secretary to comply with any regulation promulgated pursuant to section 3(e)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(e)(1)); and

(2) provides a detailed explanation of the circumstances and specific cases, if available, in which—

(A) the Secretary failed to comply with any regulation promulgated pursuant to such section 3(e)(1);

(B) the Secretary requested the Attorney General approve additional limitations to, or exceptions from, any regulation promulgated pursuant to such section 3(e)(1); or

(C) the Secretary consulted with the Attorney General to determine that the collection of DNA samples is not feasible because of operational exigencies or resource limitations.

SEC. 1207. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) According to the Department of Justice, there was a 59 percent increase in identified victims of human trafficking worldwide between 2009 and 2010.

(2) According to the Department of Health and Human Services, human trafficking is the fastest growing criminal enterprise in the world.

(3) Experts estimate that up to 300,000 children are at risk of sexual exploitation each year in the United States.

(4) Experts estimate that the average female victim of sex trafficking is forced into prostitution for the first time between the ages of 12 and 14 and the average male victim is forced into prostitution for the first time between the ages of 11 and 13.

(5) The Bureau of Justice Statistics found that 40 percent of incidents investigated by federally funded task forces on human trafficking between 2008 and 2010 involved the sexual exploitation of a child.

(6) According to the classified advertising consultant Advanced Interactive Media Group (referred to in this subsection as ''AIM Group''), Backpage.com is the leading United States website for prostitution advertising.

(7) Backpage.com is owned by Village Voice Media Holdings, LLC (referred to in this section as ''Village Voice Media'').

(8) The National Association of Attorneys General has tracked more than 50 cases in which charges were filed against those trafficking or attempting to traffic minors on Backpage.com.

(9) In February 2011, Myrelle and Tyrelle Locket were each sentenced to 4 years in prison on charges of trafficking of persons for forced labor or services for operating an Illinois sex trafficking ring that included minors. The Lockets used Backpage.com to facilitate the prostitution.

(10) In March 2011, Arthur James Chappell was sentenced to 28 years in prison on charges of sex trafficking of a minor for running a prostitution ring with at least 1 juvenile victim in Minnesota. Arthur Chappell used Backpage.com to facilitate the prostitution.

(11) In April 2011, Brandon Quincy Thompson was sentenced to life imprisonment for sex trafficking a child by force and an additional 120 months for soliciting the murder of a Federal witness. Brandon Thompson ran a South Dakota prostitution ring involving multiple underage girls. Brandon Thompson used Backpage.com to facilitate the prostitution.

(12) In May 2011, Clint Eugene Wilson was sentenced to 20 years in prison on charges of sex trafficking of a minor by force, fraud or coercion for forcing a 16-year old Dallas girl into prostitution. Clint Wilson threatened to assault the girl and forced her to get a tattoo that branded her as his property. Clint Wilson used Backpage.com to facilitate the prostitution.

(13) In August 2011, Demetrius Darnell Homer was sentenced to 20 years in prison on charges of sex trafficking of a minor for violently forcing a 14-year-old Atlanta girl into prostitution. Demetrius Homer controlled the girl through beatings, threatened her with a knife, shocked her with a taser in front of another underage girl he placed in prostitution, and forced the girl to engage in prostitution while she was pregnant with his child. Demetrius Homer used Backpage.com to facilitate the prostitution.

(14) In February 2012, Leighton Martin Curtis was sentenced to 30 years in prison on charges of sex trafficking of a minor and production of child pornography for pimping a 15-year- girl throughout Florida, Georgia, and North Carolina for more than a year. Leighton Curtis prostituted the girl to approximately 20 to 35 customers per week through advertisements on Backpage.com. Leighton Curtis used Backpage.com to facilitate the prostitution.

(15) In March 2012, Ronnie Leon Tramble was sentenced to 15 years in prison on charges of sex trafficking through force, fraud and coercion for forcing more than 5 young women and minors into prostitution over a period of at least 5 years throughout the State of Washington. Ronnie Tramble constantly subjected the victims to brutal physical and emotional abuse during this time period. Ronnie Tramble used Backpage.com to facilitate the prostitution.

(16) According to AIM Group, 80 percent of online prostitution advertising revenue for the month of February 2012 was attributed to Backpage.com.

(17) According to AIM Group, the number of Backpage.com advertisements for ''escorts'' and ''body rubs,'' a thinly veiled code for prostitution, increased by nearly 5 percent from February 2011 to February 2012.

(18) According to AIM Group, Backpage.com earned an estimated $26,000,000 between February 2011 and February 2012 from prostitution ads.

(19) Backpage.com vice president, Carl Ferrer acknowledged to the National Association of Attorneys General that the company identifies more than 400 ''adult entertainment'' posts every month that may involve minors. The actual figure could be far greater.

(20) According to the National Association of Attorneys General, Missouri investigators found that Backpage.com's review procedures are ineffective in policing illegal activity.

(21) In September 2010, Craigslist.com removed the adult services section of its website following calls from law enforcement and advocacy organizations.

(22) As of September 16, 2011, 51 Attorneys General of States and territories had called on Backpage.com to shut down the ''adult entertainment'' section of its website.

(23) On September 16, 2011, the Tri-City Herald published an editorial, ''Attorneys general target sexual exploitation of kids,'' writing, ''...we'd also encourage the owners of Backpage.com to give the attorneys general what they are asking for''.

(24) On October 25, 2011, 36 clergy members from across the country published an open letter to Village Voice Media in the New York Times, calling on the company to shut down Backpage.com's ''adult entertainment'' section.

(25) On December 2, 2011, 55 anti-trafficking organizations called on Village Voice Media to shut down Backpage.com's ''adult entertainment'' section.

(26) On December 29, 2011, the Seattle Times published an editorial, ''Murders strengthen case against Backpage.com,'' writing, ''Backpage.com cannot continue to dismiss the women and children exploited through the website, nor the three women in Detroit who are dead possibly because they were trafficked on the site. Revenue from the exploitation and physical harm of women and minors is despicable. Village Voice Media, which owns Backpage.com, must shut this site down. Until then, all the pressure that can be brought to bear must continue.''

(27) On March 18, 2012, Nicholas Kristof of the New York Times wrote in an opinion piece entitled ''Where Pimps Peddle Their Goods,'' that ''[t]here are no simple solutions to end sex trafficking, but it would help to have public pressure on Village Voice Media to stop carrying prostitution advertising.''

(28) On March 29, 2012, Change.org delivered a petition signed by more than 240,000 individuals to Village Voice Media, calling on the company to shut down Backpage.com's ''adult entertainment'' section.

(29) On January 12, 2012, John Buffalo Mailer, son of Village Voice co-founder Norman Mailer, joined the Change.org petition to shut down the adult services section of Backpage.com, stating, ''For the sake of the Village Voice brand and for the sake of the legacy of a great publication, take down the adult section of Backpage.com, before the Village Voice must answer for yet another child who is abused and exploited because you did not do enough to prevent it.''

(30) On March 30, 2012, a private equity firm owned by Goldman Sachs Group, Inc. completed a deal to sell its 16 percent ownership stake in Village Voice Media Holdings, LLC back to management.

(31) In M.A., ex rel. P.K. v. Village Voice Media Holdings (809 F. Supp. 2d 1041 (2011)), the United States District Court for the Eastern District of Missouri held that section 230 of the Communications Act of 1934 (47 U.S.C. 230) (as added by the Communications Decency Act of 1996 (Public Law 104–104; 110 Stat. 56)) protects Backpage.com from civil liability for the ''horrific victimization'' the teenage plaintiff suffered at the hands of the criminal who posted on the website to perpetrate her vicious crimes.

(32) The Communications Decency Act of 1996 (Public Law 104–104; 110 Stat. 56)) does

not preclude a service provider from voluntarily removing a portion of a website, known to facilitate the sexual exploitation of minors, in order to protect our children.

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

(1) supports the efforts of law enforcement agencies to provide training on how to identify victims of sex trafficking, investigate cases of sex trafficking, prosecute sex trafficking offenses, and rescue victims of sex trafficking;

(2) supports Federal Government, State and local government, non-profit, and faith-based services for trafficking victims, including medical, legal, mental health, housing and other social services; and

(3) calls on Village Voice Media to act as a responsible global citizen and immediately eliminate the ''adult entertainment'' section of the classified advertising website Backpage.com to terminate the website's rampant facilitation of online sex trafficking.

SA 2087. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1925, to reauthorize the Violence Against Women Act of 1994; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON DEFENSES.

(a) IN GENERAL.—Chapter 221 of title 18, United States Code, is amended by adding at the end the following:

''§ 3447. Limitation on defenses

''Foreign or religious law or custom shall not be a defense to any offense under this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 221 of title 18, United States Code, is amended by inserting after the item relating to section 3446 the following:

''3447. Limitation on defenses.''.

SA 2088. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1925, to reauthorize the Violence Against Women Act of 1994; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRIME VICTIMS FUND.

Notwithstanding any other provision of law, amounts deposited or available in the Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) in any fiscal year shall be available for obligation in that fiscal year.

SA 2089. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1925, to reauthorize the Violence Against Women Act of 1994; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRIME VICTIMS FUND.

Notwithstanding any other provision of law, amounts deposited or available in the Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) in any fiscal year in excess of $1,000,000,000 shall not be available for obligation until the following fiscal year.

SA 2090. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1925, to reauthorize the Violence Against Women Act of 1994; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRIME VICTIMS FUND.

Notwithstanding any other provision of law, amounts deposited or available in the Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) in any fiscal year in excess of 35 percent of the total funds in the Fund shall not be available for obligation until the following fiscal year.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 25, 2012, at 9 a.m. in room SR–328A of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 25, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform: What It Means for State and Local Tax and Fiscal Policy.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on April 25, 2012, at 10 a.m. in SH–216.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 25, 2012, at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 25, 2012, at 9:30 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Department of Homeland Security.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on April 25, 2012, at 9:30 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on April 25, 2012 in room 138 of the Senate Dirksen Office Building, beginning at 9:30 am.

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on April 25, 2012, at 10 a.m., to conduct a hearing entitled ''Helping Responsible Homeowners Save Money Through Refinancing.''

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

SUBCOMMITTEE ON PERSONNEL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on April 25, 2012, at 2 p.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 25, 2012 at 1 p.m.

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

CONGRATULATING THE BOSTON COLLEGE MEN'S ICE HOCKEY TEAM

Mr. REED. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 437, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 437) congratulating the Boston College men's ice hockey team on winning its fifth National Collegiate Athletic Association Division I Men's Hockey Championship.

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

Mr. REED. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 437) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 437

Whereas, on April 7, 2012, Boston College won the 2012 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') Division I Men's Hockey Championship;

Whereas the 2012 NCAA Division I Men's Hockey Championship is the fifth national championship for the Boston College Eagles men's ice hockey team;

Whereas the 2012 NCAA Division I Men's Hockey Championship is the third national championship in the last 5 years for Boston College and its head coach, Jerry York;

Whereas Jerry York has the most wins of any active coach in NCAA Division I Men's Hockey;

Whereas Father William P. Leahy, S.J., the President of Boston College, and Gene DeFilippo, the Athletic Director of Boston College, have shown great leadership in bringing athletic success to Boston College;

Whereas the semifinal games and final game of the NCAA Division I Men's Hockey Tournament are known as the ''Frozen Four'';

Whereas junior goaltender Parker Milner was named the Most Outstanding Player of the Frozen Four after allowing only 2 goals during the entire NCAA Division I Men's Hockey Tournament;

Whereas Boston College finished the 2011–2012 men's hockey season on a 19-game winning streak, which is a single-season team record;

Whereas, on February 13, 2012, Boston College won its third consecutive Beanpot Championship, defeating Boston University in sudden death overtime by a score of 3 to 2;

Whereas, on March 17, 2012, Boston College won its third consecutive Hockey East Championship, defeating the University of Maine by a score of 4 to 1;

Whereas, on April 5, 2012, Boston College defeated the University of Minnesota in a Frozen Four semifinal game by a score of 6 to 1 to advance to the national championship game; and

Whereas Boston College won the Frozen Four championship game with a victory over Ferris State University by a score of 4 to 1: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped Boston College win the 2012 National Collegiate Athletic Association Division I Men's Hockey Championship; and

(2) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Father William P. Leahy, S.J., the President of Boston College;

(B) Gene DeFilippo, the Athletic Director of Boston College; and

(C) Jerry York, the head coach of the Boston College men's ice hockey team.

NATIONAL SAFE DIGGING MONTH

Mr. REED. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 438, which was submitted earlier today by Senator LAUTENBERG.

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

The bill clerk read as follows:

A resolution (S. Res. 438) to support the goals and ideals of National Safe Digging Month.

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

Mr. REED. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place.

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

The resolution (S. Res. 438) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 438

Whereas each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to locating underground utility lines often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas ''One Call'' has helped reduce the number of digging damages caused by failure to call before digging from 48 percent in 2004 to 32 percent in 2010;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the exact location of underground lines; and

Whereas the Common Ground Alliance has designated April as ''National Safe Digging Month'' to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number:

Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month; and

(2) encourages all homeowners and excavators throughout the United States to call 811 before digging.

MEASURE PLACED ON THE CALENDAR—S. 2366

Mr. REED. Mr. President, I ask unanimous consent that S. 2366, introduced earlier today by Senator ALEXANDER, be considered read twice and placed on the calendar.

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

ORDERS FOR THURSDAY, APRIL 26, 2012

Mr. REED. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Thursday, April 26, at 9:30 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate resume consideration of S. 1925, the Violence Against Women Reauthorization Act, under the previous order; that after the remarks of the two leaders, the time until 11:30 a.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 45 minutes and the majority controlling the second 45 minutes; and that at 11:30 a.m. the Senate proceed to executive session under the previous order; further, that when the Senate resumes legislative session, the majority leader will be recognized.

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

PROGRAM

Mr. REED. Mr. President, there will be two votes tomorrow at noon on confirmation of the Costa and Guaderrama nominations.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 6:33 p.m., adjourned until Thursday, April 26, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

TERRENCE G. BERG, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE ARTHUR J. TARNOW, RETIRED.

JESUS G. BERNAL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE STEPHEN G. LARSON, RESIGNED.

SHELLY DECKERT DICK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA, VICE RALPH E. TYSON, DECEASED.

LORNA G. SCHOFIELD, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE SHIRA A. SCHEINDLIN, RETIRED.

UNITED STATES SENTENCING COMMISSION

CHARLES R. BREYER, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2015, VICE RUBEN CASTILLO, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

To be major

CHADWICK B. FLETCHER