from Arkansas (Mr. BOOZMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. Res. 138, supra.

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. Res. 138, supra.

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 138, supra.

S. RES. 144

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 144, a resolution supporting early detection for breast cancer.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 253

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 253 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. KERRY (for himself and Ms. SNOWE):

S. 818. A bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare; to the Committee on Finance.

Mr. KERRY. Mr. President, today too many Medicare beneficiaries are being saddled with thousands of dollars of unnecessary out-of-pocket costs for stays at skilled nursing facilities, SNF, solely because of the technical classification of their hospital stay.

Hospitals are increasingly serving Medicare beneficiaries using an ''outpatient observation status'' rather than admitting them as an inpatient—a billing technicality. Because of this, patients are enduring longer hospital stays in observation status and may unknowingly be treated under outpatient observation status for the entirety of their hospital visit.

While the classification of a hospital stay does not affect either the type or level of care a beneficiary receives, it has significant repercussions on Medicare coverage of SNF care. Under current law, Medicare covers SNF care only if beneficiaries have 3 consecutive days of hospitalization as an inpatient, not counting the day of discharge.

Although the Medicare Program manuals limit observation status to 24 to 48 hours, many beneficiaries nationwide are experiencing extended stays in acute care hospitals under observation status. According to the Medicare Payment Advisory Committee, MedPAC, the number of beneficiaries receiving outpatient observation services for longer than 48 hours rapidly increased, by more than 70 percent, from 2006 to 2008.

The growth in observation care has not only generated considerable beneficiary confusion as to why Medicare does not cover their SNF care after a hospitalization, but also it has also become a substantial financial barrier to medically necessary post-acute care. Beneficiaries are left facing thousands of dollars in unreimbursed out-of-pocket charges for their care. Those who cannot afford to pay privately for their stay in a SNF may decide to forgo care altogether.

I have heard countless stories of hardship from Medicare beneficiaries in Massachusetts because of this unfair policy. I would like to share the inexcusable experience of one of my constituents, Rosemary Crossin. Rosemary is 81 years old and suffers from Parkinson's disease, arthritis, and diabetes. She was treated at a Boston hospital following a fall that left her with a broken shoulder and a broken hand.

Upon arrival at the hospital, she was examined in the ER for over 6 hours, where she waited on a hard stretcher and received a CT scan, an x ray, and two doses of morphine. At the end of her examination, Rosemary, disoriented and unable to walk on her own due to the combination of her chronic conditions, morphine, and broken bones, was treated in the hospital under observation status.

At no time did the hospital inform Rosemary's family what observation status meant. Rosemary remained in the hospital for over 4 days while she recovered, after which time a physician determined that Rosemary be transferred to an extended stay facility to complete her rehabilitation.

Despite spending over 4 days in the hospital, after the hospital itself determined she was not fit to return home, Rosemary was never admitted as an inpatient. Because she was never classified as an inpatient for billing purposes, she was told that her costs would not be covered by Medicare. Rosemary was told that she would have to prepay $7998 to the skilled nursing facility or remain at the hospital at a cost of $1200 per day. This is wrong, and it needs to be changed.

Currently, Rosemary continues to rehabilitate her injuries at the skilled nursing facility. Unfortunately, because she was in observation status for her entire hospital stay, all subsequent costs will need to be paid for out-of-pocket.

Rosemary could have to spend up to $18,000 out-of-pocket following her fall, all because the hospital kept her under observation status for more than 96 hours after it determined she was not fit to go home.

Unfortunately, Rosemary's experience is not unique. That is why Senator SNOWE and I are working together to prevent billing technicalities from hampering access to skilled nursing care. Today, we are introducing the Improving Access to Medicare Coverage Act of 2011, which would eliminate financial barriers to skilled nursing care in Medicare by allowing observation stays to be counted toward the 3-day mandatory inpatient stay for Medicare coverage of SNF services.

This legislation is supported by a number of national organizations from both the provider and beneficiary communities. I would like to thank a number of organizations that have been integral to the development of the Improving Access to Medicare Coverage Act of 2011 and that have endorsed our legislation today, including the AARP, the American Health Care Association, the American Medical Association, the American Medical Directors Association, the Center for Medicare Advocacy, LeadingAge, and the National Committee to Preserve Social Security and Medicare.

The Improving Access to Medicare Coverage Act will ensure that vulnerable patients like Rosemary will no longer have to suffer or worry about affording medically needed care because of a hospital billing classification issue.

I urge my colleagues to support our legislation to eliminate unnecessary barriers to skilled nursing care and to bring peace of mind to patients and their families.

By Mr. SHELBY:

S. 820. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Finance.

Mr. SHELBY. Mr. President, I rise today to once again introduce my flat tax bill, the Smart, Manageable and Responsible Tax Act, referred to as the SMART Act.

In the United States, there are few, if any, days that are viewed with the same resentment and contempt year after year as April 15: national tax day.

Our current Tax Code totals more than 70,000 pages, making tax compliance unnecessarily complex, confusing and costly. During the past 10 years, there have been over 4,400 changes to the Tax Code, including an estimated 579 changes in 2010 alone.

The inclusion of the additional 1099 tax reporting requirements in the health care reform bill are just one example of the onerous requirements throughout our Tax Code.

As we have learned since the passage of these requirements last March, incremental improvements to the Tax

Code are not easy. It took Congress over a year to finally agree to repeal the 1099 changes that common sense tells us are essential to alleviating the burdens on small business. Yet our Tax Code is riddled with other similarly ill-conceived requirements.

Over the course of a year, individuals spend an average of 26 hours, over half of a work week, preparing for their tax filings.

Although this has been standard practice for decades, I do not believe average taxpayers should have to pore over IRS regulations for hours or pay someone to prepare their returns. Unfortunately, under our convoluted tax system they are left with little choice.

I have said a number of times before that our current tax system is unfair. It punishes success and stifles economic growth. The best remedy is to adopt a single tax rate for all taxpayers. Transitioning to a flat tax would not only increase fairness in the Tax Code, it would also increase the incentives to work and invest.

By eliminating the thousands of tax loopholes, deductions, and credits that can often only be utilized with extensive tax planning and expensive advisers, hardworking Americans can rest assured that corporations with billions of dollars in profit and sophisticated taxpayers are not able to unfairly reduce or eliminate their tax liabilities and leave middle-class Americans footing the bill.

The SMART Act also reforms our corporate Tax Code. The United States currently has the second highest corporate tax rate in the world. American companies routinely make the difficult decision to move operations overseas to reduce their tax burden. Under my legislation, companies would pay a flat tax rate of 17 percent on their profits. Cutting the corporate tax rate in half would increase domestic companies' competitiveness with foreign corporations and eliminate the incentives to shift jobs overseas.

This bill provides a simple, commonsense solution to the complexities and inequities of the current tax system. Taxpayers would be able to determine their tax liability quickly and easily, and file a tax return the size of a postcard.

The SMART Tax would repeal the current Internal Tax Code and replace it with a single tax rate for all taxpayers of 17 percent on all salaries, wages, and pensions. The only exemptions would be a personal exemption of $13,410 for a single person; $17,120 for a head of household; $26,810 for a married couple filing jointly; and $5,780 for each dependent, with these amounts indexed to inflation.

Additionally, under my legislation, earnings from savings and investments would not be included in taxable income. Eliminating this double taxation would increase the savings rate in our country and immediately spur investments in the economy, create jobs and boost economic growth.

Approximately 60 percent of individual taxpayers now pay preparers to complete their taxes for them. An additional 29 percent of individuals use tax software to assist with their filings. What this means for most people is that in addition to paying the government every year, they must pay someone or buy software to tell them exactly how much to pay their government.

The American people want and need fundamental tax reform that would save time and money and bring fairness to our tax structure. The legislation I am introducing today would implement much-needed reforms that eliminate onerous paperwork and promote economic growth in our country.

I recognize that this bill is a monumental shift away from our current tax laws, but our economy needs a boost, and we must not allow the enormity of the task to deter us from enacting better, more efficient tax laws. I urge my colleagues to join me in support of this legislation.

By Mr. LEAHY (for himself, Mr. AKAKA, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mrs. MURRAY, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. INOUYE, and Mr. SANDERS):

S. 821. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am reintroducing the Uniting American Families Act, UAFA, which grants same-sex binational couples the same immigration benefits heterosexual couples have long enjoyed. This is the fourth Congress in which I have introduced this legislation, and I am proud to be joined by 17 Senators, many of whom also cosponsored this bill when it was introduced in the last Congress. I want to thank Senators AKAKA, BLUMENTHAL, BOXER, CARDIN, CASEY, COONS, DURBIN, FRANKEN, GILLIBRAND, HARKIN, KERRY, LAUTENBERG, MERKLEY, MURRAY, SCHUMER, WHITEHOUSE, and WYDEN for joining me as original cosponsors today.

A core tenet of our immigration policy is preserving family unity. Yet gay and lesbian Americans are still forced to choose between their country and being with those they love. This destructive policy tears families apart and forces hardworking Americans to make the heart-wrenching choice to leave the country they love and start over in one of the countries that now recognize immigration benefits for same-sex couples. I hear from Vermont couples who face this difficult decision every year. No American should face such a choice.

Over the past decade, Americans have begun to reject the notion that U.S. citizens who are gay or lesbian should not have loving relationships. As a result of this cultural shift, 5 States, including Vermont, now allow same-sex couples to get married. At the end of the 111th Congress, bipartisan votes in both the Senate and the House reversed the Military's ''Don't Ask, Don't Tell'' policy, a 17 year old policy that barred gay and lesbian service men and women from openly serving in the military. I hope that my colleagues who supported this important civil rights reform will join me in calling for fairness and equality in our immigration laws.

Some opponents of the Uniting American Families Act have argued that it would increase the potential for visa fraud. I share the belief that all immigration applications should be screened for fraud, but I am confident that U.S. Citizenship and Immigration Services will have no more difficulty identifying fraud in same-sex relationships than they do in heterosexual marriages. The penalties for fraud under this bill would be the same as the penalties for marriage fraud. These are very strict penalties: a sentence of up to 5 years in prison, $250,000 in fines for the U.S. citizen partner, and deportation for the foreign partner. In addition, in order to qualify as a bi-national couple under UAFA, petitioners must prove that they are at least 18 years of age and in a committed, lifelong, financially interdependent relationship with another adult. The American ideals that respect human relationships and family bonds should not be impeded by fears of fraud, which the immigration agency is very capable of controlling.

Since I last introduced the Uniting American Families Act in 2009, more than six additional countries have begun to offer immigration benefits to same-sex couples, bringing the total to at least 25 nations. Some of these nations are our closest allies, including our good friends to the North. America should join Argentina, Australia, Belgium, Brazil, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greenland, Hungary, Iceland, Israel, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Romania, South Africa, Spain, Sweden, Switzerland, and the United Kingdom.

Unfortunately, among developed countries with a culture of respect for human rights and fairness, the United States is falling behind by denying Americans an equitable immigration policy. I hope all Senators will agree that the United States should not have a policy that forces Americans to choose between their jobs and country, and their loved ones. I urge all Senators to support this legislation.

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

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

S. 821

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

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act of 2011''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

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

Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
Sec. 2. Definitions of permanent partner and permanent partnership.
Sec. 3. Worldwide level of immigration.
Sec. 4. Numerical limitations on individual foreign states.
Sec. 5. Allocation of immigrant visas.
Sec. 6. Procedure for granting immigrant status.
Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
Sec. 8. Asylum.
Sec. 9. Adjustment of status of refugees.
Sec. 10. Inadmissible aliens.
Sec. 11. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
Sec. 14. Deportable aliens.
Sec. 15. Removal proceedings.
Sec. 16. Cancellation of removal; adjustment of status.
Sec. 17. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.
Sec. 19. Requirements as to residence, good moral character, attachment to the principles of the Constitution.
Sec. 20. Naturalization for permanent partners of citizens.
Sec. 21. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
Sec. 22. Application to Cuban Adjustment Act.

SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(52) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

''(B) is financially interdependent with that other individual;

''(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

''(D) is unable to contract with that other individual a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of that other individual.

''(53) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by ''spouse'' each place it appears and inserting ''spouse or permanent partner'';

(2) by striking ''spouses'' and inserting ''spouse, permanent partner,'';

(3) by inserting ''(or, in the case of a permanent partnership, whose permanent partnership was not terminated)'' after ''was not legally separated from the citizen''; and

(4) by striking ''remarries.'' and inserting ''remarries or enters a permanent partnership with another person.''.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the heading of subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the heading of subparagraph (C), by striking ''AND DAUGHTERS'' inserting ''WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking ''his spouse'' and inserting ''his or her spouse or permanent partner'';

(2) by striking ''such spouse'' each place it appears and inserting ''such spouse or permanent partner''; and

(3) by inserting ''or permanent partners'' after ''husband and wife''.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, UNMARRIED SONS WITHOUT PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—'';

(2) in subparagraph (A), by inserting '', permanent partners,'' after ''spouses''; and

(3) in subparagraph (B), by striking ''or unmarried daughters'' and inserting ''without permanent partners or the unmarried daughters without permanent partners''.

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT PARTNERS OF CITIZENS.—''; and

(2) by inserting '', or sons or daughters with permanent partners,'' after ''daughters''.

(c) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting ''or permanent partner'' after ''section 101(b)(1)''; and

(2) by inserting '', permanent partner,'' after ''the spouse''.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting ''or permanent partner'' after ''spouse'';

(B) in clause (iii)—

(i) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(ii) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(C) in clause (v)(I), by inserting ''permanent partner,'' after ''is the spouse,''; and

(D) in clause (vi)—

(i) by inserting ''or termination of the permanent partnership'' after ''divorce''; and

(ii) by inserting '', permanent partner,'' after ''spouse''; and

(2) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I)(bb), by inserting ''or permanent partnership'' after ''marriage'' the first place it appears; and

(iii) in subclause (II)(aa), by inserting ''(or the termination of the permanent partnership)'' after ''termination of the marriage''.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place it appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'';

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,''; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse''.

(b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—

(1) IN GENERAL.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking ''AND SONS'' and inserting '', PERMANENT PARTNERS, SONS,''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse'';

(B) in subparagraph (B), by inserting ''permanent partner,'' after ''spouse,''; and

(C) in subparagraph (C), by inserting ''permanent partner,'' after ''spouse,''.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE''; and

(2) in paragraph (1)(A)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) in clause (ii)—

(i) by inserting ''or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(ii) by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by inserting before the comma at the end '', or is a permanent partnership recognized under this Act''; and

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by inserting ''or permanent partner'' after ''spouse''; and

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage''; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting ''or permanent partner'' after ''spouse'' in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting ''or permanent partner'' after ''spouse''.

(d) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.''.

SEC. 14. DEPORTABLE ALIENS.

Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—

(1) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place it appears;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting ''or permanent partner'' after ''spouse'';

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

''(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien's admission as an immigrant.''; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240 (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting ''PERMANENT PARTNERS,'' after ''SPOUSES,''; and

(2) in subsection (e)(1), by inserting ''permanent partner,'' after ''spouse,''.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4)(A) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—

''(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(52);

''(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

''(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

''(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

''(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.''.

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting ", permanent partner," after "spouse".

SEC. 20. NATURALIZATION FOR PERMANENT PARTNERS OF CITIZENS.

(a) IN GENERAL.—Section 319 (8 U.S.C. 1430) is amended—

(1) in subsection (a)—

(A) by inserting "or permanent partner" after "spouse" each place it appears; and

(B) by inserting "or permanent partnership" after "marital union";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or permanent partner" after "spouse";

(B) in paragraph (3), by inserting "or permanent partner" after "spouse";

(3) in subsection (d)—

(A) by inserting "or permanent partner" after "spouse" each place it appears; and

(B) by inserting "or permanent partnership" after "marital union";

(4) in subsection (e)(1)—

(A) by inserting "or permanent partner" after "spouse"; and

(B) by inserting "by the Secretary of Defense" after "is authorized"; and

(C) by inserting "or permanent partnership" after "marital union"; and

(5) in subsection (e)(2), by inserting "or permanent partner" after "spouse".

(b) SAVINGS PROVISION.—Section 319(e) (8 U.S.C. 1430(e)) is amended by adding at the end the following:

"(3) Nothing in this subsection may be construed to confer a right for an alien to accompany a member of the Armed Forces of the United States or to reside abroad with such member, except as authorized by the Secretary of Defense in the member's official orders.".

SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act Amendments of 2000 (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting "**, PERMANENT PARTNERS,**" after "**SPOUSES**";

(2) in subsection (a), by inserting ", permanent partner," after "spouse"; and

(3) in each of subsections (b) and (c)—

(A) in each of the subsection headings, by inserting ", PERMANENT PARTNERS," after "SPOUSES"; and

(B) by inserting ", permanent partner," after "spouse" each place it appears.

SEC. 22. APPLICATION TO CUBAN ADJUSTMENT ACT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting ", permanent partner," after "spouse" the first 2 places it appears; and

(2) in the last sentence, by inserting ", permanent partners," after "spouses".

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by striking "or spouse" and inserting ", spouse, or permanent partner".

By Mr. COONS:

S. 825. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the research tax credit, and for other purposes; to the Committee on Finance.

Mr. COONS. Mr. President, I rise today to introduce my first bill in the Senate, one I believe will promote competitiveness and spur the growth of sustainable middle class jobs. As I noted in my maiden speech in January, the people of Delaware sent me here with a mission to work with my colleagues to help create jobs and get our economy moving again.

My bill, the Job Creation Through Innovation Act, will do just that. By making strategic investments in research and development and incentives for economic growth, this legislation will help companies in Delaware and across the United States innovate, create jobs, and compete globally.

First, it will simplify, expand, and make permanent the Research and Development Tax Credit. When this credit was enacted into law in 1981, the United States was the best place in the world to perform research and development. Thirty years and fourteen temporary extensions later, we still do not have a permanent R&D credit on the books. Passing temporary extensions, one after another, undermines the very purpose of this credit. Whenever there is uncertainty about the credit's future availability, businesses discount its value, and we reap only the counterproductive effect of reducing the credit's benefit to our economy. Research and development projects are never stop-and-go, and the R&D tax credit shouldn't be either.

Second, many new small businesses today are ineligible for the R&D credit, because they are not yet profitable. My bill will create a new Small Business Innovation Credit, which will provide much-needed support to these start-ups. Currently, the R&D credit is nonrefundable, so only those companies with income tax liability benefit from it. This poses a special problem for research-intensive start-up businesses—just the sort of businesses that have the potential to develop revolutionary technologies and products. Such firms often spend their first several years operating at a loss while spending a great deal of money on research and development. The Small Business Innovation Credit will address this by allowing companies with 500 employees or fewer to claim a refundable R&D credit.

Another provision of my bill is a new Domestic Manufacturing Tax Credit, which will provide additional tax incentives to companies that both conduct research and manufacture their products right here in America. This will reward companies that invest in America and give multinational firms another reason to keep manufacturing jobs from being shipped overseas.

The Job Creation Through Innovation Act would additionally extend the Section 1603 Treasury Grants Program—or "TGP"—and the Advanced Energy Manufacturing Credit. Both of these were authorized in the Recovery Act and are designed to promote clean energy technology and investment. Both have also had a significant and beneficial impact on energy project developers and manufacturers in my home state of Delaware and other states in the past 2 years.

The TGP provides payments for specified energy property in lieu of investment tax credits and production tax credits. Economic certainty is critical to wind, solar, biofuel, geothermal, and other clean energy projects, and, according to a survey of leading participants in the tax equity market, without an extension of the TGP the anticipated total financing available for renewable resource projects would decrease significantly, should it be left to expire at the end of 2011. My bill extends the TGP for another year.

The Advanced Energy Manufacturing Credit, also called the 48C Incentive, provides a thirty percent investment tax credit to domestic manufacturers who build or expand facilities that produce a range of clean energy products and technologies. These credits can also be used to leverage private investment, and it is estimated that this tax credit has to date helped businesses raise more than $5.4 billion from just a $2.3 billion Federal investment. It is also estimated to have created 58,000 jobs. My bill will provide an additional $5 billion in incentives, of which up to $1.5 billion would be made available to companies whose applications are already pending under the original solicitation.

In my maiden speech in January, I spoke at length about the new agenda for manufacturing I intend to promote during my service in the Senate, and this bill is just the first step. I am proud that Delaware is already on the cutting-edge of the high-tech and clean energy manufacturing revolution I believe will be the key to winning the future.

While we are all rightly focused now on the deficit and cutting our budget, we must also think ahead and make those long-term investments that will boost our economy, incentivize clean energy resources and manufacturing, and grow the jobs we need to sustain a strong middle class in this country for years to come. I hope my colleagues will join me in this effort, and I commend those who already have.

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. 825

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Job Creation Through Innovation Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. USE OF ONLY SIMPLIFIED RESEARCH CREDIT AFTER 2011; EXPANSION AND PERMANENT EXTENSION.

(a) SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—Subsection (a) of section 41 is amended to read as follows:

''(a) GENERAL RULE.—

''(1) CREDIT DETERMINED.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(2) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(A) TAXPAYERS TO WHICH PARAGRAPH APPLIES.—The credit under this section shall be determined under this paragraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

''(B) CREDIT RATE.—The credit determined under this paragraph shall be equal to 10 percent of the qualified research expenses for the taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) TERMINATION OF BASE AMOUNT CALCULATION.—Section 41 is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(2) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended by striking subsection (e) and redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(3) SPECIAL RULES.—

(A) Paragraph (1)(A)(ii) of subsection (d) of section 41, as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(B) Paragraph (1)(B)(ii) of section 41(d), as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(C) Paragraph (3) of section 41(d), as so redesignated, is amended—

(i) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (A) and inserting a period,

(ii) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (B) and inserting a period, and

(iii) by striking subparagraph (C).

(D) Paragraph (4) of section 41(d), as so redesignated, is amended by striking ''and gross receipts''.

(E) Subsection (d) of section 41, as so redesignated, is amended by striking paragraph (6).

(4) PERMANENT EXTENSION.—

(A) Section 41 is amended by striking subsection (h).

(B) Section 45C(b)(1) is amended by striking subparagraph (D).

(5) CROSS-REFERENCES.—

(A) Paragraphs (2)(A) and (4) of section 41(b) are each amended by striking ''subsection (f)(1)'' and inserting ''subsection (d)(1)''.

(B) Paragraph (2) of section 45C(c) is amended by striking ''base period research expenses'' and inserting ''average qualified research expenses''.

(C) Paragraph (3) of section 45C(d) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(D) Paragraph (2) of section 45G(e) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(E) Subsection (g) of section 45O is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(F) Subparagraph (A) of section 54(l)(3) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(G) Clause (i) of section 170(e)(4)(B) is amended to read as follows:

''(i) the contribution is to a qualified organization,''.

(H) Paragraph (4) of section 170(e) is amended by adding at the end the following new subparagraph:

''(E) QUALIFIED ORGANIZATION.—For purposes of this paragraph, the term 'qualified organization' means—

''(i) any educational organization which—

''(I) is an institution of higher education (within the meaning of section 3304(f)), and

''(II) is described in subsection (b)(1)(A)(ii), or

''(ii) any organization not described in clause (i) which—

''(I) is described in section 501(c)(3) and is exempt from tax under section 501(a),

''(II) is organized and operated primarily to conduct scientific research, and

''(III) is not a private foundation.''.

(I) Subsection (f) of section 197 is amended by striking ''section 41(f)(1)'' each place it appears in paragraphs (1)(C) and (9)(C)(i) and inserting ''section 41(d)(1)''.

(J) Section 280C is amended—

(i) by striking ''41(f)'' each place it appears in subsection (b)(3) and inserting ''41(d)'',

(ii) by striking ''or basic research expenses (as defined in section 41(e)(2))'' in subsection (c)(1),

(iii) by striking ''section 41(a)(1)'' in subsection (c)(2)(A) and inserting ''section 41(a)'', and

(iv) by striking ''or basic research expenses'' in subsection (c)(2)(B).

(K) Subclause (IV)(c) of section 936(h)(5)(C)(i) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(L) Subparagraph (D) of section 936(j)(5) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(M) Clause (i) of section 965(c)(2)(C) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(N) Clause (i) of section 1400N(l)(7)(B) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(c) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (b)(1)(A),

(2) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984'' after ''relating to the employee stock ownership credit'' in subsection (b)(4),

(3) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (i)(1)(A),

(4) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (m),

(5) by inserting ''(as so in effect)'' after ''section 48(n)(1)'' in subsection (m),

(6) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 48(n)'' in subsection (q)(1), and

(7) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41'' in subsection (q)(3).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2011.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 3. ENHANCED RESEARCH CREDIT FOR DOMESTIC MANUFACTURERS.

(a) IN GENERAL.—Section 41, as amended by section 3, is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) ENHANCED CREDIT FOR DOMESTIC MANUFACTURERS.—

''(1) IN GENERAL.—In the case of a qualified domestic manufacturer, this section shall be applied by increasing the 20 percent amount in subsection (a)(1) by the bonus amount.

''(2) QUALIFIED DOMESTIC MANUFACTURER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified domestic manufacturer' means a taxpayer who has domestic production gross receipts which are more than 50 percent of total production gross receipts.

''(B) DOMESTIC PRODUCTION GROSS RECEIPTS.—The term 'domestic production gross receipts' has the meaning given to such term under section 199(c)(4).

''(C) TOTAL PRODUCTION GROSS RECEIPTS.—The term 'total production gross receipts' means the gross receipts of the taxpayer which are described in section 199(c)(4), determined—

''(i) without regard to whether property described in subparagraph (A)(i)(I) or (A)(i)(III) thereof was manufactured, produced, grown, or extracted in the United States,

''(ii) by substituting 'any property described in section 168(f)(3)' for 'any qualified film' in subparagraph (A)(i)(II) thereof, and

''(iii) without regard to whether any construction described in subparagraph (A)(ii) thereof or services described in subparagraph (A)(iii) thereof were performed in the United States.

''(3) BONUS AMOUNT.—For purposes of paragraph (1), the bonus amount shall be determined as follows:

''If the percentage of total production gross receipts which are domestic production gross receipts is:	The bonus amount is:
More than 50 percent and not more than 60 percent.	2 percentage points
More than 60 percent and not more than 70 percent.	4 percentage points
More than 70 percent and not more than 80 percent.	6 percentage points
More than 80 percent and not more than 90 percent.	8 percentage points
More than 90 percent	10 percentage points.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4. RESEARCH CREDIT MADE REFUNDABLE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Subsection (a) of section 41 of the Internal Revenue Code of 1986, as amended by section 3, is amended by adding at the end the following new paragraph:

''(3) PORTION OF CREDIT REFUNDABLE.—

''(A) IN GENERAL.—For purposes of subsections (b) and (c) of section 6401, the amount of the credit determined under this section which is attributable to a qualified small business shall be treated as a credit allowed under subpart C of part IV of subchapter A for the taxable year (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

''(B) QUALIFIED SMALL BUSINESS.—For purposes of this paragraph, the term 'qualified small business' means, with respect to any taxable year, any person if the annual average number of employees employed by such person during such taxable year is 500 or fewer.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''41(a)(3),'' after ''36A,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 5. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) in paragraph (1), by striking ''or 2011'' and inserting ''2011, or 2012'', and

(2) in paragraph (2)—

(A) by striking ''after 2011'' and inserting ''after 2012'', and

(B) by striking ''or 2011'' and inserting ''2011, or 2012''.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking ''2012'' and inserting ''2013''.

SEC. 6. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 48C is amended by adding at the end the following new paragraph:

''(6) ADDITIONAL 2011 ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

''(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

''(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

''(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term 'domestic job creation (both direct and indirect)' means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

''(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

''(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term '2011 allocation amount' means $5,000,000,000.

''(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.''.

(b) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) is amended by inserting ''(increased by so much of the 2011 allocation amount (not in excess of $1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))'' after ''$2,300,000,000''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''48C(d)(6)(E),'' after ''36C,''.

By Mrs. FEINSTEIN:

S. 826. A bill to require the Secretary of the Treasury to establish a program to provide loans and loan guarantees to enable eligible public entities to acquire interests in real property that are in compliance with habitat conservation plans approved by the Secretary of the Interior under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Infrastructure Facilitation and Habitat Conservation Act of 2011.

This legislation will make it easier for communities to build infrastructure and grow by allowing to access federal loan guarantees when they conserve land to mitigate the impacts to the environment and endangered species.

This bill creates a ten year pilot program, to be administered jointly by the Secretaries of the Interior and Treasury, making credit more readily available to eligible public entities which are sponsors of Habitat Conservation Plans, HCPs, under section 10 of the Endangered Species Act of 1973.

Habitat Conservation Plans were authorized by an amendment to the Endangered Species Act in 1982 as a means to permanently protect the habitat of threatened and endangered species, while facilitating the development of infrastructure, through issuance of a long-term ''incidental take permit''. More than 500 such plans have been approved by the Secretary of the Interior, providing protection for nearly 50 million acres of habitat nationwide and allowing development and infrastructure to proceed.

Equally important, HCPs are very effective in avoiding, minimizing and mitigating the effects of development on endangered species and their habitats. HCPs are an essential tool, as Congress intended, in balancing the requirements of the Endangered Species Act with on-going infrastructure construction and development activity.

In California, the Western Riverside County Multiple-Species HCP is a prime example of effective habitat management. The Western Riverside MSHCP covers an area of 1.26 million acres, of which 500,000 will be permanently protected for the benefit of 146 species of plants and animals. At the same time, it is building its infrastructure and transportation needs for the next century.

To date, more than 40,000 acres of property have been conserved. In the case of the Western Riverside MSHCP, as with other HCPs nationwide, this strategy for advance mitigation of environmental impacts has facilitated the development of much-needed transportation infrastructure.

Riverside has been one of the Nation's fastest growing counties, with a rate of growth during the last decade of 42 percent. Unless the development of infrastructure can be made to keep pace with this explosive population growth, neither environmental or livability goals will be attained.

Owing to the economic downturn, however, the pace of habitat acquisition in Western Riverside and other similarly-situated communities has slowed to a crawl. Revenue which had been generated to finance acquisition of habitat during periods of robust development has also slowed to a trickle, at just the moment when real estate values are at historic lows.

Ready access to capital during this period would enable Western Riverside to complete its habitat acquisition program for half of what it was estimated to cost in 2008, for a savings of $2 billion.

Under this bill, loan guarantee applicants would have to demonstrate their credit-worthiness and the likely success of their habitat acquisition programs. Priority would be given to HCPs in biologically rich regions whose natural attributes are threatened by rapid development. Other than the modest costs of administration, the bill would entail no federal expenditure unless the local government defaulted a very rare occurrence.

The Federal guarantees will assure access to commercial credit at reduced rates of interest, enabling these communities to take advantage of temporarily low prices for habitat. Prompt enactment of this legislation will provide multiple benefits at very low cost to the Federal taxpayer protection of more habitat more quickly, accelerated development of infrastructure with minimum environmental impact, and reduction in the total cost of HCP land acquisition.

I urge my colleagues to support this legislation. I believe it will encourage development and growth and conservation of land and protection of endangered species, at minimal Federal risk. It is exactly the Federal local partnership that we need to use to maximize efficient use of Federal dollars.

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. 826

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 ''Infrastructure Facilitation and Habitat Conservation Act of 2011''.

SEC. 2. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PUBLIC ENTITY.—The term ''eligible public entity'' means a political subdivision of a State, including—

(A) a duly established town, township, or county;

(B) an entity established for the purpose of regional governance;

(C) a special purpose entity; and

(D) a joint powers authority, or other entity certified by the Governor of a State, to have authority to implement a habitat conservation plan pursuant to section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)).

(2) PROGRAM.—The term ''program'' means the conservation loan and loan guarantee program established by the Secretary under subsection (b)(1).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(b) LOAN AND LOAN GUARANTEE PROGRAM.—

(1) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a program to provide loans and loan guarantees to eligible public entities to enable eligible public entities to acquire interests in real property that are acquired pursuant to habitat conservation plans approved by the Secretary of the Interior under section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539).

(2) APPLICATION; APPROVAL PROCESS.—

(A) APPLICATION.—

(i) IN GENERAL.—To be eligible to receive a loan or loan guarantee under the program, an eligible public entity shall submit to the Secretary an application at such time, in such form and manner, and including such information as the Secretary may require.

(ii) SOLICITATION OF APPLICATIONS.—Not less frequently than once per calendar year, the Secretary shall solicit from eligible public entities applications for loans and loan guarantees in accordance with this section.

(B) APPROVAL PROCESS.—

(i) SUBMISSION OF APPLICATIONS TO SECRETARY OF THE INTERIOR.—As soon as practicable after the date on which the Secretary receives an application under subparagraph (A), the Secretary shall submit the application to the Secretary of the Interior for review.

(ii) REVIEW BY SECRETARY OF THE INTERIOR.—

(I) REVIEW.—As soon as practicable after the date of receipt of an application by the Secretary under clause (i), the Secretary of the Interior shall conduct a review of the application to determine whether—

(aa) the eligible public entity is implementing a habitat conservation plan that has been approved by the Secretary of the Interior under section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539);

(bb) the habitat acquisition program of the eligible public entity would very likely be completed; and

(cc) the eligible public entity has adopted a complementary plan for sustainable infrastructure development that provides for the mitigation of environmental impacts.

(II) REPORT TO SECRETARY.—Not later than 60 days after the date on which the Secretary of the Interior receives an application under subclause (I), the Secretary of the Interior shall submit to the Secretary a report that contains—

(aa) an assessment of each factor described in subclause (I); and

(bb) a recommendation regarding the approval or disapproval of a loan or loan guarantee to the eligible public entity that is the subject of the application.

(III) CONSULTATION WITH SECRETARY OF COMMERCE.—To the extent that the Secretary of the Interior considers to be appropriate to carry out this clause, the Secretary of the Interior may consult with the Secretary of Commerce.

(iii) APPROVAL BY SECRETARY.—

(I) IN GENERAL.—Not later than 120 days after receipt of an application under subparagraph (A), the Secretary shall approve or disapprove the application.

(II) FACTORS.—In approving or disapproving an application of an eligible public entity under subclause (I), the Secretary may consider—

(aa) whether the financial plan of the eligible public entity for habitat acquisition is sound and sustainable;

(bb) whether the eligible public entity has the ability to repay a loan or meet the terms of a loan guarantee under the program;

(cc) any factor that the Secretary determines to be appropriate; and

(dd) the recommendation of the Secretary of the Interior.

(III) PREFERENCE.—In approving or disapproving applications of eligible public entities under subclause (I), the Secretary shall give preference to eligible public entities located in biologically rich regions in which rapid growth and development threaten successful implementation of approved habitat conservation plans, as determined by the Secretary in cooperation with the Secretary of the Interior.

(C) ADMINISTRATION OF LOANS AND LOAN GUARANTEES.—

(i) REPORT TO SECRETARY OF THE INTERIOR.—Not later than 60 days after the date on which the Secretary approves or disapproves an application under subparagraph (B)(iii), the Secretary shall submit to the Secretary of the Interior a report that contains the decision of the Secretary to approve or disapprove the application.

(ii) DUTY OF SECRETARY.—As soon as practicable after the date on which the Secretary approves an application under subparagraph (B)(iii), the Secretary shall—

(I) establish the loan or loan guarantee with respect to the eligible public entity that is the subject of the application (including such terms and conditions as the Secretary may prescribe); and

(II) carry out the administration of the loan or loan guarantee.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary.

(d) TERMINATION OF AUTHORITY.—The authority under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

By Mr. UDALL of Colorado (for himself and Ms. COLLINGS):

S. 828. A bill to amend the Energy Policy and Conservation Act to establish the Office of Energy Efficiency and Renewable Energy as the lead Federal agency for coordinating Federal, State, and local assistance provided to promote the energy retrofitting of schools; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bipartisan bill along with my colleague Senator COLLINS to help improve the health and efficiency of our schools by making them more energy efficient, while creating much-needed jobs in the process. Though it is often over-looked, energy efficiency is a huge job creator. Not only does it create jobs through the purchase and installation of efficient materials, it frees up scarce school finances to retain teachers and important programs.

There are numerous Federal programs and funds already available to schools to help them become more energy efficient. However, as I learned in my travels across Colorado, schools face a morass of programs and agency offices across the government, and it is challenging for schools to take full advantage of them.

The bipartisan Streamlining Energy Efficiency for Schools Act of 2011 will force the government to coordinate their efforts so that schools are less confused and they can better navigate the existing Federal programs and financing options available to them. Put simply, it will streamline the Federal Government while still leaving decisions to the States, school boards and local officials to determine what is best for their schools.

I have seen the benefits of energy efficient buildings first hand when traveling in Colorado. The Cherry Creek School District in Greenwood Village, Colorado has incorporated day lighting techniques and ice storage to cool the buildings during the day. Because of these innovative improvements, the school district has enjoyed significant cost savings. In another example, the Poudre School District in Fort Collins, Colorado, actively promotes sustainable design guidelines, calling it their ''Ethic of Sustainability.'' This program includes an elementary school in Fort Collins that actually uses recycled blue jeans as insulation for the school buildings.

I hope that in passing this bill we will see more examples of these successful and creative projects across the country—projects that will increase the efficiency of our schools and teach our students about the importance of saving energy. I urge my colleagues—of both parties—to join me in supporting this bipartisan legislation.

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

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

S. 828

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 ''Streamlining Energy Efficiency for Schools Act of 2011''.

SEC. 2. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

Section 392 of the Energy Policy and Conservation Act (42 U.S.C. 6371a) is amended by adding at the end the following:

''(e) COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.—

''(1) DEFINITION OF SCHOOL.—In this subsection, the term 'school' means—

''(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

''(C) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et

seq.) or established under section 2164 of title 10, United States Code;

''(D) a school operated by the Bureau of Indian Affairs;

''(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

''(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

''(2) DESIGNATION OF LEAD AGENCY.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

''(3) REQUIREMENTS.—In carrying out coordination and outreach under paragraph (2), the Secretary shall—

''(A) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation that are currently used or may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools;

''(B) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in subparagraph (A), for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

''(i) to use existing Federal opportunities more effectively; and

''(ii) to form partnerships with Governors, State energy programs, local educational, financial, and energy officials, State and local government officials, nonprofit organizations, and other appropriate entities, to support the initiation of the projects;

''(C) provide technical assistance for States, local educational agencies, and schools to help develop and finance energy efficiency, renewable energy, and energy retrofitting projects—

''(i) to increase the energy efficiency of buildings or facilities;

''(ii) to install systems that individually generate energy from renewable energy resources;

''(iii) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

''(iv) to promote—

''(I) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy efficiency, renewable energy, and energy retrofit projects; and

''(II) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

''(D) develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in subparagraph (A) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

''(E) establish a process for recognition of schools that—

''(i) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

''(ii) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

''(4) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing the implementation of this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2012 through 2016.''.

By Mr. FRANKEN (for himself, Mr. BROWN of Ohio, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. SANDERS):

S. 831. A bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FRANKEN. Mr. President, today, I am reintroducing the Dairy Country Of Origin Labeling Act, or Dairy COOL, with Senator SCHUMER, Senator GILLIBRAND, Senator SHERROD BROWN, and Senator SANDERS.

Our bill is very straightforward; it simply extends country of origin labeling requirements to dairy products. The current country of origin labeling law, which went into effect in 2008, applies to meats, produce, and nuts, but it doesn't include dairy products. Our bill adds dairy products—including milk, cheese, yogurt, ice cream, and butter—to the list.

This bill is about families. Minnesota families should have the right to know where the food they buy was produced. Consumers have this information for meat and produce; they should have it for the dairy products they feed their families every day. Minnesota dairy farmers and family farmers across the Nation should have the right to distinguish their products from imported products.

Hardly a week goes by where you don't hear another story of contaminated food and toys that were imported from foreign countries but only discovered after they were in American homes. Labeling our dairy products lets parents make informed choices at the grocery store. It gives consumers the information they need to be confident about the quality and safety of the food they buy.

Farming is a risky business. Prices have stabilized for now, but less than two years ago, high feed prices and unpredictable price swings threatened the viability of family dairies across the country. This bill isn't a silver bullet, but it does give family farms another tool that will help them compete in a crowded marketplace. And it gives consumers the option to purchase milk and cheese from our own family farms.

So I urge my colleagues to support this legislation.

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

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

S. 831

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 ''Dairy COOL Act of 2011''.

SEC. 2. COUNTRY OF ORIGIN LABELING FOR DAIRY PRODUCTS.

(a) DEFINITIONS.—Section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (x), by striking ''and'' at the end;

(ii) in clause (xi), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(xii) dairy products.''; and

(B) in subparagraph (B), by inserting ''(other than clause (xii) of that subparagraph)'' after ''subparagraph (A)'';

(2) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) DAIRY PRODUCT.—The term 'dairy product' means—

''(A) fluid milk;

''(B) cheese, including cottage cheese and cream cheese;

''(C) yogurt;

''(D) ice cream;

''(E) butter; and

''(F) any other dairy product.''.

(b) NOTICE OF COUNTRY OF ORIGIN.—Section 282(a) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a(a)) is amended by adding at the end the following:

''(5) DESIGNATION OF COUNTRY OF ORIGIN FOR DAIRY PRODUCTS.—

''(A) IN GENERAL.—A retailer of a covered commodity that is a dairy product shall designate the origin of the covered commodity as—

''(i) each country in which or from the 1 or more dairy ingredients or dairy components of the covered commodity were produced, originated, or sourced; and

''(ii) each country in which the covered commodity was processed.

''(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a dairy product produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where the covered commodity was produced shall be sufficient to identify the United States as the country of origin.''.

By Ms. COLLINS (for herself and Mrs. MURRAY):

S. 832. A bill to reauthorize certain port security programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the SAFE Port Reauthorization Act of 2011. This bill extends important programs that help to protect our nation's critical shipping lanes and seaports from attack and sabotage.

The SAFE Port Reauthorization Act of 2011 is cosponsored by my colleague,

Senator MURRAY. Senator MURRAY and I drafted the original SAFE Port Act in 2005, leading to its enactment in 2006. I am pleased that she has again joined me to extend and strengthen this important law. Several stakeholders have expressed their support for our efforts, including the American Waterways Operators, National Association of Boating Law Administrators, Retail Industry Leaders Association, Association of Marina Industries, National Boating Federation, and National Marine Manufacturers Association.

The scope of what we need to protect is broad. America has 361 seaports—each vital links in our Nation's transportation network. Our seaports move more than 95 percent of overseas trade. In 2010, United States ports logged 57,600 ports-of-call by foreign-flagged cargo vessels, bringing 11 million shipping containers to our shores.

Coming from a State with three international cargo ports—including Portland, the largest port by tonnage in New England—I am keenly aware of the importance of seaports to our national economy and to the communities in which they are located.

Our seaports operate as vital centers of economic activity; they also represent vulnerable targets. As the air cargo plot emanating from Yemen last fall demonstrated, terrorists remain committed to exploiting commercial shipments as a way of moving explosives or weapons of mass destruction.

Maritime shipping containers are a special source of concern. A single obscure container, hidden among a ship's cargo of several hundred containers, could be used to conceal a dirty bomb. In other words, a container could be turned into a 21st century Trojan horse.

The shipping container's security vulnerabilities are so well known that it has also been called ''the poor man's missile,'' because for only a few thousand dollars, a terrorist could ship a weapon or explosive across the Atlantic or the Pacific to a U.S. port.

And the contents of such a container don't have to be something as complex as a nuclear or biological weapon. As former Customs and Border Protection Commissioner Robert Bonner told The New York Times, a single container packed with readily available ammonium sulfate fertilizer and a detonation system could produce 10 times the blast that destroyed the Murrah Federal Building in Oklahoma City.

Whatever the type of weapon, an attack on one or more U.S. ports could cause great loss of life and large numbers of injuries; it could damage our energy supplies and infrastructure; it could cripple retailers and manufacturers dependent on incoming inventory; and it could hamper our ability to move and supply American military forces fighting against the forces of terrorism.

I have had the opportunity to visit seaports and, as one examines some of the Nation's busiest harbors, one sees what a terrorist might call ''high-value targets.'' In February, while touring the Port of Miami and Port Everglades with the Coast Guard, I witnessed first-hand the large and sprawling urban populations, cruise ship docks, container terminals, and bulk fuel facilities that are situated around these ports. At other locations, there are large sports stadiums and ferries operating nearby as well.

Add up these factors, and one realizes immediately the death and destruction that a ship carrying a container hiding a weapon of mass destruction could inflict at a single port.

Of course, a port can be a conduit for an attack as well as a target. A container with dangerous cargo could be loaded on a truck or rail car, or have its contents unpacked at the port and distributed to support attacks elsewhere. In 2008, we saw that the port in Mumbai, India, offered the means for a gang of terrorists to launch an attack on a section of the city's downtown. That attack killed more than 170 people and wounded hundreds more.

To address these security threats, our bill would reauthorize these SAFE Port Act cargo security programs that have proven to be successful the Automated Targeting System that identifies high-risk cargo; the Container Security Initiative that ensures high-risk cargo containers are inspected at ports overseas before they travel to the United States; and the Customs-Trade Partnership Against Terrorism, or C-TPAT, that provides incentives to importers to enhance the security of their cargo from point of origin to destination.

The bill would also strengthen the C-TPAT program by providing new benefits, including offering voluntary security training to industry participants and providing participants an information sharing mechanism on maritime and port security threats, and authorizing Customs and Border Protection to conduct unannounced inspections to ensure that security practices are robust. The cooperation of private industry is vital to protecting supply chains, and C-TPAT is a necessary tool for securing their active cooperation in supply chain security efforts.

The bill also would extend the competitive, risk-based, port security grants that have improved the security of our ports. An authorization for the next 5 years at $300 million per year, as included in the President's budget, is lower than the current $400 million authorization in recognition of the severe budget constraints we face. To address concerns expressed by port authorities and terminal operators from across the country, the bill places deadlines on the Department of Homeland Security to ensure a timely response is provided to port security grant applications, extensions, and cost-share waiver requests.

In addition to continuing and improving critical port security programs, the bill also would strengthen the America's Waterway Watch Program, which promotes voluntary reporting of suspected terrorist activity or suspicious behavior against a vessel, facility, port, or waterway.

Our bill would protect citizens from frivolous lawsuits when they report, in good faith, suspicious behavior that may indicate terrorist activity against the United States. It builds on a provision from the 2007 homeland security law that encourages people to report potential terrorist threats directed against transportation systems by protecting people from those who would misuse our legal system in an attempt to chill the willingness of citizens to come forward and report possible dangers.

In addition, this legislation enhances research and development efforts to improve maritime cargo security. The demonstration project authorized by this law would study the feasibility of using composite materials in cargo containers to improve container integrity and deploy next-generation sensors.

This legislation also addresses the difficulties in administering the mandate of x-raying and scanning for radiation all cargo containers overseas that are destined for the United States by July 2012. Until x-ray scanning technology is proven effective at detecting radiological material and not disruptive of trade, requiring the x-raying of all U.S. bound cargo, regardless of its risk, at every foreign port, is misguided and provides a false sense of security. It would also impose onerous restrictions on the flow of commerce, costing billions with little additional security benefit.

Under the original provisions of the SAFE Port Act, all cargo designated as high-risk at foreign ports is already scanned for radiation and x-rayed. In addition, cargo entering the U.S. at all major seaports is scanned for radiation. These security measures currently in place are part of a layered, risk-based method to ensure cargo entering the U.S. is safe.

This legislation would eliminate the deadline for 100 percent x-raying of containers if the Secretary of Homeland Security certifies the effectiveness of individual security measures of that layered security approach. This is a more reasonable method to secure our cargo until a new method of x-raying containers is proven effective and feasible.

The SAFE Port Reauthorization Act of 2011 will help us to continue an effective, layered, coordinated security system that extends from point of origin to point of destination, and that covers the people, the vessels, the cargo, and the facilities involved in our maritime commerce. It will continue to address a major vulnerability in our homeland security critical infrastructure while preserving the flow of goods on which our economy depends.

I urge my colleagues to support this important legislation.

By Mr. WHITEHOUSE (for himself, Mr. REED, Mr. BROWN of Ohio, Mr. FRANKEN, and Mr. AKAKA):

S. 833. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WHITEHOUSE. Mr. President, it is my honor today to introduce the Success in the Middle Act of 2011. This bill recognizes the role of the middle grades as a tipping point in the education of many of our Nation's students, especially those who are at risk of dropping out. Success in the Middle invests much-needed attention and resources in middle grades education, requiring states to create plans to specifically address the unique needs of students in the age group, and focusing on schools that feed students into some of our country's most dropout prone high schools so they are ready for the curriculum and the unique social pressures they will encounter there.

My concern about the middle grades began in a unique place behind my desk in the Rhode Island Attorney General's Office. After serving as the United States Attorney for Rhode Island, where I dealt with cases involving mobsters and white collar crime, I now suddenly had hundreds of juvenile cases coming across my desk. I asked my staff to examine the problem and together we tried to find the root of it. Ultimately, it all seemed to go back to one issue: middle school truancy. In order to better see what was happening in middle schools, my office adopted one, Oliver Hazard Perry Middle School in Providence. We worked hard to create a real relationship between the police department and the school to help get truant kids back in classrooms; we worked with the local utility to get lights in the parking lot so teachers felt safe staying after school; partnered with local businesses to get teachers phones in the classrooms so they could call parents when the kids went missing; began a mentoring program between students and attorneys in my office; and brought in community groups to start afterschool programs.

The experience at Perry helped me realize what an impact the middle grades have on a child's future. It is an age where a child is beginning to make his or her own decisions, but can still be influenced by adults and by enriching experiences in their lives. The middle grades are a time when, if properly directed, students look to their futures and set goals for themselves in order to enter high school ready to achieve that first vital goal: graduation.

When I entered the Senate, one of my first priorities was to continue to advocate for improved middle grades education. In Rhode Island, I convened a small group of teachers, public and private school administrators, union leaders, afterschool experts, and others who shared my deep interest in the middle grades to continue the conversation about how best to improve them. This group examined the issues faced by these students and how curriculum, the professional development of teachers, and the environment of the school affected them on a daily basis. Their work has influenced how I perceive education policy and has been invaluable as we have moved forward with Success in the Middle.

To see just how badly our middle grade students need this help, let us take a look at the facts: Less than 1/3 of 8th grade students scored proficient in reading and math on the 2009 National Assessment on Educational Progress, NAEP, and nearly 30 percent scored below the basic level in math. A lack of basic skills at the end of the middle grades has serious implications students who enter high school two or more years behind have only a 50 percent chance of progressing on time to 10th grade, creating a significant risk of dropping out. Sixth grade students who do not attend school regularly, who frequently receive disciplinary actions, or who fail math or English have a less than 15 percent chance of graduating high school on time and a 20 percent chance of graduating one year late.

This is why investing wisely in the middle grades is so important. Success in the Middle makes that investment, creating a formula grant program that help states invest in proven strategies for the middle grades, including comprehensive school-wide improvement efforts, targeted professional development, and student supports such as extended learning time and personal academic plans. It also requires the creation of early warning and intervention systems for at-risk students and transition plans for the middle grades. Finally, Success in the Middle invests in national research into best practices for the middle grades.

I am proud to introduce Success in the Middle, which in previous Congresses was introduced by then-Senator Obama and by my senior Senator from Rhode Island, JACK REED. I am proud to follow in the footsteps of these champions of education, who have demonstrated the vital need to focus our efforts on the middle grades in order to best serve our Nation's children, especially those most at risk for dropping out.

By Ms. KLOBUCHAR (for herself and Mr. GRASSLEY):

S. 839. A bill to ban the sale of certain synthetic drugs; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator KLOBUCHAR, in cosponsoring the Combating Designer Drugs Act of 2011. All too often we are confronted with new and emerging drugs that spread quickly on the scene. However, what is most concerning about this new generation of drugs is how quickly these substances are sold and marketed to kids. Although these substances were created for scientific research they are now packaged as innocent products and sold on the shelves of local stores or via the internet.

Recent reports in the media along with increasing calls to poison control centers and visits to emergency rooms reveals that more and more kids are using products laced with substances that are very dangerous. Although these products are currently legal and can be sold in stores and online, many people who use products are under a false impression that these products are safe because they are legal. However, use of these products is anything but safe.

Last month, a teenager from Blaine, MN, died after overdosing on a substance called 2C-E that he and others used at a party. Police report 10 other individuals were hospitalized after using this substance. According to the Drug Enforcement Administration, 2C-E along with its cousins in the 2C family are used for their hallucinogenic qualities. These drugs are marketed as similar to illegal drugs like LSD or Ecstasy and can be used in similar ways. A popular way to pass these drugs off as safe is by labeling them as ''fake,'' but clearly the victims of this drug have suffered very real consequences.

Last month, I, along with Senator FEINSTEIN, introduced legislation to ban the chemicals found in synthetic or ''fake'' marijuana. This legislation came in part from the death of Indianola, IA, resident David Rozga, who committed suicide shortly after smoking a package of K2, a product laced with synthetic marijuana compounds. Since then the Drug Enforcement Administration has identified more substances that are used in a similar way such as 2C-E and others. The Combating Designer Drugs Act of 2011 is part of the ongoing effort to identify drugs that are being marketed as legal, safe alternatives to illegal drugs and places them among their rightful place as dangerous drugs like meth and cocaine. Specifically, this legislation targets drugs found in the 2C family, which were invented for scientific research but never intended to be used for humans and makes them schedule I controlled substances.

Mr. President, the sale and use of synthetic drugs like those in the 2C family represent a new and dangerous trend in drug abuse. We must take strong action to eliminate the ease in which these substances can reach the market before their use gets out of hand. I urge my colleagues to support this legislation to remove these dangerous drugs from our society.

By Mr. UDALL of Colorado (for himself, Ms. STABENOW, and Mr. MERKLEY):

S. 841. A bill to provide cost-sharing assistance to improve access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about the Renewable Energy Market Access Program Act, or REMAP Act, which I am re-introducing in the 112th Congress with my colleagues, Senators STABENOW and MERKLEY. This bill is designed to help grow American renewable energy and energy efficiency exports abroad by helping small and medium sized renewable energy businesses promote, export and ultimately penetrate foreign markets. In turn this bill will help grow the American economy and create American jobs.

This effort is a smaller piece of what needs to be a comprehensive and cohesive approach to reduce our trade deficit in clean energy goods and bolster our economy. Despite efforts to do just that, we still struggle to build a manufacturing base that can provide the goods necessary to meet the global demand for renewable energy products. It is astonishing that increasingly, we import more renewable energy goods than we export. A recent Senate report showed that over a 5 year period from 2004–2008, our trade deficit in renewable energy goods increased 350 percent, which is attributed to increased U.S. demand that is met largely by imports from Asia and Europe. Not only are we failing to meet our own domestic demand, but we are slow to take advantage of market opportunities abroad. It is estimated that 90 percent of worldwide investments in renewable energy goods occur in G–20 countries, and the developing world is projected to comprise 80 percent of the world's future energy demand, yet the United States is not well positioned to capture these growing and burgeoning markets for renewable energy goods. If we are truly dedicated to strengthening our capability to grow renewable energy manufacturing and to becoming energy independent, we need to do more. We need to invest strategically at home, and we must also look beyond our shores to build markets for domestic manufacturers markets that can translate into sustainable, well-paying jobs here at home.

My legislation would create the Renewable Energy Market Access Program to focus on equipping small and medium sized enterprises with the tools they need to access foreign markets, thereby strengthening our domestic economy and creating jobs. Through REMAP, trade associations and state-regional trade groups would apply to the U.S. Department of Commerce to enter into cooperative agreements to provide marketing and trade assistance to small- and medium-sized companies in the renewable energy and energy efficiency sectors. The assistance would help facilitate the export of their goods to existing and new foreign markets. The agreements would also offer eligible participants an opportunity to share the costs related to innovative marketing and promotion activities. The public funding for any one application would never exceed 50 percent of the total cost of the proposal, ensuring buy-in from the applicant and an ongoing working relationship with the Department of Commerce. In sum, this bill will help streamline access to the global marketplace for small businesses and help promote American renewable energy and energy efficiency products overseas.

I believe that this legislation takes an important step in the right direction to support the growing renewable energy industry. I have been encouraged by the efforts of my colleagues here in the U.S. Congress and in the Administration to place a strong emphasis on supporting and growing all of America's exports but our future will be in solving our shared energy challenges.

While we look at ways to enhance market access to foreign markets, Congress must also develop sensible policy mechanisms to address unfair trade barriers and other anti-competitive tactics that are used to keep our goods from markets in countries with which we have stable relations. Such tactics should be addressed, but should not keep us from pursuing other opportunities to build foreign markets for American businesses. This is why I urge my colleagues to join me in supporting this legislation to support our small business community in growing our nation's economy.

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. 841

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 ''Renewable Energy Market Access Program Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ENERGY EFFICIENCY PRODUCT.—The term ''energy efficiency product'' means any product, technology, or component of a product that—

(A) as compared with products, technologies, or components of products being deployed at the time for widespread commercial use in the country in which the product, technology, or component will be used—

(i) substantially increases the energy efficiency of buildings, industrial or agricultural processes, or electricity transmission, distribution, or end-use consumption; or

(ii) substantially increases the energy efficiency of the transportation system; and

(B) results in no significant incremental adverse effects on public health or the environment.

(2) RENEWABLE ENERGY.—The term ''renewable energy'' means energy generated by a renewable energy resource.

(3) RENEWABLE ENERGY PRODUCT.—The term ''renewable energy product'' means any product, technology, or component of a product used in the development or production of renewable energy.

(4) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' means solar, wind, ocean, tidal, or geothermal energy, biofuel, biomass, hydropower, or hydrokinetic energy.

(5) SMALL- AND MEDIUM-SIZED BUSINESSES.—The term ''small- and medium-sized businesses'' means—

(A) small business concerns (as that term used in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) businesses the Secretary of Commerce determines to be small- or medium-sized, based on factors that include the structure of the industry, the amount of competition in the industry, the average size of businesses in the industry, and costs and barriers associated with entering the industry.

SEC. 3. COST-SHARING ASSISTANCE WITH RESPECT TO THE EXPORTATION OF ENERGY EFFICIENCY PRODUCTS AND RENEWABLE ENERGY PRODUCTS.

(a) IN GENERAL.—The Under Secretary for International Trade of the Department of Commerce (in this section referred to as the ''Under Secretary'') shall establish and carry out a program to provide cost-sharing assistance to eligible organizations—

(1) to improve access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States; and

(2) to assist small- and medium-sized businesses in the United States in obtaining services and other assistance with respect to exporting energy efficiency products and renewable energy products, including services and assistance available from the Department of Commerce and other Federal agencies.

(b) ELIGIBLE ORGANIZATIONS.—An eligible organization is a nonprofit trade association in the United States or a State or regional organization that promotes the exportation and sale of energy efficiency products or renewable energy products.

(c) APPLICATION PROCESS.—An eligible organization shall submit an application for cost-sharing assistance under subsection (a)—

(1) at such time and in such manner as the Under Secretary may require; and

(2) that contains a plan that describes the activities the organization plans to carry out using the cost-sharing assistance provided under subsection (a).

(d) AWARDING COST-SHARING ASSISTANCE.—

(1) IN GENERAL.—The Under Secretary shall establish a process for granting applications for cost-sharing assistance under subsection (a) that includes a competitive review process.

(2) PRIORITY FOR INNOVATIVE IDEAS.—In awarding cost-sharing assistance under subsection (a), the Under Secretary shall give priority to an eligible organization that includes in the plan of the organization submitted under subsection (c)(2) innovative ideas for improving access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States.

(e) LEVEL OF COST-SHARING ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), the Under Secretary shall determine an appropriate percentage of the cost of carrying out a plan submitted by an eligible organization under subsection (c)(2) to be provided in the form of assistance under this section.

(2) LIMITATION.—Assistance provided under this section may not exceed 50 percent of the cost of carrying out the plan of an eligible organization.

SEC. 4. REPORT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy, shall submit to Congress a report on the export promotion needs of businesses in the United States that export energy efficiency products or renewable energy products.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce to carry out this Act—

(1) $15,000,000 for fiscal year 2012;

(2) $16,000,000 for fiscal year 2013;

(3) $17,000,000 for fiscal year 2014;

(4) $18,000,000 for fiscal year 2015; and

(5) $19,000,000 for fiscal year 2016.

By Mr. BEGICH:

S. 843. A bill to establish outer Continental Shelf lease and permit processing coordination offices, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BEGICH. Mr. President—I wish to speak about legislation I am introducing today aimed at streamlining a cumbersome development process for offshore oil and gas development adjacent to Alaska.

About a month ago, President Obama proposed essentially that when he called for increased domestic oil and gas development and cutting foreign oil imports by a third by 2025. The President even said his administration is ''looking at potential new development in Alaska, both onshore and offshore.''

We Alaskans were glad to hear the President use the ''A'' word—Alaska. As America's energy storehouse for better than a quarter century, we are anxious to continue supplying our nation a stable source of energy just as we have been doing since oil starting flowing through the trans-Alaska pipeline in 1977.

Simply put, Alaska has enormous untapped oil and gas reserves—an estimated 40 to 60 billion barrels of oil on State and Federal lands and waters. That is approaching a decade's worth of U.S. consumption.

We also hold the Nation's largest conventional natural gas reserves—more than 100 trillion cubic feet of this clean-burning fuel.

As is always the case, it is the details that matter. While we welcome the President's interest in increased energy development in our state, his administration—and those which preceded him—have enacted roadblocks to this laudable goal.

In the National Petroleum Reserve-Alaska, ConocoPhillips has been working for years to secure a permit to build a bridge into a petroleum reserve to development oil—only to be stalled by the Army Corps of Engineers and EPA.

Moving to the offshore, Shell has been working for 5 years and invested more than $3 billion for the opportunity to drill exploratory wells in Alaska's Beaufort and Chukchi Seas. They got very close last year but just when it appeared the development had the green light a few weeks ago, an internal EPA Environmental Appeals Board sent the air quality permit back to the drawing board.

Business as usual simply isn't working when it comes to increased oil and gas development in my State.

Accordingly, today I am introducing legislation that would create an office of Federal coordination for the Arctic OCS, modeled after legislation the late Senator Ted Stevens passed establishing a Federal gas pipeline coordinator. This office would have authority to work across the agencies causing Alaska so much heartburn today—the EPA, Army Corps of Engineers and Interior Department.

The Federal OCS coordinator would work with the State of Alaska and affected local governments to streamline development in the Chukchi and Beaufort seas, which hold such promise for future oil and gas development.

Additionally, it would expedite judicial review of claims related to Environmental Protection Agency and Department of Interior permits for development in this area. Let me be clear, this legislation does not prevent citizens from solving disputes in the court system. However, it does recognize that America needs this energy and issues surrounding it should be solved quickly.

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. 843

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 ''Outer Continental Shelf Permit Processing Coordination Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COORDINATION OFFICE.—The term ''coordination office'' means a regional joint outer Continental Shelf lease and permit processing coordination office established under section 3(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. OUTER CONTINENTAL SHELF PERMIT PROCESSING COORDINATION OFFICES.

(a) ESTABLISHMENT.—The Secretary shall establish—

(1) a regional joint outer Continental Shelf lease and permit processing coordination office for the Alaska region of the outer Continental Shelf; and

(2) subject to subsection (c)—

(A) a regional joint outer Continental Shelf lease and permit processing coordination office for the Atlantic region of the outer Continental Shelf; and

(B) a regional joint outer Continental Shelf lease and permit processing coordination office for the Pacific region of the outer Continental Shelf.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for the purposes of carrying out this section with—

(A) the Secretary of Commerce;

(B) the Chief of Engineers;

(C) the Administrator of the Environmental Protection Agency;

(D) the head of any other Federal agency that may have a role in permitting activities; and

(E) in the case of the coordination office described in subsection (a)(1), the head of each borough government that is located adjacent to any active lease area.

(2) STATE PARTICIPATION.—The Secretary shall request that the Governor of a State adjacent to the applicable outer Continental Shelf region be a signatory to the memorandum of understanding.

(c) DATE OF ESTABLISHMENT.—A coordination office described in subparagraph (A) or (B) of subsection (a)(2) shall not be established until the date on which a proposed lease sale is conducted for the Atlantic or Pacific region of the outer Continental Shelf, as applicable.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Each Federal signatory party shall, if appropriate, assign to each of the coordination offices an employee who has expertise in the regulatory issues administered by the office in which the employee is employed relating to leasing and the permitting of oil and gas activities on the outer Continental Shelf by the date that is—

(A) in the case of the coordination office described in subsection (a)(1), not later than 30 days after the date of the signing of the memorandum of understanding relating to the applicable coordination office under subsection (b); or

(B) in the case of a coordination office established under subsection (a)(2), not later than 30 days after the date of establishment of the applicable coordination office under subsection (c).

(2) DUTIES.—An employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the applicable coordination office;

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the applicable team of personnel working on proposed oil and gas leasing and permitting, including planning and environmental analyses.

(e) TRANSFER OF FUNDS.—For the purposes of coordination and processing of oil and gas use authorizations for the applicable outer Continental Shelf region, the Secretary may authorize the expenditure or transfer of such funds as are necessary to—

(1) the Secretary of Commerce;

(2) the Chief of Engineers;

(3) the Administrator of the Environmental Protection Agency;

(4) the head of any other Federal agency having a role in permitting activities;

(5) any State adjacent to the applicable outer Continental Shelf region; and

(6) in the case of the coordination office described in subsection (a)(1), the head of each borough government that is located adjacent to any active lease area.

(f) EFFECT.—Nothing in this section—

(1) authorizes the establishment of a regional joint outer Continental Shelf lease and permit processing coordination office for the Gulf of Mexico region of the outer Continental Shelf;

(2) affects the operation of any Federal or State law; or

(3) affects any delegation of authority made by the head of a Federal agency for

employees that are assigned to a coordination office.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated $2,000,000 for the coordination office described in subsection (a)(1) for each of fiscal years 2011 through 2021, to remain available until expended.

(2) OTHER COORDINATION OFFICES.—Notwithstanding any other provision of law—

(A) of the amounts received by the Secretary from the sale of bonus bids in the Atlantic region of the outer Continental Shelf Continental Shelf region, $2,000,000 shall be made available for the applicable coordination office described in subsection (A)(2)(A) for the fiscal year; and

(B) of the amounts received by the Secretary from the sale of bonus bids in the Pacific region of the outer Continental Shelf Continental Shelf region, $2,000,000 shall be made available for the applicable coordination office described in subsection (A)(2)(B) for the fiscal year.

SEC. 4. JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—Except for review by the Supreme Court on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to review any claim relating to an action by the Administrator of the Environmental Protection Agency or the Secretary of the Interior with respect to the review, approval, denial, or issuance of an oil or natural gas lease or permit in the area of the outer Continental Shelf described in section 3(a)(1).

(b) DEADLINE FOR FILING CLAIM.—A claim described in subsection (a) may be brought not later than 60 days after the date of the action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant oil and natural gas resources in the area of the outer Continental Shelf described in section 3(a)(1) that are needed to meet the anticipated demand for oil and natural gas.

By Mr. LIEBERMAN (for himself and Mr. BENNET):

S. 844. A bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today with my colleague Senator BENNET, to introduce the Race to the Top Act of 2011. The Race to the Top Act will authorize the continuation of the highly successful Race to the Top program that was established by the American Recovery and Reinvestment Act. The bill also expands this successful program to school districts and authorizes the program for 2012 and the succeeding 5 years. Race to the Top calls for competitive grants for States and school districts that invest in bold educational reforms designed to bring about significant improvement in academic outcomes for all students and significant reductions in achievement gaps.

When No Child Left Behind was signed into law nine years ago, we made a national commitment to fix our educational system—a system in which low-income minority students were performing significantly below their higher-income peers. We made a commitment to bring an end to unacceptable achievement gaps and to ensure that each and every child—regardless of race, nationality or family income—could succeed in our public schools and graduate with the skills necessary for success in college or the workforce. Despite the commitments we made, unacceptable achievement gaps persist. Still today our public schools are not preparing our students to succeed in college and the workforce. Each year, 30 percent of American students fail to receive their high school diploma on time and graduation rates are consistently lower for minority students. One-third of our students who do graduate from high school are not ready for college. In international standardized tests involving students from 65 nations, fifteen year olds in the United States rank 31st in mathematics, 23rd in science, and 15th in reading. Improving public education and closing student achievement gaps remains one of the most important issues of our time.

We have made some progress, but until we have equal and excellent educational opportunities for all of our children, regardless of ethnicity or income, we have not done our job. While, in many ways, No Child Left Behind moved us in the right direction, it needs to be updated, and the Elementary and Secondary Education Act must be reauthorized. The continuation of the Race to the Top program should be part of that update.

The positive impact of Race to the Top has been impressive. The competition for Race to the Top money has incentivized States to implement high, internationally benchmarked, core standards and to create a positive climate for public charter schools. Race to the Top recognizes the essential role teachers play in education and has prompted States to get serious about teacher effectiveness, distribution, evaluation, and accountability. And Race to the Top has prompted states to improve policies aimed at turning around America's lowest performing schools.

Under Race to the Top 46 States and the District of Columbia have developed statewide reform plans; States changed laws to increase their ability to intervene in their lowest performing schools; 22 States enacted laws to improve teacher quality, including alternative certification, effectiveness and evaluation systems; 42 States and the District of Columbia have moved forward to adopt high college- and career-ready standards; 16 States have altered laws or policies to create or expand the number of charter schools.

Race to the Top is working. We know it is benefiting States that were successful in receiving funds but it is also working for States that did not receive funds, simply because those States have already enacted changes that will improve education. Many States remain committed to their new educational reforms regardless of their success in securing Race to the Top funding.

Race to the Top can also play a unique role in local reforms. As I indicated earlier, this new bill would support districts that are committed to leading the way with bold comprehensive reform. I know some officials in my home State, Connecticut, were disappointed about not being selected as a Race to the Top winner. But I do believe the children in Connecticut were winners because we have strengthened our State laws, policies, and curriculum to lift our charter school caps, improve Science, Technology, Education, and Mathematics education, and strengthen our teacher evaluation process. I commend our State and local leaders that collaborated in making all of that possible. If we continue the Race to the Top program, as our bill would do, more States, and now districts, will be winners and we can continue this movement towards important educational reform.

Race to the Top has been an effective catalyst for educational reform and has encouraged all stakeholders to come together and work together to improve state agendas. It is essential that we keep the momentum of the first two waves of Race to the Top moving forward. Other States and now districts deserve the opportunity to engage in comprehensive educational reform. Since our goal is to make all schools high quality schools, the real winner in the Race to the Top competition will be students across America.

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. 844

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 ''Race to the Top Act of 2011''.

SEC. 2. RACE TO THE TOP.

(a) IN GENERAL.—Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 6301 and 6302 as sections 6401 and 6402, respectively; and

(3) by inserting after part B the following:

''PART C—RACE TO THE TOP

''SEC. 6301. PURPOSES.

''The purposes of this part are to—

''(1) provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to—

''(A) significant improvements in outcomes for all students, including improvements in student achievement, secondary school graduation rates, postsecondary education enrollment rates, and rates of postsecondary education persistence; and

''(B) significant reductions in achievement gaps among subgroups of students; and

''(2) encourage the broad identification, adoption, use, dissemination, replication, and expansion of effective State and local policies and practices that lead to significant improvement in outcomes for all students, and the elimination of those policies and practices that are not effective in improving student outcomes.

''SEC. 6302. RESERVATION OF FUNDS.

''(a) RESERVATION.—From the amount made available to carry out this part for a fiscal year, the Secretary may reserve not more than 10 percent of such amount to carry out activities related to—

''(1) technical assistance;

''(2) outreach and dissemination; and

''(3) prize awards made in accordance with section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

''(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds for prize awards under subsection (a)(3) shall remain available until expended.

''SEC. 6303. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts made available under section 6308 for a fiscal year and not reserved under section 6302, the Secretary shall award grants, on a competitive basis, to States or local educational agencies, or both, in accordance with section 6304(b), to enable the States or local educational agencies to carry out the purposes of this part.

''(b) GRANT AND SUBGRANT ELIGIBILITY LIMITATIONS.—

''(1) ARRA STATE INCENTIVE GRANTS.—A State that has received a grant under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 283) may not receive a grant under this part during the period of its grant under such section.

''(2) NUMBER OF GRANTS.—A State or local educational agency may not receive more than 1 grant under this part per grant period.

''(3) NUMBER OF SUBGRANTS.—A local educational agency may receive 1 grant and 1 subgrant under this part for the same fiscal year.

''(c) DURATION OF GRANTS.—

''(1) IN GENERAL.—A grant under this part shall be awarded for a period of not more than 4 years.

''(2) CONTINUATION OF GRANTS.—A State or local educational agency that is awarded a grant under this part shall not receive grant funds under this part for the second or any subsequent year of the grant unless the State or local educational agency demonstrates to the Secretary, at such time and in such manner as determined by the Secretary, that the State or local educational agency, respectively, is—

''(A) making progress in implementing the plan under section 6304(a)(3) at a rate that the Secretary determines will result in the State or agency fully implementing such plan during the remainder of the grant period; or

''(B) making progress against the performance measures set forth in section 6305 at a rate that the Secretary determines will result in the State or agency reaching its targets and achieving the objectives of the grant during the remainder of the grant period.

''SEC. 6304. APPLICATIONS.

''(a) APPLICATIONS.—Each State or local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include—

''(1) documentation of the applicant's record, as applicable—

''(A) in increasing student achievement, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

''(B) in decreasing achievement gaps, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

''(C) in increasing secondary school graduation rates, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

''(D) in increasing postsecondary education enrollment and persistence rates, including for all subgroups described in section 1111(b)(2)(C)(v)(II); and

''(E) with respect to any other performance measure described in section 6305 that is not included in subparagraphs (A) through (D);

''(2) evidence of conditions of innovation and reform that the applicant has established and the applicant's proposed plan for implementing additional conditions for innovation and reform, including—

''(A) a description of how the applicant has identified and eliminated ineffective practices in the past and the applicant's plan for doing so in the future;

''(B) a description of how the applicant has identified and promoted effective practices in the past and the applicant's plan for doing so in the future; and

''(C) steps the applicant has taken and will take to eliminate statutory, regulatory, procedural, or other barriers and to facilitate the full implementation of the proposed plan under this paragraph;

''(3) a comprehensive and coherent plan for using funds under this part, and other Federal, State, and local funds, to improve the applicant's performance on the measures described in section 6305, consistent with criteria set forth by the Secretary, including how the applicant will, if applicable—

''(A) improve the effectiveness of teachers and school leaders, and promote equity in the distribution of effective teachers and school leaders, in order to ensure that low-income and minority children are not taught by ineffective teachers, and are not in schools led by ineffective leaders, at higher rates than other children;

''(B) strengthen the use of high-quality and timely data to improve instructional practices, policies, and student outcomes, including teacher evaluations;

''(C) implement internationally benchmarked, college- and career-ready elementary and secondary academic standards, including in the areas of assessment, instructional materials, professional development, and strategies that translate the standards into classroom practice;

''(D) turn around the persistently lowest-achieving elementary schools and secondary schools served by the applicant;

''(E) support or coordinate with early learning programs for high-need children from birth through grade 3 to improve school readiness and ensure that students complete grade 3 on track for school success; and

''(F) create or maintain successful conditions for high-performing charter schools and other innovative, autonomous public schools;

''(4)(A) in the case of an applicant that is a State—

''(i) evidence of collaboration between the State, its local educational agencies, schools (as appropriate), parents, teachers, and other stakeholders, in developing the plan described in paragraph (3), including evidence of the commitment and capacity to implement the plan; and

''(ii)(I) the names of the local educational agencies the State has selected to participate in carrying out the plan; or

''(II) a description of how the State will select local educational agencies to participate in carrying out the plan; or

''(B) in the case of an applicant that is a local educational agency, evidence of collaboration between the local educational agency, schools, parents, teachers, and other stakeholders, in developing the plan described in paragraph (3), including evidence of the commitment and capacity to implement the plan;

''(5) the applicant's annual performance measures and targets, consistent with the requirements of section 6305; and

''(6) a description of the applicant's plan to conduct a rigorous evaluation of the effectiveness of activities carried out with funds under this part.

''(b) CRITERIA FOR EVALUATING APPLICATIONS.—

''(1) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis, based on the quality of the applications submitted under subsection (a), including—

''(A) each applicant's record in the areas described in subsection (a)(1);

''(B) each applicant's record of, and commitment to, establishing conditions for innovation and reform, as described in subsection (a)(2);

''(C) the quality and likelihood of success of each applicant's plan described in subsection (a)(3) in showing improvement in the areas described in subsection (a)(1), including each applicant's capacity to implement the plan and evidence of collaboration as described in subsection (a)(4); and

''(D) each applicant's evaluation plan as described in subsection (a)(6).

''(2) EXPLANATION.—The Secretary shall publish an explanation of how the application review process under this section will ensure an equitable and objective evaluation based on the criteria described in paragraph (1).

''(c) PRIORITY.—In awarding grants to local educational agencies under this part, the Secretary shall give priority to—

''(1) local educational agencies with the highest numbers or percentages of children from families with incomes below the poverty line; and

''(2) local educational agencies that serve schools designated with a school locale code of 41, 42, or 43.

''SEC. 6305. PERFORMANCE MEASURES.

''Each State and each local educational agency receiving a grant under this part shall establish performance measures and targets, approved by the Secretary, for the programs and activities carried out under this part. These measures shall, at a minimum, track the State's or local educational agency's progress in—

''(1) implementing its plan described in section 6304(a)(3); and

''(2) improving outcomes for all subgroups described in section 1111(b)(2)(C)(v)(II) including, as applicable, by—

''(A) increasing student achievement;

''(B) decreasing achievement gaps;

''(C) increasing secondary school graduation rates;

''(D) increasing postsecondary education enrollment and persistence rates;

''(E)(i) improving the effectiveness of teachers and school leaders and increasing the retention of effective teachers and school leaders; and

''(ii) promoting equity in the distribution of effective teachers and school leaders in order to ensure that low-income and minority children are not taught by ineffective teachers, and are not in schools led by ineffective leaders, at higher rates than other children; and

''(F) making progress on any other measures identified by the Secretary.

''SEC. 6306. USES OF FUNDS.

''(a) GRANTS TO STATES.—Each State that receives a grant under this part shall use—

''(1) not less than 50 percent of the grant funds to make subgrants to the local educational agencies in the State that participate in the State's plan under section 6304(a)(3), based on such local educational agencies' relative shares of funds under part A of title I for the most recent year for which those data are available; and

''(2) not more than 50 percent of the grant funds for any purpose included in the State's plan under section 6304(a)(3).

''(b) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives a grant under this part shall use the grant funds for any purpose included in the local educational agency's plan under section 6304(a)(3).

''(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives a subgrant under this part from a State shall use the subgrant funds for any purpose included in the State's plan under section 6304(a)(3).

''SEC. 6307. REPORTING.

''(a) ANNUAL REPORTS.—A State or local educational agency that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report including—

''(1) data on the State's or local educational agency's progress in achieving the targets for the performance measures established under section 6305;

''(2) a description of the challenges the State or agency has faced in implementing its program and how it has addressed or plans to address those challenges; and

''(3) findings from the evaluation plan as described in section 6304(a)(6).

''(b) LOCAL REPORTS.—Each local educational agency that receives a subgrant from a State under this part shall submit to the State such information as the State may require to complete the annual report required under subsection (a).

''SEC. 6308. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $1,350,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENTS.—The table of contents for the Elementary and Secondary Education Act of 1965 (20 U.S.C.7301 et seq.) is amended—

(1) by striking the items relating to part C of title VI; and

(2) by inserting after the item relating to section 6234 the following:

''PART C—RACE TO THE TOP

''Sec. 6301. Purposes.
''Sec. 6302. Reservation of funds.
''Sec. 6303. Program authorized.
''Sec. 6304. Applications.
''Sec. 6305. Performance measures.
''Sec. 6306. Uses of funds.
''Sec. 6307. Reporting.
''Sec. 6308. Authorization of appropriations.

''PART D—GENERAL PROVISIONS

''Sec. 6401. Prohibition against Federal mandates, direction, or control.
''Sec. 6402. Rule of construction on equalized spending.''.

By Mr. DURBIN (for himself, Mr. CASEY, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. GILLIBRAND):

S. 850. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, the month of April is set aside as Autism Awareness Month. This is a time when people and families affected by autism raise awareness about the challenges people with autism face. I am proud today to introduce with my colleagues Senators CASEY, MENENDEZ, LAUTENBERG, and GILLIBRAND the Autism Services and Workforce Acceleration Act of 2011, which authorizes federal funding for services, treatment, support, and research on autism spectrum disorders.

Everywhere I go in Illinois, I meet people whose lives have been affected by autism. My office receives hundreds of letters and phone calls each year from Illinoisans asking Congress to do something to help with the burden that autism brings, and we are hearing from more and more families every year.

Nationally, 1 out of every 110 children has autism. Autism affects children and families physically, psychologically, socially, and financially. It is often a major factor contributing to severe family financial difficulties, marital and family disruption, parental overburden that may lead to neglect and other developmental delays in siblings, as well as educational and employment challenges throughout the autistic person's life cycle.

Unfortunately, parents are not only worried about getting the services they need for their autistic children when they are young. Parents must worry about how to care for their children as they mature into adults. I met two concerned parents from Illinois whose 20-year-old son is profoundly affected by autism and has struggled with major behavioral problems. He was in a special education program at school, but his teachers didn't know how to deal with his behavioral problems and he was suspended on numerous occasions. Eventually, his parents found a school that was a better fit and his behavior improved. He is doing well now, but when he turns 22 he will no longer be eligible for services through the public school system. They are trying to find a place for him in a day program for adults with autism, but there are not enough of these programs, and the waitlists are long. These parents love their son, but worry every day about what will happen to him when they are too old to care for him.

Across the country people with autism confront a precipitous drop in services after early adulthood. We need to help people with autism achieve their full potential by ensuring they can access to vital services that enhance their quality of life. This bill includes a provision that helps youth and adults with autism access essential post-secondary education, vocational training, employment, housing, transportation, and health services.

During the 109th Congress, I cosponsored the Combating Autism Act, which was signed into law in December 2006. That bill called on the Federal Government to increase research into the causes and treatment of autism and to improve training and support for individuals with autism and their caretakers.

The legislature in my home State of Illinois has also listened to the voices of the 26,000 families in the state living with autism. In response to the overwhelming cost of autism-related services, the State passed legislation signed into law in December 2008, requiring health plans to provide coverage for the diagnosis and treatment of autism.

It is time now for the Federal Government to renew and build upon the commitments it has already made to help the millions of families across the nation struggling with autism.

My legislation would support these individuals and families in several ways.

First, the legislation creates a demonstration project to develop Autism Care Programs. These programs are designed to increase access to quality health care services and promote communication among health care providers, educators, and other service providers. Families who choose to access services through these programs would be able to designate a personal care coordinator as a source of contact for their family. This personal care coordinator would help to refer and coordinate a full array of medical, behavioral, mental health, educational and family care services to individuals and families in a single location.

Next, the bill authorizes a grant program to provide services to youth and adults with autism. These services include post-secondary education, vocational and self advocacy skills, employment, residential services, health and wellness, recreational and social activities, transportation, and personal safety. These services will help youth and adults with autism live as independently as possible and improve their quality of life. With the increasing number of children diagnosed with autism, these services will only become more important over time.

The bill authorizes grants to develop a national multimedia campaign to increase public education and awareness about healthy developmental milestones and autism throughout the lifespan. These campaigns will be targeted to general public audience and professional groups such as medical, criminal justice, or emergency professions.

Finally, it creates a national training initiative on autism and a technical assistance center to develop and expand interdisciplinary training and continuing education on autism spectrum disorders.

Taken together, these initiatives would go an enormous way in supporting and improving the lives of individuals with autism and their families.

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. 850

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Autism Services and Workforce Acceleration Act of 2011''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Parental rights rule of construction.
Sec. 4. Definitions; technical amendment to the Public Health Service Act.
Sec. 5. Autism Care Programs Demonstration Project.
Sec. 6. Planning and demonstration grants for services for transitioning youth and adults.
Sec. 7. Multimedia campaign.
Sec. 8. National training initiatives on autism spectrum disorders.
Sec. 9. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Autism (sometimes called ''classical autism'') is the most common condition in a group of developmental disorders known as autism spectrum disorders.

(2) Autism spectrum disorders include autism as well as Asperger syndrome, Retts syndrome, childhood disintegrative disorder, and pervasive developmental disorder not otherwise specified (usually referred to as PDD–NOS), as well as other related developmental disorders.

(3) Individuals with autism spectrum disorders have the same rights as other individuals to exert control and choice over their own lives, to live independently, and to participate fully in, and contribute to, their communities and society through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of society. Individuals with autism spectrum disorders have the right to a life with dignity and purpose.

(4) While there is no uniform prevalence or severity of symptoms associated with autism spectrum disorders, the National Institutes of Health has determined that autism spectrum disorders are characterized by 3 distinctive behaviors: impaired social interaction, problems with verbal and nonverbal communication, and unusual, repetitive, or severely limited activities and interests.

(5) Both children and adults with autism spectrum disorders can show difficulties in verbal and nonverbal communication, social interactions, and sensory processing. Individuals with autism spectrum disorders exhibit different symptoms or behaviors, which may range from mild to significant, and require varying degrees of support from friends, families, service providers, and communities.

(6) Individuals with autism spectrum disorders often need assistance in the areas of comprehensive early intervention, health, recreation, job training, employment, housing, transportation, and early, primary, and secondary education. Greater coordination and streamlining within the service delivery system will enable individuals with autism spectrum disorders and their families to access assistance from all sectors throughout an individual's lifespan.

(7) A 2009 report from the Centers for Disease Control and Prevention found that the prevalence of autism spectrum disorders is estimated to be 1 in 110 people in the United States.

(8) The Harvard School of Public Health reported that the cost of caring for and treating individuals with autism spectrum disorders in the United States is more than $35,000,000,000 annually (an estimated $3,200,000 over an individual's lifetime).

(9) Although the overall incidence of autism is consistent around the globe, researchers with the Journal of Paediatrics and Child Health have found that males are 4 times more likely to develop an autism spectrum disorder than females. Autism spectrum disorders know no racial, ethnic, or social boundaries, nor differences in family income, lifestyle, or educational levels, and can affect any child.

(10) Individuals with autism spectrum disorders from low-income, rural, and minority communities often face significant obstacles to accurate diagnosis and necessary specialized services, supports, and education.

(11) There is strong consensus within the research community that intensive treatment as soon as possible following diagnosis not only can reduce the cost of lifelong care by two-thirds, but also yields the most positive life outcomes for children with autism spectrum disorders.

(12) Individuals with autism spectrum disorders and their families experience a wide range of medical issues. Few common standards exist for the diagnosis and management of many aspects of clinical care. Behavioral difficulties may be attributed to the overarching disorder rather than to the pain and discomfort of a medical condition, which may go undetected and untreated. The health care and other treatments available in different communities can vary widely. Many families, lacking access to comprehensive and coordinated health care, must fend for themselves to find the best health care, treatments, and services in a complex clinical world.

(13) Effective health care, treatment, and services for individuals with autism spectrum disorders depends upon a continuous exchange among researchers and caregivers. Evidence-based and promising autism practices should move quickly into communities, allowing individuals with autism spectrum disorders and their families to benefit from the newest research and enabling researchers to learn from the life experiences of the people whom their work most directly affects.

(14) There is a critical shortage of appropriately trained personnel across numerous important disciplines who can assess, diagnose, treat, and support children and adults with autism spectrum disorders and their families. Practicing professionals, as well as those in training to become professionals, need the most up-to-date practices informed by the most current research findings.

(15) The appropriate goals of the Nation regarding individuals with autism spectrum disorder are the same as the appropriate goals of the Nation regarding individuals with disabilities in general, as established in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.): to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.

(16) Finally, individuals with autism spectrum disorders are often denied health care benefits solely because of their diagnosis, even though proven, effective treatments for autism spectrum disorders do exist.

SEC. 3. PARENTAL RIGHTS RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to modify the legal rights of parents or legal guardians under Federal, State, or local law regarding the care of their children.

SEC. 4. DEFINITIONS; TECHNICAL AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i et seq.) is amended—

(1) by inserting after the header for part R the following:

''Subpart 1—Surveillance and Research Program; Education, Early Detection, and Intervention; and Reporting'';

(2) in section 399AA(d), by striking ''part'' and inserting ''subpart''; and

(3) by adding at the end the following:

''Subpart 2—Care for People With Autism Spectrum Disorders; Public Education

''SEC. 399GG. DEFINITIONS.

''Except as otherwise provided, in this subpart:

''(1) ADULT WITH AUTISM SPECTRUM DISORDER.—The term 'adult with autism spectrum disorder' means an individual with an autism spectrum disorder who has attained 22 years of age.

''(2) AFFECTED INDIVIDUAL.—The term 'affected individual' means an individual with an autism spectrum disorder.

''(3) AUTISM.—The term 'autism' means an autism spectrum disorder or a related developmental disability.

''(4) AUTISM CARE PROGRAM.—In this subpart, the term 'autism care program' means a program that is directed by a care coordinator who is an expert in autism spectrum disorder treatment and practice and provides an array of medical, psychological, behavioral, educational, and family services to individuals with autism and their families. Such a program shall—

''(A) incorporate the attributes of the care management model;

''(B) offer, through an array of services or through detailed referral and coordinated care arrangements, an autism management team of appropriate providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, and other appropriate personnel; and

''(C) have the capability to achieve improvements in the management and coordination of care for targeted beneficiaries.

''(5) AUTISM MANAGEMENT TEAM.—The term 'autism management team' means a group of autism care providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, other appropriate personnel, and family members who work in a coordinated manner to treat individuals with autism spectrum disorders and their families. Such team shall determine the specific structure and operational model of its specific autism care program, taking into consideration cultural, regional, and geographical factors.

''(6) AUTISM SPECTRUM DISORDER.—The term 'autism spectrum disorder' means a developmental disability that causes substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), Asperger syndrome, Retts disorder, childhood disintegrative disorder, and other related developmental disorders.

''(7) CARE MANAGEMENT MODEL.—The term 'care management model' means a model of care that with respect to autism—

''(A) is centered on the relationship between an individual with an autism spectrum disorder and his or her family and their personal autism care coordinator;

''(B) provides services to individuals with autism spectrum disorders to improve the management and coordination of care provided to individuals and their families; and

''(C) has established, where practicable, effective referral relationships between the autism care coordinator and the major medical, educational, and behavioral specialties and ancillary services in the region.

''(8) CHILD WITH AUTISM SPECTRUM DISORDER.—The term 'child with autism spectrum disorder' means an individual with an autism spectrum disorder who has not attained 22 years of age.

''(9) INTERVENTIONS.—The term 'interventions' means the educational methods and positive behavioral support strategies designed to improve or ameliorate symptoms associated with autism spectrum disorders.

''(10) PERSONAL CARE COORDINATOR.—The term 'personal care coordinator' means a physician, nurse, nurse practitioner, psychologist, social worker, family therapist, educator, or other appropriate personnel (as determined by the Secretary) who has extensive expertise in treatment and services for individuals with autism spectrum disorders, who—

''(A) practices in an autism care program; and

''(B) has been trained to coordinate and manage comprehensive autism care for the whole person.

''(11) PROJECT.—The term 'project' means the autism care program demonstration project established under section 399GG–1.

''(12) SERVICES.—The term 'services' means services to assist individuals with autism spectrum disorders to live more independently in their communities and to improve their quality of life.

''(13) TREATMENTS.—The term 'treatments' means the health services, including mental health and behavioral therapy services, designed to improve or ameliorate symptoms associated with autism spectrum disorders.''.

SEC. 5. AUTISM CARE PROGRAMS DEMONSTRATION PROJECT.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 4, is further amended by adding at the end the following:

''SEC. 399GG–1. AUTISM CARE PROGRAMS DEMONSTRATION PROJECT.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Autism Services and Workforce Acceleration Act of 2011, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a demonstration project for the implementation of an Autism Care Program (referred to in this section as the 'Program') to provide grants and other assistance to improve the effectiveness and efficiency in providing comprehensive care to individuals diagnosed with autism spectrum disorders and their families.

''(b) GOALS.—The Program shall be designed—

''(1) to increase—

''(A) comprehensive autism spectrum disorder care delivery;

''(B) access to appropriate health care services, especially wellness and prevention care, at times convenient for individuals;

''(C) satisfaction of individuals with autism spectrum disorders;

''(D) communication among autism spectrum disorder health care providers, behaviorists, educators, specialists, hospitals, and other autism spectrum disorder care providers;

''(E) academic progress of students with autism spectrum disorders;

''(F) successful transition to postsecondary education, vocational or job training and placement, and comprehensive adult services for individuals with autism spectrum disorders, focusing in particular upon the transitional period for individuals between the ages of 18 and 25;

''(G) the quality of health care services, taking into account nationally developed standards and measures;

''(H) development, review, and promulgation of common clinical standards and guidelines for medical care to individuals with autism spectrum disorders;

''(I) development of clinical research projects to support clinical findings in a search for recommended practices; and

''(J) the quality of life of individuals with autism spectrum disorders, including communication abilities, social skills, community integration, self-determination, and employment and other related services; and

''(2) to decrease—

''(A) inappropriate emergency room utilization;

''(B) avoidable hospitalizations;

''(C) the duplication of health care services;

''(D) the inconvenience of multiple provider locations;

''(E) health disparities and inequalities that individuals with autism spectrum disorders face; and

''(F) preventable and inappropriate involvement with the juvenile and criminal justice systems.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive assistance under the Program, an entity shall—

''(1) be a State or a public or private nonprofit entity;

''(2) coordinate activities with the applicable University Centers for Excellence in Developmental Disabilities, the Council on Developmental Disabilities, and the Protection and Advocacy System;

''(3) demonstrate a capacity to provide services to individuals with developmental disabilities and autism spectrum disorder;

''(4) agree to establish and implement treatments, interventions, and services that—

''(A) enable targeted beneficiaries to designate a personal care coordinator to be their source of first contact and to recommend comprehensive and coordinated care for the whole of the individual;

''(B) provide for the establishment of a coordination of care committee that is composed of clinicians and practitioners trained in and working in autism spectrum disorder intervention;

''(C) establish a network of physicians, psychologists, family therapists, behavioral specialists, social workers, educators, and health centers that have volunteered to participate as consultants to patient-centered autism care programs to provide high-quality care, focusing on autism spectrum disorder care, at the appropriate times and places and in a cost-effective manner;

''(D) work in cooperation with hospitals, local public health departments, and the network of patient-centered autism care programs, to coordinate and provide health care;

''(E) utilize health information technology to facilitate the provision and coordination of health care by network participants; and

''(F) collaborate with other entities to further the goals of the program, particularly by collaborating with entities that provide transitional adult services to individuals between the ages of 18 and 25 with autism spectrum disorder, to ensure successful transition of such individuals to adulthood; and

''(5) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the treatments, interventions, or services that the eligible entity proposes to provide under the Program;

''(B) a demonstration of the capacity of the eligible entity to provide or establish such treatments, interventions, and services within such entity;

''(C) a description of the treatments, interventions, or services that are available to individuals with autism in the State;

''(D) a description of the gaps in services that exist in different geographic segments of the State;

''(E) a demonstration of the capacity of the eligible entity to monitor and evaluate the outcomes of the treatments, interventions, and services described in subparagraph (A);

''(F) estimates of the number of individuals and families who will be served by the eligible entity under the Program, including an estimate of the number of such individuals and families in medically underserved areas;

''(G) a description of the ability of the eligible entity to enter into partnerships with community-based or nonprofit providers of treatments, interventions, and services, which may include providers that act as advocates for individuals with autism spectrum disorders and local governments that provide services for individuals with autism spectrum disorders at the community level;

''(H) a description of the ways in which access to such treatments and services may be sustained following the Program period;

''(I) a description of the ways in which the eligible entity plans to collaborate with other entities to develop and sustain an effective protocol for successful transition from children's services to adult services for individuals with autism spectrum disorder, particularly for individuals between the ages of 18 and 25; and

''(J) a description of the compliance of the eligible entity with the integration requirement provided under section 302 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12182).

''(d) GRANTS.—The Secretary shall award 3-year grants to eligible entities whose applications are approved under subsection (c). Such grants shall be used to—

''(1) carry out a program designed to meet the goals described in subsection (b) and the requirements described in subsection (c); and

''(2) facilitate coordination with local communities to be better prepared and positioned to understand and meet the needs of the communities served by autism care programs.

''(e) ADVISORY COUNCILS.—

''(1) IN GENERAL.—Each recipient of a grant under this section shall establish an autism care program advisory council, which shall advise the autism care program regarding policies, priorities, and services.

''(2) MEMBERSHIP.—Each recipient of a grant shall appoint members of the recipient's advisory council, which shall include a variety of autism care program service providers, individuals from the public who are knowledgeable about autism spectrum disorders, individuals receiving services through the Program, and family members of such individuals. At least 60 percent of the membership shall be comprised of individuals who have received, or are receiving, services through the Program or who are family members of such individuals.

''(3) CHAIRPERSON.—The recipient of a grant shall appoint a chairperson to the advisory council of the recipient's autism care program who shall be—

''(A) an individual with autism spectrum disorder who has received, or is receiving, services through the Program; or

''(B) a family member of such an individual.

''(f) EVALUATION.—The Secretary shall enter into a contract with an independent third-party organization with expertise in evaluation activities to conduct an evaluation and, not later than 180 days after the conclusion of the 3-year grant program under this section, submit a report to the Secretary, which may include measures such as whether and to what degree the treatments, interventions, and services provided through the Program have resulted in improved health, educational, employment, and community integration outcomes for individuals with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

''(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall allocate not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

''(h) SUPPLEMENT NOT SUPPLANT.—Amounts provided to an entity under this section shall be used to supplement, not supplant, amounts otherwise expended for existing treatments, interventions, and services for individuals with autism spectrum disorders.''.

SEC. 6. PLANNING AND DEMONSTRATION GRANTS FOR SERVICES FOR TRANSITIONING YOUTH AND ADULTS.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 5, is further amended by adding at the end the following:

''SEC. 399GG–2. PLANNING AND DEMONSTRATION GRANTS FOR SERVICES FOR TRANSITIONING YOUTH AND ADULTS.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Secretary shall establish the grants described in paragraph (2) in order to enable selected eligible entities to provide appropriate services—

''(A) to youth with autism spectrum disorders who are transitioning from secondary education to careers or postsecondary education (referred to in this section as 'transitioning youth'); and

''(B) to adults with autism spectrum disorders, including individuals who are typically underserved, to enable such individuals to be as independent as possible.

''(2) GRANTS.—The grants described in this paragraph are—

''(A) a one-time, single-year planning grant program for eligible entities; and

''(B) a multiyear service provision demonstration grant program for selected eligible entities.

''(b) PURPOSE OF GRANTS.—Grants shall be awarded to eligible entities to provide all or part of the funding needed to carry out programs that focus on critical aspects of life for transitioning youth and adults with autism spectrum disorders, such as—

''(1) postsecondary education, vocational training, self-advocacy skills, and employment;

''(2) residential services and supports, housing, and transportation;

''(3) nutrition, health and wellness, recreational and social activities; and

''(4) personal safety and the needs of individuals with autism spectrum disorders who become involved with the criminal justice system.

''(c) ELIGIBLE ENTITY.—An eligible entity desiring to receive a grant under this section shall be a State or other public or private nonprofit organization, including an autism care program.

''(d) PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary shall award one-time grants to eligible entities to support the planning and development of initiatives that will expand and enhance service delivery systems for transitioning youth and adults with autism spectrum disorders.

''(2) APPLICATION.—In order to receive such a grant, an eligible entity shall—

''(A) submit an application at such time and containing such information as the Secretary may require; and

''(B) demonstrate the ability to carry out such planning grant in coordination with the State Developmental Disabilities Council and organizations representing or serving individuals with autism spectrum disorders and their families.

''(e) IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities that have received a planning grant under subsection (d) to enable such entities to provide appropriate services to transitioning youth and adults with autism spectrum disorders.

''(2) APPLICATION.—In order to receive a grant under paragraph (1), the eligible entity shall submit an application at such time and containing such information as the Secretary may require, including—

''(A) the services that the eligible entity proposes to provide and the expected outcomes for individuals with autism spectrum disorders who receive such services;

''(B) the number of individuals and families who will be served by such grant, including an estimate of the individuals and families in underserved areas who will be served by such grant;

''(C) the ways in which services will be coordinated among both public and nonprofit providers of services for transitioning youth and adults with disabilities, including community-based services;

''(D) where applicable, the process through which the eligible entity will distribute funds to a range of community-based or nonprofit providers of services, including local governments, and such entity's capacity to provide such services;

''(E) the process through which the eligible entity will monitor and evaluate the outcome of activities funded through the grant, including the effect of the activities upon adults with autism spectrum disorders who receive such services;

''(F) the plans of the eligible entity to coordinate and streamline transitions from youth to adult services;

''(G) the process by which the eligible entity will ensure compliance with the integration requirement provided under section 302 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12182); and

''(H) a description of how such services may be sustained following the grant period.

''(f) EVALUATION.—The Secretary shall contract with a third-party organization with expertise in evaluation to evaluate such demonstration grant program and, not later than 180 days after the conclusion of the grant program under subsection (e), submit a report to the Secretary. The evaluation and report may include an analysis of whether and to what extent the services provided through the grant program described in this section resulted in improved health, education, employment, and community integration outcomes for adults with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

''(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall set aside not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

''(h) SUPPLEMENT, NOT SUPPLANT.—Demonstration grant funds provided under this section shall supplement, not supplant, existing treatments, interventions, and services for individuals with autism spectrum disorders.''.

SEC. 7. MULTIMEDIA CAMPAIGN.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 6, is further amended by adding at the end the following:

''SEC. 399GG–3. MULTIMEDIA CAMPAIGN.

''(a) IN GENERAL.—The Secretary, in order to enhance existing awareness campaigns and provide for the implementation of new campaigns, shall award grants to public and nonprofit private entities for the purpose of carrying out multimedia campaigns to increase public education and awareness and reduce stigma concerning—

''(1) healthy developmental milestones for infants and children that may assist in the early identification of the signs and symptoms of autism spectrum disorders; and

''(2) autism spectrum disorders through the lifespan and the challenges that individuals with autism spectrum disorders face, which may include transitioning into adulthood, securing appropriate job training or postsecondary education, securing and holding jobs, finding suitable housing, interacting with the correctional system, increasing independence, and attaining a good quality of life.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(2) provide assurance that the multimedia campaign implemented under such grant will provide information that is tailored to the intended audience, which may be a diverse public audience or a specific audience, such as health professionals, criminal justice professionals, or emergency response professionals.''.

SEC. 8. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 7, is further amended by adding at the end the following:

''SEC. 399GG–4. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.

''(a) NATIONAL TRAINING INITIATIVE SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—The Secretary shall award multiyear national training initiative supplemental grants to eligible entities so that such entities may provide training and technical assistance and to disseminate information, in order to enable such entities to address the unmet needs of individuals with autism spectrum disorders and their families.

''(2) ELIGIBLE ENTITY.—To be eligible to receive assistance under this section an entity shall—

''(A) be a public or private nonprofit entity, including University Centers for Excellence in Developmental Disabilities and other service, training, and academic entities; and

''(B) submit an application as described in paragraph (3).

''(3) REQUIREMENTS.—An eligible entity that desires to receive a grant under this paragraph shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including agreements that the training program shall—

''(A) provide training and technical assistance in evidence-based practices of effective interventions, services, treatments, and supports to children and adults on the autism spectrum and their families, and evaluate the implementation of such practices;

"(B) provide trainees with an appropriate balance of interdisciplinary academic and community-based experiences;

"(C) have a demonstrated capacity to include individuals with autism spectrum disorders, parents, and family members as part of the training program to ensure that a person and family-centered approach is used;

"(D) provide to the Secretary, in the manner prescribed by the Secretary, data regarding the outcomes of the provision of training and technical assistance;

"(E) demonstrate a capacity to share and disseminate materials and practices that are developed and evaluated to be effective in the provision of training and technical assistance; and

"(F) provide assurances that training, technical assistance, and information dissemination performed under grants made pursuant to this paragraph shall be consistent with the goals established under already existing disability programs authorized under Federal law and conducted in coordination with other relevant State agencies and service providers.

"(4) ACTIVITIES.—An entity that receives a grant under this section shall expand and develop interdisciplinary training and continuing education initiatives for health, allied health, and educational professionals by engaging in the following activities:

"(A) Promoting and engaging in training for health, allied health, and educational professionals to identify, diagnose, and develop interventions for individuals with, or at risk of developing, autism spectrum disorders.

"(B) Expanding the availability of training and dissemination of information regarding effective, lifelong interventions, educational services, and community supports.

"(C) Providing training and technical assistance in collaboration with relevant State, regional, or national agencies, institutions of higher education, and advocacy groups or community-based service providers, including health and allied health professionals, employment providers, direct support professionals, emergency first responder personnel, and law enforcement officials.

"(D) Developing mechanisms to provide training and technical assistance, including for-credit courses, intensive summer institutes, continuing education programs, distance-based programs, and web-based information dissemination strategies.

"(E) Collecting data on the outcomes of training and technical assistance programs to meet statewide needs for the expansion of services to children with autism spectrum disorders and adults with autism spectrum disorders.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall reserve 2 percent of the appropriated funds to make a grant to a national organization with demonstrated capacity for providing training and technical assistance to the entities receiving grants under subsection (a) to enable such entities to—

"(1) assist in national dissemination of specific information, including evidence-based and promising best practices, from interdisciplinary training programs, and when appropriate, other entities whose findings would inform the work performed by entities awarded grants;

"(2) compile and disseminate strategies and materials that prove to be effective in the provision of training and technical assistance so that the entire network can benefit from the models, materials, and practices developed in individual programs;

"(3) assist in the coordination of activities of grantees under this section;

"(4) develop an Internet web portal that will provide linkages to each of the individual training initiatives and provide access to training modules, promising training, and technical assistance practices and other materials developed by grantees;

"(5) convene experts from multiple interdisciplinary training programs and individuals with autism spectrum disorders and their families to discuss and make recommendations with regard to training issues related to the assessment, diagnosis of, treatment, interventions and services for, children and adults with autism spectrum disorders; and

"(6) undertake any other functions that the Secretary determines to be appropriate.

"(c) SUPPLEMENT NOT SUPPLANT.—Amounts provided under this section shall be used to supplement, not supplant, amounts otherwise expended for existing network or organizational structures.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 2012 through 2016 such sums as may be necessary to carry out this Act.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. BENNET, Mr. FRANKEN, Mr. BROWN of Ohio, and Mrs. GILLIBRAND):

S. 851. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, as we seek to ensure that our students have the knowledge and skills they need to succeed in college and careers, we must revisit how learning time is structured to help them meet the ever-rising expectations and ever-growing demands of the 21st century global economy. The Time for Innovation Matters in Education Act, or TIME Act, would provide high-need schools with the resources they need to expand the school day, week, or year so students have more time to learn. By providing additional time for more in-depth and rigorous learning opportunities in core and other academic subjects, as well as enrichment activities that contribute to a well-rounded education, we can increase students' academic engagement and outcomes to help close our nation's achievement gap. That is why I am pleased to introduce this legislation, which my colleague Rep. DONALD PAYNE will introduce in the House, today.

Under our present school calendar, most American students spend 6 hours a day for 180 days in school each year. This outdated calendar was designed to meet the needs of a farm- and factory-based economy in the early 20th century, and fails to provide students with the learning time needed to complete a rigorous curriculum and meet high standards. In fact, American students spend about 30 percent less time in school than students in other leading nations, leaving American students at a competitive disadvantage. For example, students in China, Japan, and South Korea attend school 40 days more on average than American students and significantly outperform American students on average in math and science. To strengthen our competitiveness and remain a global leader, we must increase how much learning time we provide our students, especially our at-risk students.

The TIME Act would give schools the flexibility to comprehensively redesign and expand their schedules and increase learning time by at least 30 percent to meet students' diverse academic needs and interests. The TIME Act's goal is not merely to encourage schools to add more time at the end of the day, but to take a close look at how they use their time and to redesign the entire school schedule to create a program or curriculum with teaching and learning opportunities to better meet students' needs. This legislation encourages strong partnerships between schools and community partners such as community-based organizations, institutions of higher education, and cultural organizations to help provide students with a broader and richer learning experience, which should include music, fine arts, and physical education—important pursuits that all too often lose ground in our schools due to a focus on reading and math.

Many schools around the country have expanded learning time in their calendars with promising results, such as Boston's Clarence Edwards Middle School, which was one of the lowest-performing schools just a few years ago. But in only three years of expanded learning time, dedicated school leaders and teachers were able to redesign and transform the school into one of the city's and state's highest-performing schools. Students, particularly those who are furthest behind, benefit from more time for learning, and programs that significantly increase the total number of hours in a regular school schedule lead to gains in student academic achievement. In 2006, minority students and students with disabilities in Clarence Edwards scored far below the state averages in English and math, and while English language learners met state averages in math, none were proficient in English. By 2009, every subgroup met or outperformed state averages, in most cases by wide margins.

According to research, expanded learning time is especially important for our high-need students. Students in disadvantaged families show a drop-off in learning over long summer recesses compared to their higher-income classmates, and they fall farther behind each year. These students are also less likely to have parents with the time and resources to help them with their school work. Expanded learning time can help these students accelerate gains and catch up on their learning gaps by expanding the school year and shortening summer recess. In addition to those at risk of falling behind, more time for learning helps students who are on grade level get ahead by providing additional time for enrichment and a broader curriculum. Additional time also enables more students to participate in experiential and interactive learning, internships, and other work-

based and service learning opportunities in their schools and communities, all of which help keep students engaged in school and make school more relevant.

Equally important, expanded learning time initiatives provide teachers with increased opportunities to work collaboratively and to participate in common planning, within and across grades and subjects, to improve instruction, and, in turn, increase student achievement. This extra time in the school schedule empowers teachers to complete the curriculum, meet the needs of all students, and collaborate with colleagues. The TIME Act requires grantees to design comprehensive plans, in collaboration with teachers, to encompass professional development that focuses on changes in teaching practices and curriculum delivery that will result in improved student academic achievement as well as student engagement and success.

To accurately assess the difference these programs make, the TIME Act calls for a rigorous evaluation that will measure several critical performance indicators. We need to know which models and practices produce the best outcomes for students and this evaluation will ensure that we identify and disseminate them nationwide. As we reauthorize the Elementary and Secondary Education Act, I am committed to helping communities offer expanded learning time so that more students can succeed.

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

By Mr. LEAHY (for himself, Mr. ENZI, Mr. SANDERS, Mr. KOHL, Mr. SCHUMER, and Mrs. GILLIBRAND):

S. 852. A bill to improve the H–2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in the 111th Congress, after hearing the concerns of Vermont's dairy farmers, I introduced the H–2A Improvement Act in order to give the dairy industry access to legal foreign workers under our agricultural visa program. I am proud to introduce this legislation once again, and I am especially pleased to have Senator ENZI join me as a cosponsor of this bill. I thank the senior Senator from Wyoming for his support, and I look forward to working with him to advance this legislation. I also thank Senators SANDERS, SCHUMER, KOHL, and GILLIBRAND for their support.

Our bill adds an explicit provision to the H–2A law to allow dairy workers, sheepherders, and goatherders to obtain visas through the H–2A visa program to assist American farmers. Under current law, the dairy industry is completely excluded from obtaining lawful H–2A workers. Under current Department of Labor regulations and guidance, the employers of foreign sheepherders and goatherders in the Western States can use the H–2A program. The authority for these employers to do so is not codified, however, and is therefore subject to the whims of a Federal agency. This legislation will provide the express authority and certainty for these important agricultural industries to use the visa program as Congress intended.

Although milk prices have improved over the past year, dairy farmers still struggle to meet their labor needs. I have heard from Vermont farmers, Vermont's Secretary of Agriculture, and the broader dairy industry about the challenges the current situation presents. I recognize that the H–2A program is imperfect, and I recognize that the best solution is the comprehensive approach in the AgJOBS bill. But basic access to the H–2A program is a better option than what dairy farmers now have, which is no access at all. It is simply illogical to subject such an important agricultural sector to unequal treatment. The denial of access to lawful, willing agricultural workers places a substantial burden on employers.

The H–2A Improvement Act contains provisions designed to accommodate the specific needs of dairy farming, sheepherding, and goatherding. It will allow workers in these industries to enter the United States for an initial employment period of 3 years. The bill grants U.S. Citizenship and Immigration Services the authority to approve a worker for an additional 3-year period as needed. After the first 3 year period is completed, the worker is eligible to petition for lawful permanent residency.

The provisions contained in this bill are very similar to provisions that have been a part of the long pending AgJOBS bill, legislation that I continue to strongly support. But the dairy farmers who continue to operate under this unfair system need help now. Just as much as any other segment of agriculture, they too deserve access to the H–2A program to meet their legitimate labor needs.

For years, I have urged the Department of Labor to use its regulatory authority to give dairy farmers access to H–2A workers. I was disappointed that, despite those requests and the recommendations of the broader dairy community, the final H–2A rule released by the Department in February 2010 failed to extend access to the dairy industry.

As a Senator from a State that prides itself on its dairy products and a long tradition of family farming, it is unacceptable that dairy farmers are put in a position of choosing between their livelihoods and taking risks with a potential employee's immigration status. I strongly believe that the vast majority of dairy farmers want to hire a lawful workforce, and our policy should support these goals.

By expanding the H–2A program to include dairy workers, sheepherders and goatherders, the H–2A Improvement Act would protect both American and foreign workers. It would prevent American workers from having to compete with an unauthorized work force, which enables unscrupulous employers to pay lower wages and make employees work under unsafe labor conditions. It would protect foreign workers by requiring that employers comply with existing H–2A regulations, wage and hour laws, and occupational safety laws. It would grant foreign dairy workers the dignity and stability of lawful status, and the opportunity to step out of the shadows and be productive members of the communities in which they work. Despite the imperfections of the current H–2A system, these are the objectives this legislation strives to achieve.

The H–2A Improvement Act is a straight-forward, targeted fix that makes sure all law abiding farmers in America have the same access to foreign agricultural labors. I recognize that many agricultural employers have legitimate frustrations with the current regulatory process. I intend to maintain my strong support of AgJOBS legislation, which would provide the most immediate and substantial benefit to our Nation's farmers and foreign agricultural workers. But I am unwilling to forego an opportunity to enact meaningful, bipartisan legislation to promote basic fairness for dairy, goat, and sheep farmers under our immigration laws. I hope Senators will support this common sense legislation.

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

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

S. 852

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 ''H–2A Improvement Act''.

SEC. 2. NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''who is coming temporarily to the United States to perform agricultural labor or services as a dairy worker, sheepherder, or goat herder, or'' after ''abandoning''.

SEC. 3. SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

''(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker, sheepherder, or goat herder—

''(A) may be admitted for an initial period of 3 years; and

''(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

''(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Not withstanding section 101(a)(15)(H)(ii)(a), an employer filing a petition to employ H–2A workers in positions as dairy workers, sheepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

''(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

''(A) ELIGIBLE ALIEN.—In this paragraph, the term 'eligible alien' means an alien who—

''(i) has H–2A worker status based on employment as a dairy worker, sheepherder, or goat herder;

''(ii) has maintained such status in the United States for a not fewer than 33 of the preceding 36 months; and

''(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(iii) may be filed by—

''(i) the alien's employer on behalf of the eligible alien; or

''(ii) the eligible alien.

''(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

''(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis fo denying—

''(i) another petition to employ H–2A workers;

''(ii) an extension of nonimmigrant status for a H–2A worker;

''(iii) admission of an alien as an H–2A worker;

''(iv) a request for a visa for an H–2A worker;

''(v) a request from an alien to modify the alien's immigration status to or from status as an H–2A worker; or

''(vi) a request made for an H–2A worker to extend such worker's stay in the United States.

''(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.''.

By Mr. DURBIN:

S. 856. A bill to amend title XI of the Social Security Act to make available to the public aggregate data on providers of services and suppliers under the Medicare program and to allow qualified individuals and groups access to claims and payment data under the Medicare program for purposes of conducting health research and detecting fraud; to the Committee on Finance.

Mr. DURBIN. Mr. President, Congress will soon debate the budget resolution for fiscal year 2012, and one of the issues under consideration is how to contain the cost of the Medicare program. While there is significant disagreement about some of the proposals already put forward, one part of the solution that members on both sides of the aisle agree on is cracking down on waste, fraud, and abuse.

For several years, the Government Accountability Office has designated Medicare as a high risk program because its size and complexity make it a target for waste, fraud and abuse. Medicare pays 4.5 million claims per work day, so catching false or inflated claims is a challenge. As a result, every year an estimated $30–60 billion in Medicare spending is wasted on fraud and abuse.

Under President Obama, the Executive branch has stepped up its enforcement activities. The Department of Health and Human Services and Department of Justice joined together to form Health Care Fraud Prevention and Enforcement Action Teams to combat Medicare fraud. These strike forces have netted hundreds of potential criminals in the past couple of years.

Nongovernmental groups can also play a role in detecting fraud. Normally, individual Medicare providers' billing data is not available to the public as a result of a 1979 lawsuit that blocked disclosure of this information. But under a special arrangement, The Wall Street Journal and Center for Public Integrity were allowed access to a 5 percent sample of the Medicare payment data.

Even using just this small sliver of the data, the newspaper was able to identify suspicious billing and potential abuses of the Medicare system. However, based on the agreement with CMS, the paper could not name individual physicians.

I think that the exercise by the Wall Street Journal shows that outside group provide a valuable complement to the government's own fraud detection research. That is why I am introducing the Medicare Spending Transparency Act today.

The legislation would increase transparency of the Medicare program by providing two things.

First, it would provide access to aggregated claims data.

It would require CMS to annually publish on its website summary level information about how and what Medicare is paying to individual Medicare providers such as hospitals, physicians and home health agencies.

Information would the include the total amount paid, number of unique patients seen, total number of patient visits, and a summary of the services provided. This will provide a snapshot of Medicare spending to interested groups. It will also discourage fraudulent providers from overbilling Medicare.

Secondly, a complete set of Medicare data would be made available to qualified groups or individuals for the purposes of fraud detection and research. All patient identifying information would be protected, consistent with HIPAA and other privacy laws.

To access this information, the individual or group would have to demonstrate technical capacity to make prudent and productive use of the data. Any published analysis of the data must disclose the names, funding sources, employer or other relevant affiliations, and data analysis methods of the researchers.

This legislation would bring transparency to the Medicare program by providing basic information about how taxpayer dollars are being spent. If nongovernmental groups want to dedicate their own resources to rooting out fraud, we should welcome those efforts. I encourage my colleagues to support this common sense legislation.

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

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

S. 856

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 ''Medicare Spending Transparency Act of 2011''.

SEC. 2. PUBLIC AVAILABILITY OF AGGREGATE DATA ON MEDICARE PROVIDERS OF SERVICES AND SUPPLIERS.

(a) PURPOSE.—The purpose of this section is to make aggregate information about providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) publicly available and to provide a new level of transparency in such program.

(b) PUBLIC AVAILABILITY.—Section 1128J of the Social Security Act (42 U.S.C. 1320a–7k) is amended by adding at the end the following new subsection:

''(f) PUBLIC AVAILABILITY OF CERTAIN MEDICARE DATA.—

''(1) IN GENERAL.—The Secretary shall, to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, make available to the public on the Internet website of the Centers for Medicare & Medicaid Services the following data with respect to title XVIII:

''(A) A complete list of the providers of services and suppliers participating in the program under such title, including the business address of such providers of services and suppliers.

''(B) Aggregate information about each such provider of services and supplier, including—

''(i) the total number of individuals furnished items or services by the provider of services or supplier for which payment was made under such title during the preceding year;

''(ii) the number of unique patient encounters conducted by the provider of services or supplier for which payment was made under such title during the preceding year;

''(iii) the average number of codes billed under such title by the provider of services of supplier per patient encounter during the preceding year;

''(iv) the total amount paid to such provider of services or supplier under such title during the preceding year;

"(v) the top 50 billing codes on claims paid under such title to the provider of services or supplier during the preceding year, as determined by volume, including a description of such codes;

"(vi) the top 50 billing codes on such claims paid during such year, as determined by dollar amount, including a description of such codes; and

"(vii) the top 50 diagnosis and procedure code pairs on such claims paid during such year, as determined by volume, including a description of such codes; and

"(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Medicare Spending Transparency Act of 2011, the Secretary shall promulgate regulations to carry out this subsection.".

SEC. 3. ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.

(a) PURPOSE.—The purpose of this section is to allow qualified individuals and groups access to information on claims and payment data under the Medicare program for purposes of conducting health research and detecting fraud under such program.

(b) ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.—Section 1128J of the Social Security Act (42 U.S.C. 1320a–7k), as amended by section 2, is amended by adding at the end the following new subsection:

"(g) ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.—

"(1) IN GENERAL.—For purposes of conducting health research and detecting fraud under title XVIII, and to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, and subject to any information systems security requirements under such laws or otherwise required by the Secretary, a qualified individual or group shall have access to claims and payment data of the Department of Health and Human Services and its contractors related to title XVIII. Notwithstanding any other provision of law, such data shall include the identity of individual providers of services and suppliers under such title.

"(2) DEFINITION OF QUALIFIED INDIVIDUAL OR GROUP.—

"(A) IN GENERAL.—In this subsection, the term 'qualified individual or group' means an individual or entity that the Secretary has determined, in accordance with subparagraph (B), has relevant experience, knowledge, and technical expertise in medicine, statistics, health care billing, practice patterns, health care fraud detection, and analysis to use data provided to the individual or the entity under this subsection in an appropriate, responsible, and ethical manner and for the purposes described in paragraph (1).

"(B) PROCEDURES.—The Secretary shall establish procedures for determining, in a timely manner, whether an individual or entity is a qualified individual or group.

"(3) PROCEDURES.—The Secretary shall establish procedures for the storage and use of data provided to a qualified individual or group under this subsection. Such procedures shall ensure that, in the case where the qualified individual or group publishes an analysis of such data (or any analysis using such data), the qualified individual or group discloses the following information (in a form and manner, and at a time, specified by the Secretary):

"(A) The name of the qualified individual or group.

"(B) The sources of any funding for the qualified individual or group.

"(C) Any employer or other relevant affiliations of the qualified individual or group.

"(D) The data analysis methods used by the qualified individual or group in the analysis involved.".

By Mr. GRASSLEY (for himself and Mr. CASEY):

S. 857. A bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, the last reauthorization of the Elementary and Secondary Education Act of 1965 was specifically designed "To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind." Going into the next reauthorization of this law, there has already been much discussion about the extent to which each element of that goal has been achieved. While there is some evidence of a narrowing of the achievement gap between disadvantaged and minority students and their more advantaged peers when it comes to meeting minimum "proficiency" goals, the achievement gap among high-ability students has been widening. Some of our most promising students, the scientists, inventors, and problem solvers of the future, are being left behind.

I want to be clear that I am not necessarily talking just about high-achieving students. I am talking about high-ability students with gifts and talents that go beyond simply the ability to master grade level content. There is sometimes a tendency to assume that gifted students are the straight A students and vice versa, the students we needn't worry about because they are doing fine on their own. Sadly, that's far from true. A student may get straight A's because his or her abilities and pace of learning just happen to be exactly matched with the grade level curriculum and pace of instruction. Those are not the students I am talking about. By definition, a gifted and talented students is one who gives evidence of high achievement capability and needs services beyond the standard content provided in the standard way in order to fully develop those capabilities.

In fact, gifted students may significantly underperform. Many high-ability students get poor grades due to boredom. Some drop out of school or exhibit problem behaviors, and gifted students are often well represented in alternative schools. Still, even if they are getting straight A's on content that is not challenging to them, they are still underperforming. That hidden gap between achievement and potential ought to be alarming to all of us who are concerned about our Nation's future economic competitiveness.

On the most recent international tests, students in China topped the charts in math, science, and reading, while U.S. students were in the middle to bottom of the pack. Few American students are reaching the most advanced achievement levels on national and state-level tests, with miniscule numbers of children of color or children from poverty reaching those levels. A dynamic economy needs a steady supply of individuals capable of achieving at advanced levels, yet we rely on imported talent while systematically holding back our brightest young minds here at home.

I would recommend to my colleagues the book Genius Denied by Jan and Bob Davidson of the Davidson Institute in Nevada. It describes the many obstacles faced by some of our brightest students in trying to get an appropriate education. The book tells the story of a boy named Carlos who didn't speak until he was 3½ years old, but then began to speak in complete sentences like a much older child. His mother had been told he might be autistic or have a learning disability, but when she had him tested, she learned he was actually gifted. He learned to read and write with incredible speed and was able to grasp simple algebra problems. However, in his Kindergarten class, they were learning to add single digits by grouping teddy bears. He was miserable, and despite his natural love of learning, he cried to stay home from school. He was teased for being different and the stress of school got to be so great that his hair started falling out. He began talking about wishing that he was dumb or even dead.

The book also talks about a boy named Tim who is dyslexic and also profoundly gifted. His gifts compensated for his inability to read so he was able to earn normal grades, but his school would not make appropriate accommodations for his learning disability because he was achieving at acceptable levels. School officials also maintained they had no obligation to accommodate his gifts. This left Tim frustrated. His zeal for learning waned because his disability held him back while his gifts went undeveloped, but both went unaddressed by his school because he was not failing. Eventually, his mother was forced to pull him out of the public school and educate him at home.

Many schools have special gifted and talented programs with staff trained in gifted education strategies, but a great many others do not. This leads to the uneven availability of appropriate services. Title I schools are far less likely to have any services for gifted students. Is this because there are no high-ability disadvantaged students? Certainly not. There are high-ability students in every school and low income doesn't mean low ability. It is of course appropriate to ensure that struggling students receive the support they need to achieve to their potential, but when disadvantaged high-ability students go unrecognized and unchallenged, thus falling short of the level of achievement they are capable of attaining, the tremendous loss of human

potential is truly tragic both for the students and for our society.

So should every cash-strapped Title I school hire special teachers with a background in gifted and talented education and start offering gifted education programming? Well, that would be ideal, and would likely help improve the academic achievement of all students in those schools, but a lack of funds need not be a barrier to schools meeting the unique learning needs of their high-ability students. For instance, a report by some of the leading experts in the field at the University of Iowa's Belin-Blank Center titled ''A Nation Deceived: How Schools Hold Back America's Brightest Students'' outlines both the problem of schools systematically failing to support their high-ability students and an almost no-cost solution—acceleration. Simply allowing students to take classes with their intellectual peers, where the curriculum is matched to their ability rather than to their age, often results in better academic results as well as happier, better adjusted students. Also, knowing that all teachers have high-ability students with unique learning needs in their classrooms, there is a great need for professional development opportunities to incorporate the ability to recognize and meet those needs.

Today, I am introducing a bill, with Senator CASEY of Pennsylvania, to ensure that Federal education policy no longer overlooks the needs of high-ability students. It's called the TALENT Act, which stands for: To Aid Gifted and High-Ability Learners by Empowering the Nation's Teachers. My bill corrects the lack of focus on high-ability students, especially those students in underserved settings, including rural communities, by including them in the school, district, and state planning process that already exists under the Elementary and Secondary Education Act. It also raises the expectation that teachers have the skills to address the special learning needs of various populations of students, including gifted and high-ability learners. To that end, my bill provides for professional development grants to help general education teachers and other school personnel better understand how to recognize and respond to the needs of high-ability students. Finally, because we have much to learn about how best to address the very unique learning needs of this often overlooked population of students, my bill retools and builds upon the goals and purpose of the existing Javits Gifted and Talented Students Education Act so that we continue to explore and test strategies to identify and serve high-ability students from underserved groups. These strategies can then be put into the hands of teachers across the country.

Meeting the needs of our brightest students, the ones our country is counting on for our future prosperity, is not a luxury, it is a necessity. That isn't a justification for embarking on some sort of new spending and sticking them with the bill, however. Instead, my legislation would accomplish its goals in a cost-effective way by amending existing law to account for the needs of gifted and high-ability learners as well as retooling the old Javits program to have a greater impact. For too long, Federal education policy has been so focused on preventing failure that we have neglected to promote and encourage success. We can no longer afford to ignore the needs of our brightest students and thus squander their potential. My legislation will put our country on track to tap that potential which is so essential to the future happiness of the students and the future prosperity of our Nation.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 860. A bill to ensure that methodologies and technologies used by the Bureau of Customs and Border Protection to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I have been fighting over the past several years to stop the thousands of trash shipments entering into Michigan from Canada. This year brought some welcome good news: Canada has stopped shipping its city trash to Michigan, eliminating about 1.5 million tons of trash a year that had been dumped into Michigan landfills, and taking more than 40,000 trucks a year off Michigan roads. The end of these shipments fulfills a 2005 agreement that Senator STABENOW and I reached with Ontario officials to end all shipments of municipally managed trash to Michigan by the end of 2010.

However, private trash shipments from Canada are still being brought into Michigan. Tons of waste from private companies, including from construction, industry, and commercial sources, are being imported into Michigan for disposal in our landfills. Most of these shipments enter at three border crossings in Michigan: Port Huron, Sault Ste Marie, and Detroit. The loads of municipal solid waste are more than just a nuisance. These trash trucks from Canada pose a threat to our environment, health, and security.

This legislation Senator STABENOW and I are introducing today would require the Bureau of Customs and Border Protection of the Department of Homeland Security to report to Congress on the methodologies used by the Bureau to screen for the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste. The report would need to indicate whether the techniques used by the Bureau to screen for these dangerous materials in municipal solid waste are as effective as the methodologies used by the Bureau to screen for such materials in other items of commerce entering the United States. If the Bureau of Customs cannot demonstrate that screening of municipal waste shipments is adequate, then they have 6 months to implement the technologies to implement adequate screening procedures. If such measures are not implemented, then the Secretary of Homeland Security shall deny entry of any commercial motor vehicle carrying municipal solid waste from Canada until the Secretary certifies that the methods and technology used to inspect the trash trucks are as effective as the methods and technology used to inspect other vehicles.

I believe this legislation will help to protect the people of this country, and I hope this Congress will act quickly on this legislation.

Mr. President, I ask for 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. 860

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

SECTION 1. SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term '' Bureau'' means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after

the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 861. A bill to restore the natural resources, ecosystems, fisheries, marine habitats, and coastal wetland of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, I am going to speak for 2 or 3 minutes in a brief introduction, and then turn it over to my colleague from Louisiana. We are both very excited and enthusiastic to present to the Senate and to Congress work that has been underway for almost a year.

As you know, next week on April 20, we will be marking the 1-year anniversary of the Deepwater Horizon explosion, which killed 11 men—they are still in our thoughts and prayers, and their families to this day—injured dozens of others and shocked millions with the explosion that occurred a year ago next Wednesday.

There are many steps our Nation has to take and must take to respond to that horrific incident. Senator VITTER and I are on the floor today to introduce the Restore the Gulf Coast Act of 2011, which we believe is one of the most important things that needs to be done in response to this incident.

It was frankly long overdue even before this tragedy happened, and I will briefly explain. This gulf coast is a very important coast of America.

I know all of the people of our coasts believe they are all important—but we who live on the gulf coast are particularly proud of the coast of Texas, Louisiana, Mississippi, Alabama, and Florida because on this coast not only do we have port and maritime activities, which is true of every coast, we also support the Nation in hosting a very important domestic oil and gas industry, which is primarily offshore, but a great deal on shore, both close and on our marshes.

In addition, we have a very vibrant and robust fishing industry, both commercial and recreational. We have ecotourism and migratory bird routes from the south going north. Obviously this is a flyway for migratory birds and extremely important to wildlife enthusiasts and hunters and fishermen. May I also add—and not let us forget—the tourism industry. So we say proudly in the gulf coast, we are America's working coast. We seek a balance between mining and exploring for and using our natural resources, and balancing that so this coast can be sustainable.

This is a great opportunity for the Nation to do right by the gulf coast. It is a great opportunity for the polluters to step up and do the right thing. It is a great opportunity to give a break to taxpayers because the bill Senator VITTER and I are putting forward—and we hope our other colleagues will join us in—will basically say the fine BP is going to pay—and maybe other contractors as well—that 80 percent of that fine should go to the area where the injury occurred.

I am going to take the next minute to put up this horrifying picture that people will remember because a year ago this is what the site looked like when the Deepwater Horizon exploded and 5 million barrels of oil escaped from this tragedy and marred the beaches and marshes and ocean, and we are still recovering, and will for years.

But because of the 5 million barrels of oil that were spilled, this polluter, BP, and its contractors are going to have to pay a very serious fine to the Federal Government. We believe that fine is best directed to help the environment which was injured and to get the taxpayers off the hook and put the polluters on the hook for picking up this tab, and to do so in a way that is fair to the Gulf Coast States. That is what Senator VITTER will speak about in more detail.

Let me show you one picture, happily. Today, the beaches along the gulf coast—in large measure—look like this, as shown in this picture. This is the way they normally look. Because not only do we drill for oil and gas off of our waters, but our children swim in this water. We recreate and have picnics along the beach. This is the way we would like this beach to look for decades to come.

If we are successful in getting our bill passed through the Congress and signed by the President in the near future, this is possible, along with pictures like this one I show you, which represents a great and proud industry: the shrimping industry on the gulf coast, which supplies fresh seafood for restaurants all over our Nation and, in some cases, the world.

So at this point, let me turn it to Senator VITTER for some more detail. I want to say, it has been a pleasure and I thank the Senator for his support. We want this to be a bipartisan effort. Both the industry and environmental groups are very interested in working with us on this issue. We think it is the right policy for our country.

I yield to Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I am proud to join my colleague Senator LANDRIEU in introducing today this RESTORE the Gulf Coast Act of 2011. I want to also thank her and compliment her on her leadership on this issue. Senator LANDRIEU has been developing this legislation tirelessly since the tragedy, working with many others who will soon be cosponsors, we hope, in this effort.

I also want to recognize Congressman STEVE SCALISE and his Louisiana House colleagues for having similar legislation in the House.

As we near this 1-year anniversary of the disaster, first we need to remember the victims, the human victims—the 11 people who lost their lives and their families. Those families still have a huge hole in their lives, and we need to continue to remember them and pray for them.

But we also need to help restore the affected area. A lot of other lives were impacted through the environmental and economic devastation. We need to work on that as well.

This RESTORE the Gulf Coast Act of 2011 would go a long way in restoring those lives, in healing those impacts. This was a horrible tragedy, and, of course, the physical, the environmental damage was borne by these five Gulf Coast States. Therefore, we think it is more than fair that 80 percent of the fines directly related to this event—which would not have been incurred, would not be in existence but for this tragedy—be dedicated to restoration along the gulf coast.

Senator LANDRIEU, with my support, and others, has worked out a very fair formula to impact all of the Gulf Coast States in a positive way. We think it is more than fair because it assures some minimum funding to all of the affected States and then has another pot of money that is specifically focused on direct impacts. We think this is a very fair way to go about it. It also dovetails with the work that has been going on in the States and federally through the President's commission on impacts.

So we think this would be an excellent way to approach it. It is more than fair to the Federal Government and to the Federal taxpayer because the money retained that is still flowing to the Federal Treasury more than covers all the expenses of the Federal Government related to this event. It goes well beyond those direct expenses.

Again, I thank my colleague for her leadership, and I ask all of our colleagues to come together around this effort. This concept has been explicitly endorsed by President Obama. This concept has been explicitly endorsed by the President's commission on the oilspill. All of those folks have absolutely said, yes, 80 percent of these Clean Water Act fines need to stay on the gulf coast for much-needed restoration. This legislation will get that done in a fair, straightforward way. I urge all of my colleagues to support it and help pass it in the next few weeks and months.

Mr. President, with that, I turn the floor back to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I see other colleagues on the floor waiting to speak so I will try to wrap up these remarks in about 5 minutes. But I do want to add a few things and thank my colleague again. He is on the committee that will take this bill into consideration. That committee is chaired by Senator BARBARA BOXER. I want to thank her, our colleague from California, the Chair of the EPW Committee, and her staff, who have been working with us very closely over the last year as we fashioned this approach. I think the Senator, of course, will speak for herself, but I think it is in her philosophy that the polluters should pay, not the taxpayer, and that the area that was injured should be the area that receives the response. It is important that the environment that was injured should be first attended to first. That is the essence and nature of our bill.

But to put a couple of other things in the RECORD, Senator VITTER mentioned this, but it is worth repeating. President Obama has already endorsed this general concept, and I want to thank him for his early leadership on this issue. I had some real reservations early on about the national oilspill commission. I honestly did not think there were enough people representing the industry perspective, only the environmental perspective. But I was happy to see that commission report came out fairly balanced. Both Bob Graham, who is a former colleague of ours from Florida, and Bill Reilly, the former EPA Director under President Bush, came to the same conclusion: that one of the best ways to spend this fine money would be restoring this very important coastal area. This should not just be for the gulf coast but for the Nation. Frankly, the world should take notice and to try to find a path forward for coastal communities to have sustainable economies.

This is an important question, not just for the gulf coast, not just for the east coast, not just for the west coast, but I might say, this might be one of the great questions in the world today. 60 percent or more of the population of the world lives near coastlines. The question of how can people live there productively, safely, and how the environment can sustain them in that growth and development is an important question to get answers to.

Let me say, as a resident of the gulf coast, we do not have enough answers. We do not have enough money to ask questions. That is what this money will go for: some science and technology, some basic research, and, most importantly, some money to restore our coast—to do the right things by this environment.

I want to recognize the entities that support this cause. Secretary Ray Mabus, the Secretary of the Navy added to his portfolio to examine this issue, and he, too, arrived at the same conclusion: that a very excellent and smart way to spend some of these fine moneys would be on these programs.

Just a couple of minutes more to put some facts into the RECORD; and other Senators from other States—Florida, Texas, Mississippi, and Alabama—can enter their own data.

I think it is important for people to understand, when we talk about the coast of Louisiana, just the coast of Louisiana—this is going to be hard for people to believe, but it is actually true—if you count the tidal miles of Louisiana, which is about 7,000 tidal miles from the tip here, as shown on this map, all the way over to Texas from our Mississippi border—7,000 tidal miles—if you stretch that out, it is the same as going from Miami to Seattle. I need people to get that in their mind.

I know this looks like a little shore because it is not a big shore like California or Florida. But the nature of this shore—because it is not just a beach; it is America's greatest wetlands and marshes—if you stretched it out with all of its inlets and bays and estuaries, it would go from Miami to Seattle.

This area is threatened, and has been for years. Yes, the oil and gas industry, unfortunately, has contributed to some of this damage. But it is also because the Mississippi River flows through here, and it has been dammed and tamed as best as men and women can try to tame natural things. The hydraulics have changed. The sea level has risen. This area is under great threat.

Mr. President, 1,500 square miles have been lost since 1930; 25 square miles of wetlands each year, which means a football field every 30 minutes. This is an urgent matter. There is no loss of land anywhere in the continental United States that has as much threat to it as there is to this coast. We have struggled for years to find a revenue stream to help fix it. We understand the rest of the country says: Why should we fix it? It is not our coast. But what we say back is: This coast is important to the whole Nation. It drains 40 percent of the continent. It is the greatest river system in North America. No one can get wheat out of Kansas or Iowa without coming through this Mississippi River. So there is a national interest.

Seventeen percent of GDP is basically supported and created by this gulf coast economy.

We are also willing to pay our own way as well. Our parishes have taxed themselves. The State has set up a constitutional safeguard, a lockbox—if we had only done that with Social Security. We are happy to have a lockbox for the wetlands money that comes in, so it can only be used for that purpose. So we are very proud of the actions our locals have taken. Now it is time for the Federal Government to act.

A few more statistics: 30 percent of the commercial fisheries in the United States come off this coast, and $1.7 billion in economic impact for recreational fishing—again, over 50 percent of the domestic oil and gas, because we drill for oil and gas here, that keep lights on and electricity flowing in Chambers such as this, in rooms and buildings all over our country. So that is why this is so important.

I am going to add some other statistics for the RECORD about some of the economic impacts of this. Again, this is an important coast to the country and it is an important effort for the world for us in America to get this right. Think about the drilling that is occurring off the coast of Africa or Brazil or Australia or Israel and what happens. Let's prevent any explosions. Let's prevent these disasters. We are struggling to do that, and the record is pretty good, despite the criticism that comes, and that is a speech for another day.

But the question is, When there is an accident, when this happens, how do we take that penalty money and invest it in the coast so it is more resilient and it will benefit people in every way over a long period of time in a very balanced fashion.

I conclude by urging my colleagues along the gulf coast, from Florida to Alabama to Mississippi and Texas, Republicans and Democrats alike, Members of the House as well, to step forward and join me and Senator VITTER. We are open to ideas and thoughts about how the money should be allocated but within general sets of principles we have outlined today. I wish to, again, thank Senator BOXER whose committee will consider this in the very near future. We are hoping for a hearing in the very near future and then a markup on this bill to move it forward to the President's desk.

Mr. President, I ask unanimous consent to have printed in the RECORD some further statistics about this horrific spill and our valuable coast.

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

On April 20, 11 men died in a massive oil rig explosion in the Gulf of Mexico.

For 3 months, oil flowed uncontrollably into the waters of the Gulf of Mexico. 4.9 million barrels of oil was discharged during the spill. That equates to 50,000 barrels of oil each day.

600 miles of the Gulf coastline were oiled. More than half of that coastline is in Louisiana.

320 miles of Louisiana's coastline were oiled and some oil is still lingering in the marshes near Bay Jimmy on the east side of Plaquemine Parish.

6,814 dead animals have been collected, including 6,104 birds, 609 sea turtles, 100 dolphins and other mammals, and 1 other reptile.

86,985 square miles of waters were closed to fishing. Approximately 36% of Federal waters in the Gulf of Mexico were closed to fishing for months.

30 percent of commercial fisheries in the United States are located in the Gulf of Mexico.

It is estimated that $2.5 billion were lost in our Gulf of Mexico fishing industry.

$23 billion is estimated in impacts to tourism across the Gulf Coast over a three-year

period, as estimated by the U.S. Travel Association.

The Gulf Coast accounts for a $1.7 billion economic impact to the nation from recreational fishing.

30 percent of the nation's crude oil supply and 34 percent of the natural gas consumed in the U.S. are produced in Louisiana or adjacent Outer Continental Shelf (OCS).

Nearly 50 percent of all the domestically produced oil and gas that fuels this nation comes from the Gulf of Mexico.

$8 to 10 billion in direct OCS revenues go to the U.S. Treasury each year.

$3 trillion is contributed to the national economy by the Gulf Coast.

12 million people live in coastal Louisiana.

17 percent of the National GDP comes from the Gulf Coast.

1,900 square miles of land have been lost in Louisiana since 1930.

25 square miles of wetlands are lost each year—or a football field-sized area every 30 minutes.

By Mr. NELSON of Florida:

S. 862. A bill to provide for a comprehensive Gulf of Mexico restoration plan, and for other purposes; to the Committee on Environment and Public Works.

Mr. NELSON Of Florida. Mr. President, I rise today, 360 days after the Deepwater Horizon oil rig exploded in the Gulf of Mexico, taking the lives of 11 Americans and forever changing the lives of their friends and families. Following the explosion, hundreds of millions of gallons of oil spewed out of that monster well for months, devastating the environment and the economy of the Gulf Coast. It is my hope and my belief that by the passage of time, the hard work and dedication of individuals, and the power of mother nature, the Gulf Coast will recover. But it will not be immediate.

I can't believe Congress hasn't addressed things like liability, and that some in Congress still are dead set on carrying out the oil industry's agenda, regardless of all the safety, economic and environmental concerns. Meantime, the companies say we need to allow additional offshore drilling. What they don't say is we have already given them tens of millions of additional acres in the Gulf of Mexico where they haven't even started drilling yet.

Under current law, the party responsible for an oil spill will be assessed fines for violations of the Clean Water Act. Those fines go to the Oil Spill Liability Trust Fund. But several folks have suggested that those fines should go to the Gulf Coast—to restore the environment, provide economic recovery, and to make the Gulf more resilient to disasters—including the Secretary of the Navy Ray Mabus, and the President's Oil Spill Commission headed up by Senator Bob Graham and Bill Reilly. Just like some of the lessons we learned after the Exxon-Valdez oil spill led to the passage of landmark laws, we need to take the lessons of the Deepwater Horizon oil spill and restore the Gulf.

So today, before the 1 year anniversary of the Deepwater Horizon, I am introducing a bill to put the Gulf Coast back to work and return it to the healthy, vibrant ecosystem it used to be—complete with sugar white sand beaches and some of the best fishing in the world. I have heard from city commissioners, hotel workers, fishermen and Americans that visit our beautiful Gulf coast that this is the right thing to do. The Gulf of Mexico Recovery, Restoration, and Resiliency Act will get funding to local governments for environmental education, restoration and research, as well as workforce development, and tourism promotion projects. It will create a Council with state and federal members to develop a comprehensive plan for the Gulf of Mexico. This bill will ensure long-term cooperative monitoring of the status of our fishery resources—where fishermen will work alongside scientists to protect their livelihoods by collecting the best data.

Most importantly, this bill will bring together all of the folks who care about the Gulf and provide them with the funding to restore it. Specifically, the bill creates a Citizen's Advisory Committee and a Science Advisory Committee to provide input on the direction of Gulf restoration activities. Our federal resource partners like the Department of Interior, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency will all have a seat at the table. Our State and local voices will be heard and have opportunities to undertake projects that support a healthy Gulf and a vibrant coastal economy.

It was heartbreaking less than a year ago to watch as oil spewed into the Gulf of Mexico, to hear of dead dolphins washing ashore, and to speak with folks who have lost their businesses because nobody came to the beach last summer. But it is also gives me hope to know that Gulf residents are a resilient, hard-working type. I know that if we can get them the tools and a strong plan for rebuilding, the Gulf will start to recover. We can make it right by sending the Clean Water Act fines to the areas that took the hit. So I'm asking that my Senate colleagues will support my efforts to help restore this national treasure, and I look forward to working towards that goal.

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. 862

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 ''Comprehensive Gulf of Mexico Recovery, Restoration, and Resiliency Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITIZENS' ADVISORY COMMITTEE.—The term ''Citizens' Advisory Committee'' means the Gulf of Mexico Regional Citizens' Advisory Committee established by section 8(a).

(2) CLEAN ENERGY PRODUCTION AND DEVELOPMENT.—The term ''clean energy production and development'' means any electricity generation, transmission, storage, heating, cooling, industrial process, or manufacturing project the primary purpose of which is the deployment, development, or production of an energy system or technology that avoids, reduces, or sequesters air pollutants or anthropogenic greenhouse gases.

(3) COUNCIL.—The term ''Council'' means the Gulf of Mexico Recovery Council established by section 3(a).

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means an organization that—

(A) is a consortium of 1 or more public and private institutions of higher education in a Gulf State;

(B) is formally established by a board of higher education in a Gulf State for the purpose of collaborating on marine science research;

(C) carries out 1 or more operations that are physically located in the Gulf coast; and

(D) demonstrates experience arising from—

(i) the conduct of the types of activities described in section 6; and

(ii) the ability to carry out each requirement described in subsections (c), (d), and (e) of section 6.

(5) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(6) FISHERY ENDOWMENT.—The term ''Fishery Endowment'' means the Gulf of Mexico Fishery Endowment established under section 7(a).

(7) FUND.—The term ''Fund'' means the Gulf of Mexico Recovery Fund established by section 4(a).

(8) GULF.—The term ''Gulf'' means the submerged land of the outer Continental Shelf, and the areas of the exclusive economic zone of the United States, within the Gulf of Mexico, including associated coastal watersheds, estuaries, beaches, and wetlands.

(9) GULF COAST.—The term ''Gulf coast'' means—

(A) each coastal zone (as determined pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)) of each Gulf State (including water adjacent to the Gulf State); and

(B) submerged land of the outer Continental Shelf located in the Gulf of Mexico.

(10) GULF OIL SPILL.—The term ''Gulf oil spill'' means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(11) GULF STATE.—The term ''Gulf State'' means any of the States of—

(A) Alabama;

(B) Florida;

(C) Louisiana;

(D) Mississippi; and

(E) Texas.

(12) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(13) LOCAL POLITICAL SUBDIVISION.—The term ''local political subdivision'' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

(14) NATURAL RESOURCE TRUSTEE.—The term ''natural resource trustee'' means each of the Federal and State trustees designated under title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) with respect to natural resource damages relating to the Gulf oil spill.

(15) OBSERVATION SYSTEM.—The term ''Observation System'' means the Gulf of Mexico

Observation System established under section 6(a).

(16) PLAN.—The term ''Plan'' means the Comprehensive Gulf of Mexico Recovery Plan developed under section 5(a).

(17) STRATEGY.—The term ''Strategy'' means the regional ecosystem restoration strategy developed by the Gulf Coast Ecosystem Restoration Task Force established by Executive Order 13554 (16 U.S.C. 1451 note; relating to the Gulf Coast Ecosystem Restoration Task Force).

SEC. 3. GULF OF MEXICO RECOVERY COUNCIL.

(a) ESTABLISHMENT.—There is established the Gulf of Mexico Recovery Council.

(b) MEMBERSHIP.—The Council shall be composed of each member of the Gulf Coast Ecosystem Restoration Task Force established by Executive Order 13554 (16 U.S.C. 1451 note; relating to the Gulf Coast Ecosystem Restoration Task Force).

(c) CHAIRPERSON.—The President shall select a Chairperson from among the members of the Council.

(d) DUTIES.—The Council, in coordination with the natural resource trustees, shall—

(1) develop the Plan;

(2) establish guidelines for the provision of, and provide, grants in accordance with subsection (e);

(3) establish the Observation System;

(4) establish the Fishery Endowment;

(5) coordinate the sharing of scientific information and other research associated with Gulf coast economic development, ecosystem restoration, and public health rehabilitation;

(6) form partnerships with Federal and State agencies, institutions of higher education, research consortia, private companies, and other relevant entities; and

(7) submit to the appropriate committees of Congress an annual report under subsection (f).

(e) GRANTS.—

(1) IN GENERAL.—Using amounts made available for expenditure from the Fund for a fiscal year, the Council shall provide grants in accordance with this subsection.

(2) GRANTS TO LOCAL POLITICAL SUBDIVISIONS.—

(A) IN GENERAL.—For each fiscal year, of the amounts made available for expenditure from the Fund, the Council shall use 45 percent of the amounts to provide grants to local political subdivisions.

(B) REQUEST FOR GRANT PROPOSALS.—Not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until such time as the percentage of amounts specified in subparagraph (A) for a fiscal year has been provided in the form of grants under this paragraph, the Council shall issue to each local political subdivision affected by the Gulf oil spill, as determined by the Council, a request for proposal for grants for activities relating to Gulf coast economic development, ecosystem restoration, and public health rehabilitation, including—

(i) environmental restoration and remediation (including remediation in coastal and marine ecosystems);

(ii) academic and applied research regarding the economy, environment, and public health of the local political subdivision;

(iii) seafood marketing;

(iv) tourism and tourism marketing;

(v) coastal land acquisition;

(vi) ecosystem resource planning;

(vii) renewable and clean energy production and development, energy conservation, and related retrofitting projects;

(viii) workforce development; and

(ix) environmental education.

(C) CONSISTENCY WITH REGIONAL ECOSYSTEM RESTORATION STRATEGY.—The Council shall ensure that any funds made available under this paragraph shall be used for projects and activities that are consistent with the Strategy.

(D) TIMING OF PROVISION OF GRANTS.—The Council shall provide a grant under this paragraph not later than 120 days after the date on which the Council receives a proposal for the grant described in subparagraph (B).

(3) GRANTS FROM COUNCIL FOR PLAN AND OBSERVATION SYSTEM.—

(A) IN GENERAL.—For each fiscal year, of the amounts made available for expenditure from the Fund, the Council shall use 50 percent of the amounts to provide grants for use in—

(i) funding projects, programs, or activities to meet the goals described in section 5(b); and

(ii) carrying out section 6.

(B) ELIGIBLE RECIPIENTS.—The Council may provide a grant under this paragraph—

(i) for a purpose described in subparagraph (A)(i), to—

(I) a Federal or State agency;

(II) an institution of higher education; or

(III) a local political subdivision; and

(ii) for the purpose described in subparagraph (A)(ii), to eligible entities selected by the Council under section 6(b)(2)(A).

(C) CONDITION FOR RECEIPT OF GRANT.—As a condition on the receipt of a grant under this paragraph, and eligible recipient described in subparagraph (B)(i) shall agree to coordinate with the Council to develop and modify proposed projects to address needs under, and achieve the goals of, the Plan.

(4) METHOD OF ALLOCATION.—

(A) IN GENERAL.—The Council shall allocate the amounts to be used within each Gulf State under this paragraph in accordance with subparagraph (B).

(B) ALLOCATION.—

(i) PROPORTIONATE SHARE OF LENGTH OF GULF COAST SHORELINE.—Of the amounts allocated to a Gulf State described in subparagraph (A) for each fiscal year, 60 percent shall be allocated based on the proportion that, as determined by the Council based on the most recently available data from, or accepted by, the Office of Coast Survey of the National Oceanic and Atmospheric Administration—

(I) the aggregate length of the Gulf coast shoreline of the Gulf State; bears to

(II) the aggregate length of the Gulf coast shoreline of all Gulf States.

(ii) PROPORTIONATE SHARE OF AGGREGATE POPULATION.—Of the amounts allocated to a Gulf State described in subparagraph (A) for each fiscal year, 40 percent shall be allocated based on the proportion that, as determined by the Council based on data collected during the most recent decennial census—

(I) the aggregate population of all counties located, in whole or in part, within the designated Gulf coast boundaries of the Gulf State; bears to

(II) the aggregate population of all counties located, in whole or in part, within the designated Gulf coast boundaries in all Gulf States.

(iii) ADJUSTMENT AUTHORITY.—In carrying out this paragraph for a fiscal year, the Council may increase or decrease the percentages of funds provided under clauses (i) and (ii) for the fiscal year by not more than 5 percent, based on the severity of impacts of the Gulf oil spill on a particular Gulf State, as determined by the Council, on the condition that the total of the percentages under those clauses remains 100 percent after all such increases and decreases.

(5) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount of any grant provided under this subsection may be used for administrative expenses.

(6) FISHERY ENDOWMENT.—For each fiscal year, an amount equal to 5 percent of the amounts in the Fund shall be—

(A) deposited by the Council in a subaccount in the Treasury; and

(B) made available to the Administrator of the National Oceanic and Atmospheric Administration and the Regional Gulf of Mexico Fishery Management Council for use in administering and implementing the Fishery Endowment.

(f) ANNUAL REPORTS.—Not later than September 30, 2012, and annually thereafter, the Council shall submit to the appropriate committees of Congress a report that, for the period covered by the report, contains a description of each—

(1) activity of the Council, including each grant provided by the Council under subsection (e); and

(2) policy, plan, activity, and project carried out under this Act.

(g) AUTHORITY TO TRANSFER FUND.—The Council may transfer amounts from the Fund to Federal agencies for the purpose of carrying out this Act, including for the purposes of—

(1) carrying out Plan;

(2) administering the Fishery Endowment; and

(3) administering the Observation System.

(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

SEC. 4. GULF OF MEXICO RECOVERY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Gulf of Mexico Recovery Fund'', to be administered by the Council for authorized uses described in subsection (c).

(b) TRANSFERS TO FUND.—Notwithstanding any other provision of law, the Secretary of the Treasury shall deposit in the Fund amounts equal to not less than 100 percent of any amounts collected by the United States before, on, or after the date of enactment of this Act, and available on or after the date of enactment of this Act, as penalties, settlements, or fines under sections 309 and 311 of the Federal Water Pollution Control Act (33 U.S.C. 1319, 1321) in relation to the Gulf oil spill.

(c) AUTHORIZED USES.—Amounts in the Fund shall be available to the Council for the conduct of activities relating to Gulf coast economic development, ecosystem restoration, and public health rehabilitation in accordance with this Act, including the provision of grants under section 3(e).

SEC. 5. COMPREHENSIVE GULF OF MEXICO RECOVERY PLAN.

(a) DEVELOPMENT OF PLAN.—In accordance with subsection (b), the Council, in accordance with the Strategy and taking into consideration the advice of the Scientific Advisory Committee and the Citizens' Advisory Committee, shall develop a comprehensive plan to restore, revitalize, and increase the resiliency of the Gulf of Mexico ecosystem.

(b) GOALS.—The goals of the Plan shall include, with respect to the Gulf coast—

(1) ecosystem monitoring; and

(2) ecosystem recovery and resiliency, with an emphasis on a holistic, comprehensive approach covering coastal, nearshore, deep water.

(c) IMPLEMENTATION.—The Council shall provide grants under section 4(c)(3)(A) for use in funding projects, programs, or activities to meet the goals described in subsection (b).

SEC. 6. GULF OF MEXICO OBSERVATION SYSTEM.

(a) ESTABLISHMENT.—The Council shall establish the Gulf of Mexico Observation System to observe, monitor, and map the Gulf in a comprehensive manner.

(b) ADMINISTRATION.—The Observation System shall be—

(1) implemented through a Gulf of Mexico Exploration Research Center; and

(2) administered by 1 or more eligible entities that—

(A) are selected by the Council based on an application demonstrating the ability of the eligible entity to carry out this section; and

(B) receive a grant for that purpose under section 3(e)(3)(A)(ii).

(c) FACILITATION OF EXISTING TECHNOLOGIES.—An eligible entity administering the Observation System under subsection (b) shall facilitate the use of existing technologies to quickly increase, to the maximum extent practicable, observation and monitoring capabilities in the Gulf.

(d) DEVELOPMENT OF NEW TECHNOLOGIES.—An eligible entity administering the Observation System under subsection (b) shall facilitate the development of new monitoring technologies.

(e) COORDINATION WITH NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The Council shall ensure that the Observation System is developed in coordination with the National Integrated Coastal and Ocean Observation System established under section 12304(a) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(a)).

SEC. 7. GULF OF MEXICO FISHERY ENDOWMENT.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Council shall establish a fishery endowment to ensure, to the maximum extent practicable, the long-term sustainability of fish stocks and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.

(b) FUNDING.—For each fiscal year, of the amounts made available for expenditure from the subaccount described in section 3(e)(6)(A), 95 percent of the interest accrued in the subaccount may be expended for, with respect to the Gulf of Mexico—

(1) data collection and stock assessments;

(2) pilot programs for—

(A) fishery independent data; and

(B) spawning aggregations reduction;

(3) cooperative research; and

(4) training and education on sustainable fishing practices and gear use.

(c) ADMINISTRATION; IMPLEMENTATION.—The Fishery Endowment shall be—

(1) administered by the Administrator of the National Oceanic and Atmospheric Administration; and

(2) implemented by the Regional Gulf of Mexico Fishery Management Council.

SEC. 8. CITIZENS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Citizens' Advisory Committee.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Citizens' Advisory Committee shall be composed of 39 members, of whom—

(A) 30 members shall be voting members—

(i) of whom—

(I) 6 members shall be residents of, and represent, the State of Alabama;

(II) 6 members shall be residents of, and represent, the State of Florida;

(III) 6 members shall be residents of, and represent, the State of Louisiana;

(IV) 6 members shall be residents of, and represent, the State of Mississippi; and

(V) 6 members shall be residents of, and represent, the State of Texas; and

(ii) each of whom shall represent an interest of the State of which the member represents, including an interest relating to—

(I) the commercial fin fish and shellfish industry;

(II) the charter fishing industry;

(III) the restaurant, hotel, and tourism industries;

(IV) indigenous peoples communities;

(V) the marine and coastal conservation community; and

(VI) incorporated and unincorporated municipalities; and

(B) 9 members shall be nonvoting members, of whom—

(i) 1 member shall be appointed by, and represent, the Secretary of the department in which the Coast Guard is operating;

(ii) 1 member shall be appointed by, and represent, the Administrator of the Environmental Protection Agency;

(iii) 1 member shall be appointed by, and represent, the Administrator of the National Oceanic and Atmospheric Administration;

(iv) 1 member shall be appointed by, and represent, the Secretary of the Interior;

(v) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Alabama;

(vi) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Florida;

(vii) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Louisiana;

(viii) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Mississippi; and

(ix) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Texas.

(2) GEOGRAPHIC BALANCE.—Voting and nonvoting members representing States shall be appointed equally from each State represented on the Citizens' Advisory Committee.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the voting members of the Citizens' Advisory Committee shall be appointed for a term of 3 years.

(2) INITIAL APPOINTMENTS.—To establish the terms of the group of first appointments of voting members to the Citizens' Advisory Committee, a drawing of lots among the initial members shall be conducted under which—

(A) ⅓ of the group shall serve for a period of 3 years;

(B) ⅓ of the group shall serve for a period of 2 years; and

(C) ⅓ of the group shall serve for a period 1 year.

(3) DURATION OF COMMITTEE.—The authority of the Citizens' Advisory Committee shall continue during the lifetime of energy development, transportation, and facility removal activities in the Gulf of Mexico.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Citizens' Advisory Committee shall—

(A) elect a Chairperson from among the members of the Citizens' Advisory Committee;

(B) select a staff; and

(C) make policies with regard to the internal operating procedures of the Citizens' Advisory Committee.

(2) SELF-GOVERNANCE.—

(A) INITIAL MEETING.—After the date on which the Secretary of the department in which the Coast Guard is operating conducts an initial organizational meeting for the Citizens' Advisory Committee, the Citizens' Advisory Committee shall be self-governing.

(B) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Citizens' Advisory Committee have been appointed, the Citizens' Advisory Committee shall hold the initial meeting of the Citizens' Advisory Committee.

(C) PERIODIC MEETINGS.—The Citizens' Advisory Committee shall conduct meetings not less frequently than 1 meeting per calendar year.

(3) TRANSPARENCY.—Subject to subsection (e)(2), the Citizens' Advisory Committee shall—

(A) conduct the operations of the Citizens' Advisory Committee in a manner that is accessible by the public;

(B) ensure that each work product adopted by the Citizens' Advisory Committee is publicly accessible;

(C) conduct not less than 1 meeting during each calendar year that is open to the public, for which the Citizens' Advisory Committee shall provide public notice not later than 30 days before the date of the meeting; and

(D) maintain a public website containing, at a minimum—

(i) recommendations made by the Citizens' Advisory Committee, and information as to whether the recommendations have been adopted (including an explanation of each reason of the Citizens' Advisory Committee for not adopting a recommendation);

(ii) a description of plans under review, carried out in a manner that does not disclose any confidential or privileged information;

(iii) a statement of industry standards; and

(iv) an interactive component that enables the public—

(I) to submit questions and comments; and

(II) to report problems.

(4) CONFLICTS OF INTEREST.—An individual selected as a voting member of the Citizens' Advisory Committee may not engage in any activity that may conflict with the execution of the functions or duties of the individual as a member of the Citizens' Advisory Committee.

(e) INFORMATION FROM FEDERAL AGENCIES AND INDUSTRY.—

(1) IN GENERAL.—The Citizens' Advisory Committee may request directly from any Federal agency information, suggestions, estimates, and statistics to carry out this section.

(2) ACCESS.—The Citizens' Advisory Committee shall have access to—

(A) facilities and nonproprietary records of the oil and gas industry that are relevant to the proper execution of the duties of the Citizens' Advisory Committee under this section; and

(B) records containing proprietary information if—

(i) the records are relevant to the proper execution of the duties of the Citizens' Advisory Committee under this section; and

(ii) the proprietary information is redacted to the extent necessary and appropriate.

(f) COMMITTEE RECOMMENDATIONS.—All recommendations of the Committee shall only be advisory.

(g) LOCATION AND COMPENSATION.—

(1) OFFICE LOCATIONS.—The Council shall establish offices in 1 or more Gulf States, as the Citizens' Advisory Committee determines to be necessary and appropriate to carry out the operations of the Citizens' Advisory Committee.

(2) COMPENSATION.—A member of the Citizens' Advisory Committee shall—

(A) serve without compensation; and

(B) be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code (except by express authorization of the Citizens' Advisory Committee in any case in which the rates are inadequate to reimburse a member not eligible for travel rates of the Federal Government).

(h) REPORTS.—

(1) DUTY OF COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 3 years after the date of establishment of the Citizens' Advisory Committee, and every 3 years thereafter, the Comptroller General of the United States shall submit to the President and the appropriate committees of Congress a report that contains a description of, for the period covered by the report, the operations and expenditures of the Citizens' Advisory Committee in carrying out this section (including any recommendation of the Comptroller General of the United States).

(2) DUTY OF CITIZENS' ADVISORY COMMITTEE.—Not later than 2 years after the date of establishment of the Citizens' Advisory Committee, and every 2 years thereafter, the Citizens' Advisory Committee shall submit to the appropriate committees of Congress a report that contains, for the period covered by the report, a description of—

(A) the extent of achievement of safe operations in the Gulf of oil and gas activities;

(B) unresolved problems and concerns with operations, activities, and plans; and

(C) the operations and expenditures, needs, issues, and recommendations of the Citizens' Advisory Committee.

SEC. 9. SCIENTIFIC ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Scientific Advisory Committee to provide advice to the Council regarding the science behind the Plan and long-term monitoring and restoration of the Gulf coast ecosystem.

(b) MEMBERSHIP.—The Scientific Advisory Committee shall be composed of 16 members, of whom—

(1) 10 shall be voting members, of whom—

(A) with respect to the State of Alabama, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State;

(B) with respect to the State of Florida, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State;

(C) with respect to the State of Louisiana, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State;

(D) with respect to the State of Mississippi, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State; and

(E) with respect to the State of Texas, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State; and

(2) 4 shall be nonvoting members, of whom—

(A) 1 member shall be appointed by the Administrator of the National Oceanic and Atmospheric Administration;

(B) 1 member shall be appointed by the Administrator of the Environmental Protection Agency;

(C) 1 member shall be appointed by the Director of the National Institute for Standards and Technology; and

(D) 1 member shall be appointed by the Secretary of the Interior.

(c) DUTIES.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Scientific Advisory Committee shall prepare and submit to the Council a report that describes, for the period covered by the report, the science regarding—

(1) impacts to the Gulf and Gulf coast from the Gulf oil spill;

(2) the progress of restoration activities for the Gulf and Gulf coast; and

(3) the implementation of the Plan.

SEC. 10. EFFECT ON OTHER LAW.

Nothing in this section supersedes or otherwise affects any provision of Federal law, including, in particular, laws providing recovery for injury to natural resources under the Oil Pollution Act of 1990 (33 U.S.C 2701 et seq.).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 145—DESIGNATING APRIL 15, 2011, AS ''NATIONAL TEA PARTY DAY''

Mr. VITTER (for himself and Mr. LEE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 145

Whereas the deficit, as of April 15, 2011, is the third consecutive deficit in excess of $1,000,000,000,000 in 3 years, and in the history of the United States;

Whereas the taxpayers of the United States understand that the so-called ''Stimulus Bill'', the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), included a laundry list of spending projects that has only increased our national debt;

Whereas passage of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) was undertaken with guarantees of restricting unemployment to levels equal to or less than 8 percent, yet unemployment rates have consistently exceeded 8 percent;

Whereas Congress should pass, and the States should ratify, a balanced budget amendment to the Constitution to ensure structural reform that will force Congress and the President to balance the budget;

Whereas future bailouts of Wall Street have been codified by the Dodd–Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203);

Whereas the taxpayers of the United States understand that the bailouts of Wall Street by the United States Government have been ineffective and a waste of taxpayer funding;

Whereas the Federal Government must borrow approximately 40 cents of every dollar of Federal spending, causing our Nation to continue on an unsustainable path of increasing debt;

Whereas Congress should enact permanently lower tax rates and a simpler tax code so that taxpayers and business owners no longer face heavy compliance costs and the uncertainty of tax rates that increase automatically;

Whereas the taxpayers of the United States agree that the United States Government should stop wasteful spending, reduce the tax burden on families and businesses, and focus on policies that will lead to job creation and economic growth; and

Whereas taxpayers in the United States are expressing their opposition to efforts to raise taxes, the unsustainable debt, the failure to enact systematic budget reforms, and skyrocketing spending by the United States Government by organizing ''Taxed Enough Already'' parties, also known as ''TEA'' parties: Now, therefore, be it

Resolved, That the Senate designates April 15, 2011, as ''National TEA Party Day''.

SENATE RESOLUTION 146—EXPRESSING THE SENSE OF THE SENATE THAT IT IS NOT IN THE VITAL INTEREST OF THE UNITED STATES TO INTERVENE MILITARILY IN LIBYA, CALLING ON NATO TO ENSURE THAT MEMBER STATES DEDICATE THE RESOURCES NECESSARY TO ENSURE THAT OBJECTIVES AS OUTLINED IN THE UNITED NATIONS RESOLUTIONS 1970 AND 1973 ARE ACCOMPLISHED, AND TO URGE MEMBERS OF THE ARAB LEAGUE WHO HAVE YET TO PARTICIPATE IN OPERATIONS OVER LIBYA TO PROVIDE ADDITIONAL MILITARY AND FINANCIAL ASSISTANCE

Mr. ENSIGN (for himself, Mrs. HUTCHISON, and Mr. MANCHIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 146

Whereas, on March 28, 2011, President Barack Obama, in an address to the Nation, said ''. . . at my direction, America led an effort with our allies at the United Nations Security Council to pass a historic resolution that authorized a no-fly zone to stop the regime's attacks from the air and further authorized all necessary measures to protect the Libyan people'';

Whereas, in that same address to the Nation, President Obama said he ordered military action to prevent ''. . . a massacre that would have reverberated across the region and stained the conscience of the world'';

Whereas, on March 19, 2011, following passage of United Nations Resolution 1973, the United States began conducting air and sea strikes against Libya in what was labeled Operation Odyssey Dawn;

Whereas President Obama has not sought from Congress authorization for the use of military force against Libya;

Whereas passage of a non-binding, simple resolution by the Senate is not equivalent to an authorization for the use of military force, passed by both the House and the Senate and signed by the President;

Whereas Senate Resolution 85 (112th Congress) should not be interpreted as an expression of congressional consent for United States military intervention in Libya;

Whereas, on March 31, 2011, the United States Armed Forces transferred command of air operations over Libya to the North Atlantic Treaty Organization (NATO) under Operation Unified Protector;

Whereas, at the time of the transfer to NATO, the United States had conducted 1,206 sorties and launched 216 Tomahawk missiles, while other NATO forces had conducted 784 sorties and launched 7 Tomahawk missiles;

Whereas the United States Armed Forces have performed and continue to perform