

(Mr. BOOZMAN) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 51

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. Res. 51, a resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 87

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the "International Year of Cooperatives".

S. RES. 94

At the request of Mr. WICKER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 94, a resolution to express the sense of the Senate in support of reducing its budget by at least 5 percent.

AMENDMENT NO. 161

At the request of Mr. JOHANNIS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 161 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 576. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing the FIT Kids Act. That first word, FIT, an acronym for Fitness Integrated with Teaching, an important concept that I am proud to promote today. The FIT Kids Act encourages schools to provide children with quality physical education in an effort to promote health and wellness throughout their lives.

Since the 1970s, the incidence of obesity has more than doubled for preschool children aged 2-5 years and for young people aged 12-19 years; for children aged 6-11 years, it has more than tripled. Since there are many reasons for this public health crisis, we know that addressing it will require multiple solutions. An important place we can address childhood obesity is in our schools. The Centers for Disease Control and Prevention has found that fewer than 10 percent of our public schools offer daily physical education

for the entire school year for all students. Let me repeat that, fewer than 10 percent. Our kids deserve better. Research has shown that physical education not only promotes health and wellness, it also has a direct correlation with kids' academic performance in school.

The FIT Kids Act would amend the Elementary and Secondary Education Act to shine a light on the availability of quality physical education for all public school children through grade 12, and to ensure they receive important health and nutritional information. As Chairman of the Senate Health, Education, Labor and Pensions Committee, I have been working in a bipartisan way with my colleagues on the committee to reauthorize the Elementary and Secondary Education Act.

With the reauthorization of the Elementary and Secondary Education Act, we must fix the things that are not working, while protecting the goals of the bill, including narrowing achievement gaps. It is truly alarming to see the discrepancies in achievement between children in the United States and children abroad. Here in the U.S., despite making some progress, we continue to have wide and persistent achievement gaps that are leaving behind children of color, young people from disadvantaged backgrounds, and children with disabilities.

In addition to achievement gaps, I am also concerned about the trends in physical education in schools across the Nation. Currently, schools are decreasing the amount of free play or physical activity that children engage in during school hours. Only about one-third of elementary children have daily physical education, and less than one-fifth have extracurricular physical activity programs at their schools. I know that difficult resource decisions have to be made but we cannot short-change our children's health. This is short-sighted for two big reasons: One, we are fighting a childhood obesity epidemic of frightening proportions. And, two, as research shows, and as any teacher or parent knows, kids have to have time to play and burn off energy if they are going to be in a proper frame of mind to learn.

The association between physical activity and academic achievement is an important part of why we need to continue to support physical education. Broad evidence suggests a positive relationship between physical activity and grade point average, rate of learning, memory, attention span, and classroom behavior, as well as cognitive, social, and motor skill development. Research indicates that youth who report engaging in physical activity at school are 20 percent more likely than their less active peers to earn good grades in math or English. Furthermore, data suggests that children who are overweight have greater risk for school absenteeism than their peers who are average weight. In order for our Nation's children to be successful students, we

must do all that we can to ensure they are in school and ready to learn.

This legislation will ensure that parents receive critical information regarding the time and resources devoted to their children for a quality physical education. Specifically, the bill will require schools, local educational agencies, and state educational agencies to publicly report on the quantity and quality of physical education courses provided using nationally recognized guidelines and standards. This will give parents the information they need to assess whether their children are receiving an appropriate physical education. Furthermore, the FIT Kids Act would give parents the tools necessary to encourage and support a healthy and active lifestyle, including increased physical activity during and outside the school day, and nutritious eating habits both at home and at school.

In addition, the bill promotes professional development for teachers and school principals to promote healthy lifestyles and physical activity through evidence-based curricula, and thereby boost students' ability to learn more effectively. The bill also promotes physical activity in after-school programs and amends the school counseling program to take into account both students' emotional wellbeing and their physical wellbeing.

Finally, this legislation authorizes research on the ways physical activity can be incorporated into all aspects of the school day, the impact of physical activity on students' readiness to learn, and the best ways to measure student progress in increasing physical activity.

The FIT Kids Act shines a spotlight on children's health and how our schools can play a greater role in teaching our children healthy behaviors. As we move forward in reauthorizing the Elementary and Secondary Education Act, we cannot neglect the importance of proper physical education. We know that sedentary lifestyles that begin in childhood can lead to number of major chronic diseases that affect their health and wellbeing in adulthood. Accordingly, we owe it to American students to teach them healthy behaviors and the importance of physical activity, and how these lessons will benefit them throughout their lives. The FIT Kids Act provides the framework to accomplish this. I urge my colleagues to support this bill.

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

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

S. 576

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fitness Integrated with Teaching Kids Act" or the "FIT Kids Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Childhood obesity has reached epidemic proportions in the United States.

(2) Obesity-related diseases cost the United States economy more than \$117,000,000,000 every year.

(3) The prevalence of overweight in children between the ages of 6 and 11 years increased from 4.0 percent in 1971–1974 to 17.5 percent in 2001–2004, and the prevalence of overweight in adolescents between the ages of 12 and 19 years increased from 6.1 percent to 17.0 percent.

(4) More than 9,000,000 children and adolescents between the ages of 6 and 19 years are considered overweight on the basis of being in the 95th percentile or higher of BMI values in the 2000 CDC growth chart for the United States.

(5) If children do not become more active and healthy, one-third of all children born in 2000 or later will suffer from diabetes at some point in their lives.

(6) Of all United States deaths from major chronic disease, 23 percent are linked to sedentary lifestyles that now begin at childhood.

(7) Adolescents who are overweight have a 70–80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death.

(8) A recent study showed that plaque build-up in the neck arteries of children who are obese or those with high cholesterol is similar to those levels seen in middle-aged adults.

(9) A decline in physical activity has contributed to the unprecedented epidemic of childhood obesity.

(10) The Physical Activity Guidelines for Americans recommend that children engage in 60 minutes or more of physical activity each day.

(11) In a 2005 Government Accountability Office report on key strategies to include in programs designed to target childhood obesity, “increasing physical activity” was identified as the most important component in any such program.

(12) Part of the decline in physical activity has been in our Nation’s schools, where physical education programs have been cut back in the past 2 decades.

(13) The national standard for physical education frequency is 150 minutes per week in elementary school and 225 minutes per week in middle school and high school.

(14) Only 3.8 percent of elementary school, 7.9 percent of middle school, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education at all.

(15) Among children ages 9 to 13, 61.5 percent do not participate in any organized physical activity during out-of-school hours.

(16) Regular physical activity is associated with a healthier, longer life and a lower risk of cardiovascular disease, high blood pressure, diabetes, obesity, and some cancers.

(17) Research suggests a strong correlation between children’s fitness and their academic performance as measured by grades in core subjects and standardized test scores.

(18) Approximately 81 percent of adults believe daily physical education should be mandatory in schools.

SEC. 3. REPORT CARDS.

Section 1111(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)) is amended—

(1) in paragraph (1)(C)—

(A) in clause (vii), by striking “and” after the semicolon;

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

(C) by adding at the end the following:

“(ix) the amount of time students spend in required physical education as measured against the national standards of 150 minutes per week of required physical education for students in elementary school and 225 minutes per week of required physical education for students in middle school and secondary school;

“(x) the percentage of local educational agencies in the State that have a required, age-appropriate physical education curriculum for all students in elementary schools, middle schools, and secondary schools that adheres to national guidelines adopted by the Centers for Disease Control and Prevention and State standards;

“(xi) the percentage of elementary school and secondary school physical education teachers who are State licensed or certified as physical education teachers; and

“(xii) the percentage of schools that have a School Health Council that includes parents, students, representatives of the school food authority, representatives of the school board, school administrators and members of the public and that meets monthly to promote a healthy school environment.”;

(2) in paragraph (2)(B)(i)—

(A) in subclause (I), by striking “and” after the semicolon;

(B) in subclause (II), by striking “and” after the semicolon; and

(C) by adding at the end the following:

“(III) the percentage of elementary school and secondary school physical education teachers who are State certified as physical education teachers; and

“(IV) the amount of square feet of indoor and outdoor facilities that are primarily used for physical education and the amount of square feet of indoor and outdoor facilities that are primarily used for physical activity; and”;

(3) in paragraph (2)(B)(ii)—

(A) in subclause (I), by striking “and” after the semicolon;

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

(C) by adding at the end the following:

“(III) the percentage of elementary school and secondary school physical education teachers who are State certified as physical education teachers; and

“(IV) the number of meetings of a School Health Council that includes parents, students, representatives of the school food authority, representatives of the school board, school administrators and members of the public during the school year.”.

SEC. 4. PROMOTING PHYSICAL EDUCATION AND ACTIVITY IN SCHOOL PROGRAMS.

(a) ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.—Section 5421 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245) is amended—

(1) in subsection (b)(2)(H), by inserting “, which design and implementation shall take into consideration the overall emotional and physical well-being of students” after “the program”; and

(2) in subsection (c)(2)(E), by inserting “health, the importance of regular physical activity,” after “relationships.”.

(b) SMALLER LEARNING COMMUNITIES.—Section 5411(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7249(b)) is amended by adding at the end the following:

“(14) How the local educational agency will ensure that smaller learning communities support healthy lifestyles including participation in physical education and physical activity by all students and access to nutritious food and nutrition education.”.

(c) 21ST CENTURY COMMUNITY LEARNING CENTERS.—

(1) PURPOSE; DEFINITIONS.—Section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171) is amended—

(A) in subsection (a)(2), by inserting “nutrition education programs, structured physical activity programs,” after “recreation programs,”; and

(B) in subsection (b)(1)(A), by inserting “nutrition education, structured physical activity,” after “recreation.”.

(2) LOCAL COMPETITIVE GRANT PROGRAM.—Section 4204(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7174(b)(2))—

(A) in subparagraph (M), by striking “and” after the semicolon;

(B) by redesignating subparagraph (N) as subparagraph (O); and

(C) by inserting after subparagraph (M) the following:

“(N) an assurance that the proposed program is coordinated with the physical education and health education programs offered during the school day; and”.

(3) LOCAL ACTIVITIES.—Section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a))—

(A) in paragraph (11), by striking “and” after the semicolon;

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(13) programs that support a healthy, active lifestyle, including nutritional education and regular, structured physical activity programs.”.

(d) PARENTAL INVOLVEMENT.—Section 1118 of the Elementary and Secondary Education Act of 1965 is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (E), by striking “and” at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

“(F) involve and train parents in encouraging and supporting a healthy and active lifestyle, including increased physical activity during and outside the school day, and nutritional eating habits in the home and at school; and”;

(2) in subsection (d)—

(A) in the subsection heading, by inserting after “ACHIEVEMENT” the following: “BY HEALTHY, ACTIVE STUDENTS”;

(B) in the matter preceding paragraph (1), by striking “standards.” and inserting “standards and to ensure that the children lead healthy, active lives.”; and

(C) in paragraph (1)—

(i) by inserting after “supportive” the following: “, healthy,”;

(ii) by striking “; and participating” and inserting “; participating”; and

(iii) by inserting after “extracurricular time” the following: “and supporting their children in leading a healthy and active life, such as by providing healthy meals and snacks, encouraging participation in physical education, and sharing in physical activity outside the school day”; and

(3) in subsection (e)—

(A) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(B) by inserting after paragraph (5) the following:

“(6)(A) shall ensure that parents and teachers have information about the importance of a healthy lifestyle, including nutritional eating habits, physical education, and physical activity, to an effective learning environment; and

“(B) shall coordinate activities with parents and teachers to ensure that children are provided with nutritious meals and snacks, and have ample opportunities for physical education and physical activity during and outside the school day;”.

SEC. 5. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND PRINCIPALS.

(a) STATE APPLICATIONS.—Section 2112(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6612(b)) is amended by adding at the end the following:

“(13) A description of how the State educational agency will use funds under this part to provide professional development that is directly related to the fields of physical education and health education to physical education teachers and health education teachers to ensure that children are leading healthy, active lifestyles that are conducive to effective learning.”.

(b) STATE USE OF FUNDS.—Section 2113(c)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)(6)) is amended—

(1) by striking “, in cases in which a State educational agency determines support to be appropriate;” and

(2) by inserting “, physical education teachers, and health education teachers” after “pupil services personnel”.

(c) LOCAL APPLICATIONS AND NEEDS ASSESSMENT.—Section 2122(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(b)(9)) is amended—

(1) in subparagraph (C), by striking “and” after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(E) improve the health and eating habits of students and increase rates of physical activity of students.”.

(d) LOCAL USE OF FUNDS.—Section 2123(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “and” after the semicolon; and

(B) by adding at the end the following:

“(iii) effective strategies for improving the healthy habits of students and the rates of physical activity by students that result in the ability to learn more effectively; and”;

(2) in subparagraph (B)—

(A) in clause (iv), by striking “and” after the semicolon;

(B) in clause (v), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(vi) provide training, with curricula that is evidence-based, in how to teach physical education and health education that results in the ability of students to learn more effectively.”.

SEC. 6. NATIONAL RESEARCH COUNCIL STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall enter into a contract with the National Research Council of the National Academy of Sciences to—

(1) examine and make recommendations regarding—

(A) various means that may be employed to incorporate physical activity into Head Start and childcare settings, elementary, middle, and high school settings, and before- and after-school programs; and

(B) innovative and effective ways to increase physical activity for all students;

(2) study the impact of health, level of physical activity, and amount of physical education on students' ability to learn and maximize performance in school; and

(3) study and provide specific recommendations for—

(A) effectively measuring the progress of students, at the school level, in improving their health and well-being, including improving their—

(i) knowledge, awareness, and behavior changes, related to nutrition and physical activity;

(ii) cognitive development, and fitness improvement, in physical education;

(iii) knowledge of lifetime physical activity and health promotion;

(iv) decrease in obesity; and

(v) levels on overall health indicators; and
(B) effectively measuring the progress of students, at the school level, in increasing physical activity.

By Ms. MIKULSKI (for herself and Mr. INOUE);

S. 583. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, in honor of World Social Work Day, I rise today to introduce the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act and the Clinical Social Work Medicare Equity Act of 2011. I am proud to introduce legislation that will reduce the shortage of social workers in our nation and properly reimburse social workers for the services they provide.

Social workers play a crucial role combating the social problems facing our nation and are essential providers in our health care system. Our health care and social service needs have drastically increased over the past decade and will continue to do so in the next decade. We must have the workforce in place to make sure that our returning soldiers have access to mental health services, our elderly maintain their independence in the communities in which they live, and abused children are placed in safe homes. Social workers provide mental health therapy, caregiver and family counseling, health education, program coordination, and case management. In these tough economic times, social workers have an essential role in keeping communities together and helping individuals and families cope with the stresses they are facing. Social workers are vital to America's social safety net.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act provides grants to social workers, identifies workforce challenges and resource needs, and determines how any workforce shortage will affect the communities social workers serve. I am honored to introduce this bill named after two social visionaries, Dorothy I. Height and Whitney M. Young. Dorothy Height, who passed away last year, was a pioneer of the civil rights movement. Like me, she began her career as a case worker and continued to fight for social justice. Whitney Young, another trailblazer of the civil rights movement, also began his career transforming our social landscape as a social worker. He helped create President Johnson's War on Poverty and has served as President of the National Association of Social Workers.

This bill is about continued investment in social work. It provides grants

for social work education, research, and training. These grants will fund community-based programs of excellence and provide scholarships to train the next generation of social workers. This bill addresses the recruitment and retention of social workers and will result in a renewed focus on improving social worker workplace safety. According to the National Association of Social Workers, 44 percent of social workers surveyed have faced personal safety issues when on the job. In addition, this bill will help identify and disseminate evidence-based best practices in social work interventions. This bill also establishes a national coordination center that will allow social education, advocacy and research institutions to collaborate and work together. The coordination center will facilitate gathering and distributing social work research to make the most effective use of the information we have on how social work service improves our social fabric. This bill also creates a media campaign that will promote social work. This bill gives social work the attention it deserves.

As a social worker, I understand the critical role social workers have in the overall care of our populations. Social workers can be found in every facet of community life—in hospitals, mental health clinics, senior centers, and private agencies that serve individuals and families in need. Social workers are there to help struggling students, returning soldiers, and the chronically ill. Oftentimes, social workers are the only available option for mental health care in rural and underserved urban areas. Yet there are not enough social workers to meet these needs. By 2018, it is estimated an additional 100,000 social workers will be needed. We need to get our workforce in place today so that we can meet the needs of our population, particularly our aging Americans. The first of the baby boomers turn 65 this year. The aging tsunami will hit us. We must be prepared.

I believe that social work is full of great opportunities, both to serve and to lead. Social work is about putting our values into action. Social workers are among our best and brightest, our most committed and compassionate. They are at the frontlines of providing care, often putting themselves in dangerous and violent situations. Social workers have the ability to provide psychological, emotional, and social support—quite simply, the ability to change lives. I think we can do better by our constituents including our servicemembers, seniors, and children. We must make sure we have the social workers in place to meet their needs. I'm fighting to make sure we do.

I also stand on the Senate floor today to introduce the Clinical Social Work Medicare Equity Act of 2009. This bill ensures that clinical social workers receive Medicare reimbursement for the mental health services they provide in skilled nursing facilities. Under the current system, social workers cannot

bill Medicare directly for the services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services.

Since my first days in Congress, I have been fighting to protect and strengthen the safety of our Nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Five million seniors are affected by depression, yet few ever receive treatment. According to the American Psychological Association, 20 percent of people over the age of 55 have a mental health disorder and 2/3 of nursing home residents have a mental or behavioral health issue, but less than 3 percent receive treatment. These mental health disorders, which include severe depression and debilitating anxiety, interfere with a person's ability to carry out activities of daily living and adversely affect their quality of life. Furthermore, older people account for 20 percent of suicide deaths in the U.S., and white men age 85 or older have the highest suicide rate of any age group. Every year nearly 5,000 older Americans kill themselves. This is unacceptable and must be addressed.

This bill helps residents of skilled nursing facilities across the country get the mental health and psychosocial services they need. It ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, diagnose and treat mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and seniors residing in rural environments. Unlike other mental health providers, clinical social workers cannot bill Medicare directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers ensures that our most vulnerable citizens get the quality, affordable mental health care they need. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services they provided in nursing facilities for each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or "bundled," along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clin-

ical social workers, like their colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an improved quality of life. Without clinical social workers, many nursing home residents would never get the counseling they need when faced with a life threatening illness or the loss of a loved one. I think we can do better by our nation's seniors. I am fighting to make sure we do.

As a social worker, I have been on the frontlines of helping people cope with issues in their everyday lives. I started off fighting for abused children, making sure they were placed in safe homes. I will continue to fight every day for our children, seniors, and families on the floor of the United States Senate.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act and the Clinical Social Work Medicare Equity Act of 2011 are both strongly supported by the National Association of Social Workers. I also want to thank Senator INOUE for his cosponsorship of the Clinical Social Work Medicare Equity Act of 2012 and thank Senator BEGICH, Senator CARDIN, and Senator INOUE for their cosponsorship of the Social Work Reinvestment Act. I look forward to working with my colleagues to enact these two important pieces of legislation.

By Mr. GRASSLEY (for himself and Mrs. MCCASKILL):

S. 586. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, today I am introducing a bill that will keep the Federal Government accountable.

Whistleblowers are the key to unlocking the secrets of wrongdoing because they have access to information about how the frauds were perpetrated and can help lead authorities in the right direction to uncover the frauds. However, for their brave efforts, they are often the victims of retaliation and are removed from their jobs by supervisors who don't want the wrongdoing uncovered. I have often said whistleblowers are as welcome as skunks at a Sunday picnic, despite the fact that all they do is bring forward the truth. This is wrong and that is

why I have supported strong whistleblower protection laws during my time in Congress.

The landmark whistleblower law, the Whistleblower Protection Act of 1989, WPA, provided rights and remedies to Executive Branch whistleblowers that are the victims of retaliation. I proudly cosponsored the WPA, but like many laws that are 20 years old, it needs to be updated. So, I cosponsored legislation introduced by Senator AKAKA in the previous Congress to do just that. We are currently working to introduce similar legislation in this Congress. Despite this effort, there is still a critical gap in whistleblower protections for government employees, namely the lack of whistleblower protections for employees of the Legislative and Judicial branches of the Federal Government. I am here today to start that discussion and introduce legislation that will provide the same whistleblower protection rights currently extended to Executive Branch employees to the Legislative Branch.

I am pleased to be joined by Senator MCCASKILL in introducing the Congressional Whistleblower Protection Act of 2011. This important legislation simply adds whistleblower protections to the Legislative Branch by incorporating the WPA into the Congressional Accountability Act of 1995, a law I authored to bring Congress in line with many labor laws and workplace protections. I have long believed Congress should practice what it preaches, and this legislation will do just that.

A theme that has dominated this new Congress, as well as the elections this past November, is accountability and responsibility in Washington. In most instances, the only reason we discover waste or fraud is because employees are brave enough to stand up to the wrongdoers and expose their offenses. Without these whistleblowers, the American taxpayer would continue to foot the bill.

This bill is long overdue. I have previously introduced similar legislation but, unfortunately, those bills were never brought up in Committee. I hope that the Homeland Security and Government Affairs Committee will examine this legislation closely and expeditiously report it to the full Senate so we can ensure employees of the Legislative Branch that they are protected from any reprisals related to protected whistleblowing.

Now, it's been a number of years since the Congressional Accountability Act was signed into law by President Clinton, so I would like to remind my colleagues why we passed this law. It was a time very similar to today, the American people were demanding more from their elected officials in Washington and wanted accountability and transparency in all branches of Government. I believed then, as I do now, that Congress needs to put its money where its mouth is and apply the various labor and employment laws that we enforce on other branches of government

and businesses all across the country to ourselves. The Congressional Accountability Act did just that.

It applied a number of important laws to Congress, including, the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination and Employment Act, the Family Medical Leave Act, the Occupational Safety and Health Act, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, as well as some provisions of title 5 related to Federal service labor-management relations. It also created the Office of Compliance in the Legislative Branch that oversees application of these important laws to the Legislative Branch and ensures that employee's rights under these laws are protected. While the Congressional Accountability Act was a good start, the Office of Compliance has recommended additional laws be applied to the Legislative Branch, including the Whistleblower Protection Act.

We have already taken the steps to protect whistleblowers in the Executive Branch. It doesn't make sense not to extend these same protections to whistleblowers in our own backyard. This bill will, very simply, give congressional employees the same protections that workers in the other branches of government already possess. It does this by simply adding the Whistleblower Protection Act to the preexisting list of statutes that are applied to the Legislative Branch by the Congressional Accountability Act. This is a straightforward and simple solution to ensure that employees of the Legislative Branch are not without vital whistleblower protections.

I hope my colleagues will join me and Senator MCCASKILL in supporting this bill to ensure that those who help us in the fight to hold government accountable are not punished for their efforts.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 590. A bill to convey certain submerged lands to the Commonwealth of the North Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I join with my colleague and the Ranking Member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in re-introducing, by request, legislation to convey certain submerged lands to the Commonwealth of the North Mariana Islands, CNMI, that would give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

This bill is identical to H.R. 934 that was considered in the 111th Congress

and which passed the House on July 15, 2009 and was reported by the Committee on May 6, 2010. Enactment of this legislation is time-sensitive because there is currently no Federal or local administrative regime in place to manage the lands from the mean high-tide line out to 3 miles surrounding the 14 islands of the CNMI. As a result, development and other near shore activities are on hold, or are conducted under a cloud of legal uncertainty.

I refer those interested in additional information on this proposal to Senate Report 111-197. Included in that report, is the CBO estimate which states that enacting H.R. 934 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

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

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2011.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI: As you know, the Senate Energy and Natural Resources Committee favorably reported in the last Congress H.R. 934, a bill conveying submerged lands to the Commonwealth of the Northern Mariana Islands. The measure had received unanimous support in the House. And it was included in Majority Leader Reid's amendment to S. 303, the America's Great Outdoors Act, but proceeded no further in the Senate.

I have now reintroduced the bill, exactly as reported by the Energy and Natural Resources Committee, as H.R. 670 in this Congress; and I would like to request that, as a courtesy, you together introduce companion legislation in the Senate.

For your ready reference a copy of H.R. 670 is attached.

Thank you for your consideration.

Sincerely,
GREGORIO KILLI CAMACHO SABLAN,
Member of Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 102—CALLING FOR A NO-FLY ZONE AND THE RECOGNITION OF THE TRANSITIONAL NATIONAL COUNCIL IN LIBYA

Mr. MCCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 102

Whereas peaceful demonstrations, inspired by similar peaceful demonstrations in Tunisia, Egypt, and elsewhere in the Middle East, began in Libya with calls for greater political reform, opportunity, justice, and the rule of law and quickly spread to cities around the country.

Whereas Muammar Qaddafi, his sons, and forces loyal to them have responded to the

peaceful demonstrations by authorizing and initiating violence against civilian non-combatants in Libya, including the use of airpower, foreign mercenaries, helicopters, mortar and artillery fire, naval assets, snipers, and soldiers;

Whereas, in response to Qaddafi's assault on the people of Libya, the imposition of a "no-fly zone" in Libya was called for by the Gulf Cooperation Council on March 7, 2011; by the head of the Organization of the Islamic Conference on March 8, 2011; and by the Arab League on March 12, 2011;

Whereas the Governments of France and the United Kingdom have drafted a United Nations Security Council Resolution to mandate the imposition of a "no-fly zone" in Libya;

Whereas the Libyan Transitional National Council was formed in Benghazi, with representation of Libyan leaders from across the country;

Whereas, on March 10, 2011, the Government of France recognized the Libyan Transitional National Council, based in Benghazi, as the sole legitimate government of Libya and has announced its intention to send an ambassador there;

Whereas, despite initial gains, the opposition has been losing ground against Qaddafi's forces, which are currently advancing against the opposition stronghold of Benghazi;

Whereas, on March 3, 2011, President Barack Obama said, "Let me just be very unambiguous about this. Colonel Qaddafi needs to step down from power and leave"; and

Whereas, on March 10, 2011, the Director of National Intelligence testified before Congress that, because of Qaddafi's superior military resources, including airpower, and in the absence of outside assistance to the opposition, "I think [over] the long term that the [Qaddafi] regime will prevail." Now, therefore, be it

Resolved, That the Senate—

(1) applauds the bravery of the Libyan people, who are fighting to secure their universal rights against the violent dictatorship of Muammar Qaddafi;

(2) condemns Muammar Qaddafi, and the forces loyal to him, for using overwhelming and indiscriminate violence, including the use of airpower and foreign mercenaries, against peaceful demonstrators and civilians, which has resulted in gross human rights abuses, grave loss of innocent life, and potentially crimes against humanity;

(3) strongly welcomes the calls for imposing a "no-fly zone" in Libya made by the Arab League, the Gulf Cooperation Council, and the Organization of the Islamic Conference;

(4) reiterates that it is the policy of the United States, as stated by President Obama, that Colonel Qaddafi must step down and leave power; and

(5) calls on the President—

(A) to recognize the Libyan Transitional National Council, based in Benghazi but representative of Libyan communities across the country, as the sole legitimate governing authority in Libya;

(B) to take immediate steps to implement a "no-fly zone" in Libya with international support; and

(C) to develop and implement a comprehensive strategy to achieve the stated United States policy objective of Qaddafi leaving power.

AMENDMENTS SUBMITTED AND PROPOSED

SA 170. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the