AKAKA) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 730, a bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 738

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 740

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 781

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 781, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 807

At the request of Mr. ENZI, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 838

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 853

At the request of Mrs. HAGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 853, a bill to provide for financial literacy education.

S. 868

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 868, a bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program.

S. 877

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 877, a bill to prevent taxpayer-funded elective abortions by applying the longstanding policy of the Hyde amendment to the new health care law.

S. 878

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 878, a bill to amend section 520 of the Housing Act of 1949 to revise the requirements for areas to be considered as rural areas for purposes of such Act.

S. 883

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 883, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

S. 896

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 896, a bill to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. RES. 80

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

S. RES. 150

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

S. RES. 172

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as ''National Cancer Research Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. SHAHEEN (for herself and Ms. AYOTTE):

S. 910. A bill to amend title 38, United States Code, to ensure that veterans in each of the 48 contiguous States are able to receive services in at least one full-service Department of Veterans Affairs medical center in the State or receive comparable services provided by contract in the State, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. SHAHEEN. Mr. President, today I am introducing the Veterans Health Equity Act of 2011. This bill would require the Department of Veterans Affairs to ensure that every State has either a full-service veterans hospital or, in the alternative, that veterans in every State have access to comparable in-state hospital care and medical services. I am pleased that my colleague from New Hampshire, Senator AYOTTE, has agreed to be an original cosponsor of this measure.

New Hampshire is currently the only State that does not have either a full-service veterans medical center or a military hospital providing comparable services to veterans. While the staff of the Manchester VA Medical Center does an excellent job of caring for our State's veterans, this facility does not provide inpatient surgical care, emergency services or care in a number of critical specialties. This imposes a great burden on many New Hampshire veterans who are forced to travel out of state for a range of medical services.

New Hampshire has over 130,000 veterans and this number continues to grow as our troops return from major deployments in the Middle East. It is unconscionable that our veterans must board shuttles to larger VA facilities in Massachusetts or Vermont to get the medical care they have been promised in exchange for their service. Often, especially during the winter months, travel is difficult in New England, and our veterans should not be forced to drive long distances in order to receive the medical care they have earned and deserve.

Our goal is to ensure that New Hampshire veterans get the care they need as close to home as possible. This legislation provides the Department of Veterans Affairs with the flexibility to achieve this end in the most cost-effective manner. If it is not feasible for the VA to construct a new full-service hospital in New Hampshire or to provide the full panoply of hospital services at its existing medical center in Manchester, the legislation simply requires the VA to contract with other health providers to offer comparable in-state care.

I introduced similar legislation in the 111th Congress with our former colleague, Senator Judd Gregg. Since that time, the VA has established an effective contractual relationship with one hospital in New Hampshire, Concord Hospital, to expand in-state care for our veterans. I believe this type of partnership could be readily expanded. I have begun working with officials at the Department of Veterans Affairs to

find innovative ways to enhance public-private health care partnerships in New Hampshire and look forward to furthering that dialogue.

Our veterans deserve access to first-rate medical care, regardless of where they live. There are full-service veterans hospitals in 47 States and veterans in Alaska and Hawaii are able to receive care at military hospitals. New Hampshire alone has neither. I am hopeful that my colleagues will recognize this inequity and support this effort to provide New Hampshire veterans with the same access to quality local health care that veterans in every other State enjoy.

I look forward to working with the entire New Hampshire congressional delegation, with my Senate colleagues and with the Obama administration to end this injustice.

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. 910

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 ''Veterans Health Equity Act of 2011''.

SEC. 2. AVAILABILITY OF FULL-SERVICE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS IN CERTAIN STATES OR PROVISION OF COMPARABLE SERVICES THROUGH CONTRACT WITH OTHER HEALTH CARE PROVIDERS IN THE STATE.

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1706 the following new section:

''§ 1706A. Management of health care: access to full-service Department medical centers in certain States or comparable services through contract

''(a) REQUIREMENT.—With respect to each of the 48 contiguous States, the Secretary shall ensure that veterans in the State eligible for hospital care and medical services under section 1710 of this title have access—

''(1) to at least one full-service Department medical center in the State; or

''(2) to hospital care and medical services comparable to the services typically provided by full-service Department medical centers through contract with other health care providers in the State.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit the ability of the Secretary to provide enhanced care to an eligible veteran who resides in one State in a Department medical center in another State.

''(c) LIMITATION ON REQUIREMENT.—Subsection (a) shall be effective in any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

''(d) FULL-SERVICE DEPARTMENT MEDICAL CENTER DEFINED.—In this section, the term 'full-service Department medical center' means a facility of the Department that provides medical services, including hospital care, emergency medical services, and surgical care rated by the Secretary as having a surgical complexity level of standard.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1706 the following new item:

''1706A. Management of health care: access to full-service Department medical centers in certain States or comparable services through contract.''.

(c) REPORT ON IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report describing the extent to which the Secretary has complied with the requirement imposed by section 1706A of title 38, United States Code, as added by subsection (a), including the effect of such requirement on improving the quality and standards of care provided to veterans.

Ms. AYOTTE. Mr. President, I rise today to highlight the Veteran's Health Equity Act, a bill I am introducing with my colleague from the Granite State, Senator JEANNE SHAHEEN. I am pleased to support this bipartisan legislation that addresses an issue of importance to our Nation's heroic military veterans, especially in my home State of New Hampshire.

As a military spouse, I personally understand the commitment and sacrifice required of our service members and their families, and I am fully committed to ensuring that our heroes have access to the support and care they have earned. The bill we are introducing would level the playing field for veterans by requiring the Department of Veterans Affairs to guarantee that veterans in every State have access to hospital care within their borders. As it stands now, New Hampshire is the only state in the nation without a full-service VA hospital or military hospital providing equivalent care to veterans. Specifically, the Veteran's Health Equity Act would require the VA to either provide a full-service VA hospital in every State or contract with civilian hospitals to provide veterans with a comparable level of care.

While some States, like Alaska and Hawaii, rely on large military medical facilities to compensate for gaps in VA medical care, New Hampshire lacks the military medical facilities to compensate for a lack of a full-service VA hospital. Yet, New Hampshire has one of the highest rates of veterans per capita in the country. New Hampshire veterans must travel out of State to Maine, Massachusetts, or Vermont to access certain kinds of specialty care. Elderly veterans are often bused by volunteers during the treacherous winter months to an out of state service provider only to have their appointment canceled. Simply put, the lack of a full-service VA hospital in New Hampshire is unacceptable and our veterans deserve better.

As a member of the Armed Services Committee, I will continue to press for a full-service VA hospital in New Hampshire and explore all legislative remedies to ensure that our New Hampshire veterans receive the care they deserve. My 95 year old grandfather, John Sullivan, a World War II veteran, and veterans like him who have selflessly served our country, have earned high-quality medical care that is commensurate with their courageous service. We must honor our commitments to America's brave veterans. The Veteran's Health Equity Act will help ensure every veteran in the United States can access quality medical care without having to travel to another State.

By Mr. ROCKEFELLER:

S. 913. A bill to require the Federal Trade Commission to prescribe regulations regarding the collection and use of personal information obtained by tracking the online activity of an individual, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKFELLER. Mr. President, I rise to introduce the Do-Not-Track Online Act of 2011; and I ask for unanimous consent that the bill be printed for the record. This bill is a first step towards furthering consumer privacy by empowering Americans with the ability to control their personal information and prevent online companies from collecting and using that information, if they so choose.

Do-Not-Track is a simple concept. It allows consumers, with a simple click of the mouse or the press of the button, to tell the entire online world, ''Do not collect information about me. I care about my privacy. And I do not want my information used in ways I do not expect or approve of.'' Under my bill, online companies would have to honor that user declaration, and cease the information collection and use practices to which consumers have said, ''no.'' My bill would direct the Federal Trade Commission to issue regulations that establish standards for a do- not-track mechanism and obligate online companies to accommodate that consumer preference.

This bill is necessary because Americans' privacy is increasingly under surveillance as they conduct their affairs online. Whether it is a mother at home on a computer researching the symptoms of her sick child, a man exploring how to change jobs or buy a home, or a teenager using her smartphone while riding the subway, online companies are collecting vast amounts of information about all of this activity, often surreptitiously and with consumers completely unaware. There are a vast array of companies collecting this information in numerous ways: third-party advertising networks place ''cookies'' on computer web-browsers to keep track of the websites consumers have visited; analytic and marketing companies identify individual computers by recognizing the unique configuration, or ''fingerprint,'' of web-browsers; and software applications installed on mobile devices, colloquially known as ''apps'', that collect, use, and disseminate information about consumer location, contact information, and other personal matters. All of this information is being stored on computer servers around the world and is used for a variety of purposes, ranging

from online behavioral advertising to internal analytics to the creation of personal dossiers by data brokers who build comprehensive profiles on individual Americans.

My bill will empower consumers, if they so choose, to stem the tide. It gives them the means to prohibit the collection of their information from the start. Consumers will be able to notify companies who are collecting their personal information that they want those collection practices to stop. If online companies fail to obey this request, they will face stiff penalties from the Federal Trade Commission or state Attorneys General.

The strength of this bill is its simplicity. Congress has long grappled with consumer privacy through the lens of ''notice and consent.'' That is, for over a decade in the Senate Commerce Committee, which I chair, we have tried to determine how online companies can provide clear and conspicuous notice to consumers about their commercial information practices; and once this notice has been given, further determine how consumers can either opt-in or opt-out of those information collection practices.

The endeavor has proven complicated and often unworkable: privacy policies are often long and tedious, replete with technical legalese. These notices don't work well on a full screen computer, much less on a small hand-held mobile device, and consumers often ignore them. Further, consumer consent has been dependent on the type of information that is being collected and who is doing the collection. For instance, should a third-party advertising network be subject to the same restrictions as the Washington Post website that hosts the ad network? Should Apple be allowed to collect information about a person's iPhone, but an application be prohibited? Should companies differentiate between particularly sensitive information—such as health or political activities—and more innocuous information such as which sports teams someone may like?

My Do-Not-Track bill avoids all of these messy policy considerations and provides consumers with the opportunity to take advantage of an easy mechanism that says ''no'' to anyone and everyone collecting their information. Period.

I think it is worth noting that the FTC has recognized the utility of do-not-track in its December 2010 report on consumer privacy. The report states: ''Such a mechanism would ensure that consumers would not have to exercise choices on a company-by-company or industry-by-industry basis, and that such choices would be persistent. It should also address some of the concerns with the existing browser mechanisms, by being more clear, easy-to-locate, and effective, and by conveying directly to websites the user's choice to opt out of tracking.'' Indeed, the private sector has similarly recognized the utility of do-not-track. Mozilla's popular web browser, Firefox, and Apple's web browser, Safari, already allow consumers to affirmatively declare a do-not-track preference to websites. The problem is that online companies have no legal obligation to honor this request. My bill fixes that.

Let me say a few words about what this bill does not do. My bill would not ''break the Internet.'' I am sure that we will hear such hyperbole in opposition to the bill. The truth is that my bill makes all of the necessary accommodations for online companies to use information as is necessary to allow companies to provide the content and services consumers have grown to expect and enjoy. For instance, websites will still be able to use IP addresses to deliver content, and will be allowed to collect data to perform internal analytics and improve performance. Applications will still be able to use a phone's Unique Device Identifier—also known as UDID—to perform their functions as they are supposed to. However, when consumers state that they do not want to be tracked, online services will no longer be allowed to collect and use this information for any extraneous purpose, and they will be obligated to immediately destroy or anonymize the information once it is no longer needed to provide the service requested. Furthermore, my bill allows online companies to collect and maintain consumer information when it has been voluntarily provided by the consumer. Consumers also can allow companies they trust to collect and use their information by providing specific consent that overrides a general do-not-track preference.

As such, my bill empowers consumers to stop online companies from collecting and using their information, but also preserves the ability of those online companies to conduct their business and deliver the content and services that consumers expect. The bill provides the FTC with rulemaking authority to use its expertise to protect the privacy interests of consumers while addressing the legitimate needs of industry.

To be clear, my bill is not a comprehensive consumer privacy bill, nor is it meant to be. Do-not-track is just one aspect to consumer privacy albeit an important one. Other Members of the Commerce Committee are actively engaged in protecting consumer privacy interests. I want to commend Senator KERRY, who is a senior Member of the Commerce Committee, and Senator MCCAIN for their efforts and for introducing legislation designed to establish a broad privacy framework. I also commend Senator PRYOR's dedication to privacy protection and the vigorous oversight of his Subcommittee. I expect consumer privacy to remain a focus of the Congress and the Members of the Commerce Committee with more legislation being introduced in the coming weeks and months.

In the end, my Do-Not-Track bill is a part of the ongoing discussion on consumer privacy in Congress. It is simple, yet powerful. It allows consumers, if they choose—and I should emphasize that many will not make such a choice—to stop the constant, almost mind-boggling sweep of online companies that are collecting vast amounts of consumer information. It prohibits those lurking in the cyber-shadows from surreptitiously profiting off of the personal, private information of ordinary Americans. I look forward to working with my colleagues on this and other privacy legislative efforts in the Commerce Committee and on the Senate floor.

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

S. 913

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 ''Do-Not-Track Online Act of 2011''.

SEC. 2. REGULATIONS RELATING TO "DO-NOT-TRACK" MECHANISMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Federal Trade Commission shall promulgate—

(1) regulations that establish standards for the implementation of a mechanism by which an individual can simply and easily indicate whether the individual prefers to have personal information collected by providers of online services, including by providers of mobile applications and services; and

(2) rules that prohibit, except as provided in subsection (b), such providers from collecting personal information on individuals who have expressed, via a mechanism that meets the standards promulgated under paragraph (1), a preference not to have such information collected.

(b) EXCEPTION.—The rules promulgated under paragraph (2) of subsection (a) shall allow for the collection and use of personal information on an individual described in such paragraph, notwithstanding the expressed preference of the individual via a mechanism that meets the standards promulgated under paragraph (1) of such subsection, to the extent—

(1) necessary to provide a service requested by the individual, including with respect to such service, basic functionality and effectiveness, so long as such information is anonymized or deleted upon the provision of such service; or

(2) the individual—

(A) receives clear, conspicuous, and accurate notice on the collection and use of such information; and

(B) affirmatively consents to such collection and use.

(c) FACTORS.—In promulgating standards and rules under subsection (a), the Federal Trade Commission shall consider and take into account the following:

(1) The appropriate scope of such standards and rules, including the conduct to which such rules shall apply and the persons required to comply with such rules.

(2) The technical feasibility and costs of—

(A) implementing mechanisms that would meet such standards; and

(B) complying with such rules.

(3) Mechanisms that—

(A) have been developed or used before the date of the enactment of this Act; and

(B) are for individuals to indicate simply and easily whether the individuals prefer to

have personal information collected by providers of online services, including by providers of mobile applications and services.

(4) How mechanisms that meet such standards should be publicized and offered to individuals.

(5) Whether and how information can be collected and used on an anonymous basis so that the information—

(A) cannot be reasonably linked or identified with a person or device, both on its own and in combination with other information; and

(B) does not qualify as personal information subject to the rules promulgated under subsection (a)(2).

(6) The standards under which personal information may be collected and used, subject to the anonymization or deletion requirements of subsection (b)(1)—

(A) to fulfill the basic functionality and effectiveness of an online service, including a mobile application or service;

(B) to provide the content or services requested by individuals who have otherwise expressed, via a mechanism that meets the standards promulgated under subsection (a)(1), a preference not to have personal information collected; and

(C) for such other purposes as the Commission determines substantially facilitates the functionality and effectiveness of the online service, or mobile application or service, in a manner that does not undermine an individual's preference, expressed via such mechanism, not to collect such information.

(d) RULEMAKING.—The Federal Trade Commission shall promulgate the standards and rules required by subsection (a) in accordance with section 553 of title 5, United States Code.

SEC. 3. ENFORCEMENT OF "DO-NOT-TRACK" MECHANISMS.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of a rule promulgated under section 2(a)(2) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Except as provided in subparagraph (C), any person who violates this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) NONPROFIT ORGANIZATIONS.—The Federal Trade Commission shall enforce this Act with respect to an organization that is not organized to carry on business for its own profit or that of its members as if such organization were a person over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)).

(b) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule promulgated under section 2(a)(2) in a practice that violates the rule, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such rule by such person;

(B) to compel compliance with such rule;

(C) to obtain damages, restitution, or other compensation on behalf of such residents;

(D) to obtain such other relief as the court considers appropriate; or

(E) to obtain civil penalties in the amount determined under paragraph (2).

(2) CIVIL PENALTIES.—

(A) CALCULATION.—Subject to subparagraph (B), for purposes of imposing a civil penalty under paragraph (1)(E) with respect to a person that violates a rule promulgated under section 2(a)(2), the amount determined under this paragraph is the amount calculated by multiplying the number of days that the person is not in compliance with the rule by an amount not greater than $16,000.

(B) MAXIMUM TOTAL LIABILITY.—The total amount of civil penalties that may be imposed with respect to a person that violates a rule promulgated under section 2(a)(2) shall not exceed $15,000,000 for all civil actions brought against such person under paragraph (1) for such violation.

(C) ADJUSTMENT FOR INFLATION.—Beginning on the date on which the Bureau of Labor Statistics first publishes the Consumer Price Index after the date that is 1 year after the date of the enactment of this Act, and annually thereafter, the amounts specified in subparagraphs (A) and (B) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(3) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Federal Trade Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Federal Trade Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(4) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(5) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of a rule promulgated under section 2(a)(2), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(7) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

SEC. 4. BIENNIAL REVIEW AND ASSESSMENT.

Not later than 2 years after the effective date of the regulations initially promulgated under section 2, the Federal Trade Commission shall—

(1) review the implementation of this Act;

(2) assess the effectiveness of such regulations, including how such regulations define or interpret the term "personal information" as such term is used in section 2;

(3) assess the effect of such regulations on online commerce; and

(4) submit to Congress a report on the results of the review and assessments required by this section.

By Mr. BEGICH (for himself, Mr. GRASSLEY, and Mr. TESTER):

S. 914. A bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BEGICH. Mr. President, today I rise to introduce legislation to amend title 38, related to this Nation's obligation to provide benefits to our veterans. Specifically, the bill I introduce today with my distinguished colleagues, Senator GRASSLEY of Iowa and Senator TESTER of Montana, will waive collection of copayments for telehealth and telemedicine visits for Veterans.

More than 42,000 veterans are receiving care in their homes, enrolled in the Veterans Health Administration's, VHA, Telemedicine program as one form of treatment. In Alaska, as of March 2010, there were 226 veterans receiving this service. Just over a 100 of those live in rural Alaska.

Home Telehealth programs provide needed care for the 2–3 percent of veterans who account for 30 percent or more of agency resources. These men and women are frequent clinic attendees and often require urgent hospital admissions. VHA programs have demonstrated reduced hospital admissions and clinic and emergency room

visits, and contribute to an improved quality of life for our veterans.

For no group of veterans is this service more important than for those who live in rural and remote America. Telemedicine has become an increasingly integral component in addressing the needs of veterans residing in rural and remote areas, and is critical to ensuring they have proper access to health care, especially in rural areas.

While the VHA is saving taxpayers money by usingtelemedicine, currently all telemedicine visits require veterans receiving these treatments to make copayments. My legislation would implement a simple fix. It would waive the required copayments—sometimes up to $50 per visit—to lessen the burden on our veterans, who have sacrificed in service to our great nation. I believe that waiving these fees may encourage more veterans to take advantage of VHA's telehealth programs, which can be a godsend for rural veterans with few other viable options.

For rural veterans in Alaska, who have to travel by small float planes or boats or even snow machines to get to the nearest clinic for monitoring of their diabetes, high blood pressure, or other chronic conditions, Congress can go a long way in repaying this Nation's debt to our veterans by passing this legislation.

The VHA plans to expand Home Telehealth for weight management, substance abuse, mild traumatic brain injury, dementia, and palliative care, as well as enabling veterans to use mobile devices to access care. I would hate to see these vital services go unused by veterans living in remote villages and communities because of the cost of copayments. But, this is not primarily about saving veterans money. This is about the federal government doing what is good for our veterans. The monetary benefits for veterans are a plus.

Basically, this legislation will amend title 38 to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans by giving the Secretary the authority to do so.

In closing, I must say it is an honor for me to serve as a member of the Senate Veterans' Affairs Committee. I feel very privileged to be involved with policy formation that helps our veterans. I appreciate my distinguished colleagues on the committee.

This is a bipartisan bill to address an issue with no partisan connection. I strongly encourage my colleagues to join Senators GRASSLEY, TESTER, and me in cosponsoring this legislation, and I urge expeditious consideration of the legislation to address a growing need for our rural veterans.

By Mr. BINGAMAN:

S. 916. A bill to facilitate appropriate oil and gas development on Federal land and waters, to limit dependence of the United States on foreign sources of oil and gas, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the Oil and Gas Facilitation Act of 2011. This is a bill to facilitate appropriate oil and gas development on Federal land and waters, and to limit the dependence of the United States on foreign sources of energy.

For example, its provisions will increase our understanding of our oil and gas resources, coordinate interagency activity on permitting for oil and gas development, and facilitate transportation of Alaskan oil and natural gas.

Its provisions are drawn from a bill reported out of the Committee on Energy and Natural Resources on a bipartisan basis in the last Congress. I look forward to working with my colleagues on both sides of the aisle as we move forward on these issues in this Congress.

Mr. President, I ask unanimous consent that the text of this 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. 916

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 ''Oil and Gas Facilitation Act of 2011''.

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

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

TITLE I—OIL AND GAS LEASING

Sec. 101. Extension of Oil and Gas Permit Processing Improvement Fund.
Sec. 102. Facilitation of coproduction of geothermal energy on oil and gas leases.

TITLE II—OUTER CONTINENTAL SHELF

Sec. 201. Comprehensive inventory of outer Continental Shelf resources.
Sec. 202. Alaska OCS permit processing coordination office.
Sec. 203. Phase-out of mandatory Outer Continental Shelf deep water and deep gas royalty relief for future leases.

TITLE III—MISCELLANEOUS

Sec. 301. Facilitation of Alaska natural gas pipeline.
Sec. 302. Exemption of trans-Alaska oil pipeline system from certain requirements.
Sec. 303. Permits for natural gas pipeline in Denali National Park and Preserve.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Interior.

TITLE I—OIL AND GAS LEASING

SEC. 101. EXTENSION OF OIL AND GAS PERMIT PROCESSING IMPROVEMENT FUND.

Section 35(c) of the Mineral Leasing Act (30 U.S.C. 191(c)) is amended by adding at the end the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Fund, or to the extent adequate funds in the Fund are not available from miscellaneous receipts of the Treasury, for the coordination and processing of oil and gas use authorizations and for oil and gas inspection and enforcement on onshore Federal land under the jurisdiction of the Pilot Project offices described in section 365(d) of the Energy Policy Act of 2005 (42 U.S.C. 15924(d)) $20,000,000 for each of fiscal years 2016 through 2020, to remain available until expended.''.

SEC. 102. FACILITATION OF COPRODUCTION OF GEOTHERMAL ENERGY ON OIL AND GAS LEASES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

''(4) LAND SUBJECT TO OIL AND GAS LEASE.—Land under an oil and gas lease issued pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) that is subject to an approved application for permit to drill and from which oil and gas production is occurring may be available for leasing under subsection (c) by the holder of the oil and gas lease—

''(A) on a determination that—

''(i) geothermal energy will be produced from a well producing or capable of producing oil and gas; and

''(ii) the public interest will be served by the issuance of such a lease; and

''(B) in order to provide for the coproduction of geothermal energy with oil and gas.''.

TITLE II—OUTER CONTINENTAL SHELF

SEC. 201. COMPREHENSIVE INVENTORY OF OUTER CONTINENTAL SHELF RESOURCES.

(a) IN GENERAL.—Section 357 of the Energy Policy Act of 2005 (42 U.S.C. 15912) is amended—

(1) in subsection (a)—

(A) by striking the first sentence of the matter preceding paragraph (1) and inserting the following: ''The Secretary shall conduct a comprehensive inventory of oil and natural gas (including executing or otherwise facilitating seismic studies of resources) and prepare a summary (the latter prepared with the assistance of, and based on information provided by, the heads of appropriate Federal agencies) of the information obtained under paragraph (3), for the waters of the United States Outer Continental Shelf (referred to in this section as the 'OCS') in the Atlantic Region, the Eastern Gulf of Mexico, and the Alaska Region.'';

(B) in paragraph (2)—

(i) by striking ''3-D'' and inserting ''2-D and 3-D''; and

(ii) by adding ''and'' at the end; and

(C) by striking paragraphs (3) through (5) and inserting in the following:

''(3) use existing inventories and mapping of marine resources undertaken by the National Oceanographic and Atmospheric Administration and with the assistance of and based on information provided by the Department of Defense and other Federal and State agencies possessing relevant data, and use any available data regarding alternative energy potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses.''; and

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

''(b) IMPLEMENTATION.—The Secretary shall carry out the inventory and analysis under subsection (a) in 3 phases, with priority given to all or part of applicable planning areas of the outer Continental Shelf—

''(1) estimated to have the greatest potential for energy development in barrel of oil equivalent; and

''(2) outside of any leased area or area scheduled for leasing prior to calendar year 2011 under any outer Continental Shelf 5-year leasing program or amendment to the program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

''(c) PLAN.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that provides a plan for executing or otherwise facilitating the seismic studies required under this section, including an estimate of the costs to complete the seismic inventory by region and environmental and permitting activities to facilitate expeditious completion.

''(2) FIRST PHASE.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to Congress a report describing the results of the first phase of the inventory and analysis under subsection (a).

''(3) SUBSEQUENT PHASES.—Not later than 2 years after the date on which the report is submitted under paragraph (2) and 2 years thereafter, the Secretary shall submit to Congress a report describing the results of the second and third phases, respectively, of the inventory and analysis under subsection (a).

''(4) PUBLIC AVAILABILITY.—A report submitted under paragraph (2) or (3) shall be—

''(A) made publicly available; and

''(B) updated not less frequently than once every 5 years.''.

(b) RELATIONSHIP TO 5-YEAR PROGRAM.—The requirement that the Secretary carry out the inventory required by the amendment made by subsection (a) shall not be considered to require, authorize, or provide a basis or justification for delay by the Secretary or any other agency of the issuance of any outer Continental Shelf leasing program or amendment to the program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), or any lease sale pursuant to that section.

(c) PERMITS.—Nothing in this section or an amendment made by this section—

(1) precludes the issuance by the Secretary of a permit to conduct geological and geophysical exploration of the outer Continental Shelf in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and other applicable law; or

(2) otherwise alters the requirements of applicable law with respect to the issuance of such a permit or any other activities undertaken by the Secretary in connection with the inventory.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to be available until expended without fiscal year limitation—

(1) $100,000,000 for each of fiscal years 2012 through 2017; and

(2) $50,000,000 for each of fiscal years 2018 through 2022.

SEC. 202. ALASKA OCS PERMIT PROCESSING COORDINATION OFFICE.

(a) ESTABLISHMENT.—The Secretary shall establish a regional joint outer Continental Shelf lease and permit processing office for the Alaska outer Continental Shelf region.

(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; and

(D) any other Federal agency that may have a role in permitting activities.

(2) STATE PARTICIPATION.—The Secretary shall request that the Governor of Alaska be a signatory to the memorandum of understanding.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), each Federal signatory party shall, if appropriate, assign to the office described in subsection (a) 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.

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

(A) not later than 90 days after the date of assignment, report to the office described in subsection (a);

(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.

(d) TRANSFER OF FUNDS.—For the purposes of coordination and processing of oil and gas use authorizations for the Alaska 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) any other Federal agency having a role in permitting activities; and

(5) the State of Alaska.

(e) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency for employees that are assigned to the coordination office.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2012 through 2022, to remain available until expended.

SEC. 203. PHASE-OUT OF MANDATORY OUTER CONTINENTAL SHELF DEEP WATER AND DEEP GAS ROYALTY RELIEF FOR FUTURE LEASES.

(a) IN GENERAL.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) ADMINISTRATION.—The Secretary shall not be required to provide for royalty relief in the lease sale terms beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published.

TITLE III—MISCELLANEOUS

SEC. 301. FACILITATION OF ALASKA NATURAL GAS PIPELINE.

Section 116 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence, by inserting before the period at the end the following: '', except that a holder of a certificate may request the Secretary to extend the period to issue Federal guarantee instruments for not more than 180 days following the date of resolution of any reopening, contest, or other proceeding relating to the certificate''; and

(B) in the second sentence, by inserting before the period at the end the following: '', or connecting to pipeline infrastructure capable of delivering commercially economic quantities of natural gas to the continental United States'';

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2) (as so redesignated), by striking ''and completion guarantees'';

(3) in subsection (c)(2), by striking ''$18,000,000,000'' and inserting ''$30,000,000,000'';

(4) in subsection (d)—

(A) in the first sentence of paragraph (1), by inserting before the period at the end the following: '', except that an issued loan guarantee instrument shall apply to not less than 80 percent of project costs unless by previous consent of the borrower''; and

(B) in paragraph (2), by striking ''An eligible'' and inserting ''A''; and

(5) in subsection (g)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2) (as so redesignated), by inserting before the period at the end the following: ''under subsection (a)(3), including direct lending from the Federal Financing Bank of all or a part of the amount to the holder, in lieu of a guarantee''.

SEC. 302. EXEMPTION OF TRANS-ALASKA OIL PIPELINE SYSTEM FROM CERTAIN REQUIREMENTS.

The Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) is amended by adding at the end the following:

''SEC. 208. EXEMPTION OF TRANS-ALASKA OIL PIPELINE SYSTEM FROM CERTAIN REQUIREMENTS.

''(a) IN GENERAL.—Except as provided in subsection (b), no part of the trans-Alaska oil pipeline system shall be considered to be a district, site, building, structure, or object for purposes of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), regardless of whether all or part of the trans-Alaska oil pipeline system may otherwise be listed on, or eligible for listing on, the National Register of Historic Places.

''(b) INDIVIDUAL ELEMENTS.—

''(1) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior may identify up to 3 sections of the trans-Alaska oil pipeline system that possess national or exceptional historic significance, and that should remain after the pipeline is no longer used for the purpose of oil transportation.

''(2) HISTORIC SITE.—Any sections identified under paragraph (1) shall be considered to be a historic site.

''(3) VIEWS.—In making the identification under this subsection, the Secretary shall consider the views of—

''(A) the owners of the pipeline;

''(B) the State Historic Preservation Officer;

''(C) the Advisory Council on Historic Preservation; and

''(D) the Federal Coordinator for Alaska Natural Gas Transportation Projects.

''(c) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subsection (b) does not prohibit the owners of the trans-Alaska oil pipeline system from carrying out construction, maintenance, restoration, or rehabilitation activities on or for a section of the system described in subsection (b).''.

SEC. 303. PERMITS FOR NATURAL GAS PIPELINE IN DENALI NATIONAL PARK AND PRESERVE.

(a) DEFINITIONS.—In this section:

(1) APPURTENANCE.—

(A) IN GENERAL.—The term ''appurtenance'' includes cathodic protection or test stations, valves, signage, and buried communication and electric cables relating to the operation of high-pressure natural gas transmission.

(B) EXCLUSIONS.—The term ''appurtenance'' does not include compressor stations.

(2) PARK.—The term ''Park'' means the Denali National Park and Preserve in the State of Alaska.

(b) PERMIT.—The Secretary may issue right-of-way permits for—

(1) a high-pressure natural gas transmission pipeline (including appurtenances) in non-wilderness areas within the boundary of Denali National Park within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park; and

(2) any distribution and transmission pipelines and appurtenances that the Secretary determines to be necessary to provide natural gas supply to the Park.

(c) TERMS AND CONDITIONS.—A permit authorized under subsection (b)—

(1) may be issued only—

(A) if the permit is consistent with the laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System;

(B) in accordance with section 1106(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3166(a)); and

(C) if, following an appropriate analysis prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the route of the right-of-way is the route through the Park with the least adverse environmental effects for the Park; and

(2) shall be subject to such terms and conditions as the Secretary determines to be necessary.

By Mr. BINGAMAN:

S. 917. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the Outer Continental Shelf Reform Act of 2011. This is a bill intended to reform the management of energy resources on the Outer Continental Shelf, and to create a culture of excellence for the industry and the regulatory agency going forward.

Following the tragic Deepwater Horizon oil rig accident last year, we have learned a lot about changes that need to be made by the industry and the regulatory agency to ensure that accidents like this never happen again. In addition, we should do more, and create a system for the management of offshore energy development that is a model for the world.

This bill is intended to put in place the changes that can achieve these goals. It is identical to a bill reported unanimously by the Committee on Energy and Natural Resources in the last Congress. In the intervening time since the committee's action, there have been developments and new information that may indicate the need to update or change some parts of the bill. But, as we begin to work on this issue again in the committee, I believe that it is sensible to start with last year's bill. I look forward to working with my colleagues on both sides of the aisle to address these important issues.

Mr. President, I ask unanimous consent that the text of this 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. 917

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 ''Outer Continental Shelf Reform 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. Purposes.
Sec. 3. Definitions.
Sec. 4. National policy for the outer Continental Shelf.
Sec. 5. Structural reform of outer Continental Shelf program management.
Sec. 6. Safety, environmental, and financial reform of the Outer Continental Shelf Lands Act.
Sec. 7. Study on the effect of the moratoria on new deepwater drilling in the Gulf of Mexico on employment and small businesses.
Sec. 8. Reform of other law.
Sec. 9. Safer oil and gas production.
Sec. 10. National Commission on Outer Continental Shelf Oil Spill Prevention.
Sec. 11. Classification of offshore systems.
Sec. 12. Savings provisions.
Sec. 13. Budgetary effects.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to rationalize and reform the responsibilities of the Secretary of the Interior with respect to the management of the outer Continental Shelf in order to improve the management, oversight, accountability, safety, and environmental protection of all the resources on the outer Continental Shelf;

(2) to provide independent development and enforcement of safety and environmental laws (including regulations) governing—

(A) energy development and mineral extraction activities on the outer Continental Shelf; and

(B) related offshore activities; and

(3) to ensure a fair return to the taxpayer from, and independent management of, royalty and revenue collection and disbursement activities from mineral and energy resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(2) OUTER CONTINENTAL SHELF.—The term ''outer Continental Shelf'' has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

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

SEC. 4. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be managed in a manner that—

''(A) recognizes the need of the United States for domestic sources of energy, food, minerals, and other resources;

''(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

''(C) acknowledges the long-term economic value to the United States of the balanced and orderly management of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;'';

(2) in paragraph (4)(C), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

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

''(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that provides reasonable assurance of adequate protection against harm to life, health, the environment, property, or other users of the waters, seabed, or subsoil; and''; and

(6) in paragraph (7) (as so redesignated)—

(A) by striking ''should be'' and inserting ''shall be''; and

(B) by adding ''best available'' after ''using''.

SEC. 5. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding to the end the following:

''SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.

''(a) LEASING, PERMITTING, AND REGULATION BUREAUS.—

''(1) ESTABLISHMENT OF BUREAUS.—

''(A) IN GENERAL.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior not more than 2 bureaus to carry out the leasing, permitting, and safety and environmental regulatory functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) related to the outer Continental Shelf.

''(B) CONFLICTS OF INTEREST.—In establishing the bureaus under subparagraph (A), the Secretary shall ensure, to the maximum extent practicable, that any potential organizational conflicts of interest related to leasing, revenue creation, environmental protection, and safety are eliminated.

''(2) DIRECTOR.—Each bureau shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) COMPENSATION.—Each Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) QUALIFICATIONS.—Each Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

''(b) ROYALTY AND REVENUE OFFICE.—

''(1) ESTABLISHMENT OF OFFICE.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior an office to carry out the royalty and revenue management functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

''(2) DIRECTOR.—The office established under paragraph (1) shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) QUALIFICATIONS.—The Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

''(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act (5 U.S.C. App.), an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this subsection as the 'Board'), to provide the Secretary and the Directors of the bureaus established under this section with independent peer-reviewed scientific and technical advice on safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

''(2) MEMBERSHIP.—

''(A) SIZE.—

''(i) IN GENERAL.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, and other disciplines related to safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

''(ii) CONSULTATION.—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for membership on the Board.

''(B) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

''(C) CHAIR.—The Secretary shall appoint the Chair for the Board.

''(3) MEETINGS.—The Board shall—

''(A) meet not less than 3 times per year; and

''(B) at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of outer Continental Shelf energy and mineral resource activities.

''(4) REPORTS.—Reports of the Board shall—

''(A) be submitted to Congress; and

''(B) made available to the public in an electronically accessible form.

''(5) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending a meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

''(d) SPECIAL PERSONNEL AUTHORITIES.—

''(1) DIRECT HIRING AUTHORITY FOR CRITICAL PERSONNEL.—

''(A) IN GENERAL.—Notwithstanding sections 3104, 3304, and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified accountants, scientists, engineers, or critical technical personnel into the competitive service, as officers or employees of any of the organizational units established under this section.

''(B) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Secretary shall ensure that any action taken by the Secretary—

''(i) is consistent with the merit principles of chapter 23 of title 5, United States Code; and

''(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

''(2) CRITICAL PAY AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of any of the organizational units established under this section, if the Secretary certifies that—

''(i) the positions—

''(I) require expertise of an extremely high level in a scientific or technical field; and

''(II) any of the organizational units established in this section would not successfully accomplish an important mission without such an individual; and

''(ii) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

''(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

''(i) The number of critical positions authorized by subparagraph (A) may not exceed 40 at any 1 time in either of the bureaus established under this section.

''(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

''(iii) An individual appointed under subparagraph (A) may not have been an employee of the Department of the Interior during the 2-year period prior to the date of appointment.

''(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

''(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

''(C) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this paragraph.

''(3) REEMPLOYMENT OF CIVILIAN RETIREES.—

''(A) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of any of the organizational units established under this section for which suitably qualified candidates do not exist.

''(B) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subparagraph (A)—

''(i) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

''(ii) may not elect to have retirement contributions withheld from the pay of the annuitant;

''(iii) may not use any employment under this paragraph as a basis for a supplemental or recomputed annuity; and

''(iv) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

''(C) LIMITATION ON TERM.—The term of employment of any individual hired under subparagraph (A) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

''(e) CONTINUITY OF AUTHORITY.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to the date of enactment of this section—

''(1) to the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the appropriate bureaus and offices established under this section;

''(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the Director of the bureau or office under this section to whom the Secretary has assigned the respective duty or authority; and

''(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to that same or equivalent position in the appropriate bureau or office established under this section.''.

(b) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Bureau of Mines, Department of the Interior'' and inserting the following:

''Bureau Directors, Department of the Interior (2).

''Director, Royalty and Revenue Office, Department of the Interior.''.

SEC. 6. SAFETY, ENVIRONMENTAL, AND FINANCIAL REFORM OF THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

''(r) SAFETY CASE.—The term 'safety case' means a complete set of safety documentation that provides a basis for determining whether a system is adequately safe for a given application in a given environment.''.

(b) ADMINISTRATION OF LEASING.—Section 5(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)) is amended in the second sentence—

(1) by striking ''The Secretary may at any time'' and inserting ''The Secretary shall''; and

(2) by inserting after ''provide for'' the following: ''operational safety, the protection of the marine and coastal environment,''.

(c) MAINTENANCE OF LEASES.—Section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335) is amended by adding at the end the following:

''(f) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall—

''(1) review the minimum financial responsibility requirements for mineral leases under subsection (a)(11); and

''(2) adjust for inflation based on the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, and recommend to Congress any further changes to existing financial responsibility requirements necessary to permit lessees to fulfill all obligations under this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

''(g) PERIODIC FISCAL REVIEWS AND REPORTS.—

''(1) ROYALTY RATES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary shall carry out a review of, and prepare a report that describes—

''(i) the royalty and rental rates included in new offshore oil and gas leases and the rationale for the rates;

''(ii) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) would yield a fair return to the public while promoting the production of oil and gas resources in a timely manner; and

''(iii) whether, based on the review, the Secretary intends to modify the royalty or rental rates.

''(B) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under subparagraph (A), the Secretary shall provide to the public an opportunity to participate.

''(2) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary in consultation with the Secretary of the Treasury, shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements for bonus bids, rental rates, royalties, oil and gas taxes, income taxes and other significant financial elements, and oil and gas fees.

''(B) INCLUSIONS.—The review shall include—

''(i) information and analyses comparing the offshore bonus bids, rents, royalties, taxes, and fees of the Federal Government to the offshore bonus bids, rents, royalties, taxes, and fees of other resource owners (including States and foreign countries); and

''(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

''(C) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under this paragraph, the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate nongovernmental organizations.

''(D) REPORT.—The Secretary shall prepare a report that contains—

''(i) the contents and results of the review carried out under this paragraph for the period covered by the report; and

''(ii) any recommendations of the Secretary and the Secretary of the Treasury based on the contents and results of the review.

''(E) COMBINED REPORT.—The Secretary may combine the reports required by paragraphs (1) and (2)(D) into 1 report.

''(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes each report under this subsection, the Secretary shall submit copies of the report to—

''(A) the Committee on Energy and Natural Resources of the Senate;

''(B) the Committee on Finance of the Senate;

''(C) the Committee on Natural Resources of the House of Representatives; and

''(D) the Committee on Ways and Means of the House of Representatives.''.

(d) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

''(d) DISQUALIFICATION FROM BIDDING.—No bid for a lease may be submitted by any entity that the Secretary finds, after prior public notice and opportunity for a hearing—

''(1) is not meeting due diligence, safety, or environmental requirements on other leases; or

''(2)(A) is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702); and

''(B) has failed to meet the obligations of the responsible party under that Act to provide compensation for covered removal costs and damages.''.

(e) EXPLORATION PLANS.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended—

(1) in subsection (c)—

(A) in the fourth sentence of paragraph (1), by striking ''within thirty days of its submission'' and inserting ''by the deadline described in paragraph (5)'';

(B) by striking paragraph (3) and inserting the following:

''(3) MINIMUM REQUIREMENTS.—

''(A) IN GENERAL.—An exploration plan submitted under this subsection shall include, in such degree of detail as the Secretary by regulation may require—

''(i) a complete description and schedule of the exploration activities to be undertaken;

''(ii) a description of the equipment to be used for the exploration activities, including—

''(I) a description of the drilling unit;

''(II) a statement of the design and condition of major safety-related pieces of equipment;

''(III) a description of any new technology to be used; and

''(IV) a statement demonstrating that the equipment to be used meets the best available technology requirements under section 21(b);

''(iii) a map showing the location of each well to be drilled;

''(iv)(I) a scenario for the potential blowout of the well involving the highest expected volume of liquid hydrocarbons; and

''(II) a complete description of a response plan to control the blowout and manage the accompanying discharge of hydrocarbons, including—

''(aa) the technology and timeline for regaining control of the well; and

''(bb) the strategy, organization, and resources to be used to avoid harm to the environment and human health from hydrocarbons; and

''(v) any other information determined to be relevant by the Secretary.

''(B) DEEPWATER WELLS.—

''(i) IN GENERAL.—Before conducting exploration activities in water depths greater than 500 feet, the holder of a lease shall submit to the Secretary for approval a deepwater operations plan prepared by the lessee in accordance with this subparagraph.

''(ii) TECHNOLOGY REQUIREMENTS.—A deepwater operations plan under this subparagraph shall be based on the best available technology to ensure safety in carrying out the exploration activity and the blowout response plan.

''(iii) SYSTEMS ANALYSIS REQUIRED.—The Secretary shall not approve a deepwater operations plan under this subparagraph unless the plan includes a technical systems analysis of—

''(I) the safety of the proposed exploration activity;

''(II) the blowout prevention technology; and

''(III) the blowout and spill response plans.''; and

(C) by adding at the end the following:

''(5) DEADLINE FOR APPROVAL.—

''(A) IN GENERAL.—In the case of a lease issued under a sale held after March 17, 2010, the deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

''(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

''(ii) the date that is not later than an additional 180 days after the deadline described in clause (i), if the Secretary makes a finding that additional time is necessary to complete any environmental, safety, or other reviews.

''(B) EXISTING LEASES.—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary, with the consent of the holder of the lease, may extend the deadline applicable to the lease for such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews.'';

(2) by resdesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(3) by striking subsection (d) and inserting the following:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

''(A) before the lessee drills a well in accordance with the plan; and

''(B) before the lessee significantly modifies the well design originally approved by the Secretary.

''(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit until the date of completion of a full review of the well system by not less than 2 agency engineers, including a written determination that—

''(A) critical safety systems (including blowout prevention) will use best available technology; and

''(B) blowout prevention systems will include redundancy and remote triggering capability.

''(3) MODIFICATION REVIEW REQUIRED.—The Secretary may not approve any modification of a permit without a determination, after an additional engineering review, that the modification will not compromise the safety of the well system previously approved.

''(4) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit until the date of completion and approval of a safety and environmental management plan that—

''(A) is to be used by the operator during all well operations; and

''(B) includes—

''(i) a description of the expertise and experience level of crew members who will be present on the rig; and

''(ii) designation of at least 2 environmental and safety managers that—

''(I) are employees of the operator;

''(II) would be present on the rig at all times; and

''(III) have overall responsibility for the safety and environmental management of the well system and spill response plan; and

''(C) not later than May 1, 2012, requires that all employees on the rig meet the training and experience requirements under section 21(b)(4).

''(e) DISAPPROVAL OF EXPLORATION PLAN.—

''(1) IN GENERAL.—The Secretary shall disapprove an exploration plan submitted under this section if the Secretary determines that, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

''(A) implementation of the exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral deposits, national security or defense, or the marine, coastal or human environments;

''(B) the threat of harm or damage would not disappear or decrease to an acceptable extent within a reasonable period of time; and

‘‘(C) the advantages of disapproving the exploration plan outweigh the advantages of exploration.

‘‘(2) COMPENSATION.—If an exploration plan is disapproved under this subsection, the provisions of subparagraphs (B) and (C) of section 25(h)(2) shall apply to the lease and the plan or any modified plan, except that the reference in section 25(h)(2)(C) to a development and production plan shall be considered to be a reference to an exploration plan.’’.

(f) OUTER CONTINENTAL SHELF LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting after ‘‘national energy needs’’ the following: ‘‘and the need for the protection of the marine and coastal environment and resources’’;

(B) in paragraph (1), by striking ‘‘considers’’ and inserting ‘‘gives equal consideration to’’; and

(C) in paragraph (3), by striking ‘‘, to the maximum extent practicable,’’;

(2) in subsection (b)—

(A) in paragraph (3), by striking ‘‘and’’ at the end;

(B) in paragraph (4), by striking the period at the end and inserting ‘‘; and’’; and

(C) by adding at the end the following:

‘‘(5) provide technical review and oversight of the exploration plan and a systems review of the safety of the well design and other operational decisions;

‘‘(6) conduct regular and thorough safety reviews and inspections, and;

‘‘(7) enforce all applicable laws (including regulations).’’;

(3) in the second sentence of subsection (d)(2), by inserting ‘‘, the head of an interested Federal agency,’’ after ‘‘Attorney General’’;

(4) in the first sentence of subsection (g), by inserting before the period at the end the following: ‘‘, including existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf’’; and

(5) by adding at the end the following:

‘‘(i) RESEARCH AND DEVELOPMENT.—

‘‘(1) IN GENERAL.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner.

‘‘(2) INCLUSIONS.—Research and development activities carried out under paragraph (1) may include activities to provide accurate estimates of energy and mineral reserves and potential on the outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.

‘‘(3) LEASING ACTIVITIES.—Research and development activities carried out under paragraph (1) shall not be considered to be leasing or pre-leasing activities for purposes of this Act.’’.

(g) ENVIRONMENTAL STUDIES.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

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

‘‘(a) COMPREHENSIVE AND INDEPENDENT STUDIES.—

‘‘(1) IN GENERAL.—The Secretary shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of environmental and other resource data that are relevant to carrying out the purposes of this Act.

‘‘(2) SCOPE OF RESEARCH.—The programs under this subsection shall include—

‘‘(A) the gathering of baseline data in areas before energy or mineral resource development activities occur;

‘‘(B) ecosystem research and monitoring studies to support integrated resource management decisions; and

‘‘(C) the improvement of scientific understanding of the fate, transport, and effects of discharges and spilled materials, including deep water hydrocarbon spills, in the marine environment.

‘‘(3) USE OF DATA.—The Secretary shall ensure that information from the studies carried out under this section—

‘‘(A) informs the management of energy and mineral resources on the outer Continental Shelf including any areas under consideration for oil and gas leasing; and

‘‘(B) contributes to a broader coordination of energy and mineral resource development activities within the context of best available science.

‘‘(4) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

‘‘(A) be programmatically separate and distinct from the leasing program;

‘‘(B) carry out the environmental studies under this section;

‘‘(C) conduct additional environmental studies relevant to the sound management of energy and mineral resources on the outer Continental Shelf;

‘‘(D) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

‘‘(E) subject to the restrictions of subsections (g) and (h) of section 18, make available to the public studies conducted and data gathered under this section.’’; and

(3) in the first sentence of subsection (b)(1) (as so redesignated), by inserting ‘‘every 3 years’’ after ‘‘shall conduct’’.

(h) SAFETY RESEARCH AND REGULATIONS.—Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in the first sentence of subsection (a), by striking ‘‘Upon the date of enactment of this section,’’ and inserting ‘‘Not later than May 1, 2011, and every 3 years thereafter,’’;

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

‘‘(b) BEST AVAILABLE TECHNOLOGIES AND PRACTICES.—

‘‘(1) IN GENERAL.—In exercising respective responsibilities under this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, to the maximum extent practicable, on existing operations, the use of the best available and safest technologies and practices, if the failure of equipment would have a significant effect on safety, health, or the environment.

‘‘(2) IDENTIFICATION OF BEST AVAILABLE TECHNOLOGIES.—Not later than May 1, 2011, and not later than every 3 years thereafter, the Secretary shall identify and publish an updated list of best available technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response.

‘‘(3) SAFETY CASE.—Not later than May 1, 2011, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf.

‘‘(4) EMPLOYEE TRAINING.—

‘‘(A) IN GENERAL.—Not later than May 1, 2011, the Secretary shall promulgate regulations setting standards for training for all workers on offshore facilities (including mobile offshore drilling units) conducting energy and mineral resource exploration, development, and production operations on the outer Continental Shelf.

‘‘(B) REQUIREMENTS.—The training standards under this paragraph shall require that employers of workers described in subparagraph (A)—

‘‘(i) establish training programs approved by the Secretary; and

‘‘(ii) demonstrate that employees involved in the offshore operations meet standards that demonstrate the aptitude of the employees in critical technical skills.

‘‘(C) EXPERIENCE.—The training standards under this section shall require that any offshore worker with less than 5 years of applied experience in offshore facilities operations pass a certification requirement after receiving the appropriate training.

‘‘(D) MONITORING TRAINING COURSES.—The Secretary shall ensure that Department employees responsible for inspecting offshore facilities monitor, observe, and report on training courses established under this paragraph, including attending a representative number of the training sessions, as determined by the Secretary.’’; and

(3) by adding at the end the following:

‘‘(g) TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

‘‘(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with outer Continental Shelf energy and mineral resource activities, with the primary purpose of informing the role of research, development, and risk assessment relating to safety, environmental protection, and spill response.

‘‘(2) SPECIFIC AREAS OF FOCUS.—The program under this subsection shall include research, development, and other activities related to—

‘‘(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

‘‘(B) analysis of industry trends in technology, investment, and interest in frontier areas;

‘‘(C) analysis of incidents investigated under section 22;

‘‘(D) reviews of best available technologies, including technologies associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

‘‘(E) oil spill response and mitigation;

‘‘(F) risks associated with human factors; and

‘‘(G) renewable energy operations.

‘‘(3) INFORMATION SHARING ACTIVITIES.—

‘‘(A) DOMESTIC ACTIVITIES.—The Secretary shall carry out programs to facilitate the exchange and dissemination of scientific and technical information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

‘‘(B) INTERNATIONAL COOPERATION.—The Secretary shall carry out programs to cooperate with international organizations and foreign governments to share information

and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

''(4) REPORTS.—The program under this subsection shall provide to the Secretary, each Bureau Director under section 32, and the public quarterly reports that address—

''(A) developments in each of the areas under paragraph (2); and

''(B)(i) any accidents that have occurred in the past quarter; and

''(ii) appropriate responses to the accidents.

''(5) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

''(A) be programmatically separate and distinct from the leasing program;

''(B) carry out the studies, analyses, and other activities under this subsection;

''(C) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

''(D) make available to the public studies conducted and data gathered under this section.

''(6) USE OF DATA.—The Secretary shall ensure that the information from the studies and research carried out under this section inform the development of safety practices and regulations as required by this Act and other applicable laws.''.

(i) ENFORCEMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting '', each loss of well control, blowout, activation of the blowout preventer, and other accident that presented a serious risk to human or environmental safety,'' after ''fire''; and

(ii) in the last sentence, by inserting ''as a condition of the lease'' before the period at the end;

(B) in the last sentence of paragraph (2), by inserting ''as a condition of lease'' before the period at the end;

(2) in subsection (e)—

(A) by striking ''(e) The'' and inserting the following:

''(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) INVESTIGATION.—The Secretary shall investigate any allegation from any employee of the lessee or any subcontractor of the lessee made under paragraph (1).''; and

(3) by adding at the end of the section the following:

''(g) INDEPENDENT INVESTIGATION.—

''(1) IN GENERAL.—At the request of the Secretary, the National Transportation Safety Board may conduct an independent investigation of any accident, occurring in the outer Continental Shelf and involving activities under this Act, that does not otherwise fall within the definition of an accident or major marine casualty, as those terms are used in chapter 11 of title 49, United States Code.

''(2) TRANSPORTATION ACCIDENT.—For purposes of an investigation under this subsection, the accident that is the subject of the request by the Secretary shall be determined to be a transportation accident within the meaning of that term in chapter 11 of title 49, United States Code.

''(h) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—

''(1) IN GENERAL.—For each incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken.

''(2) PUBLIC DATABASE.—All data and reports related to an incident described in paragraph (1) shall be maintained in a database that is available to the public.

''(i) INSPECTION FEE.—

''(1) IN GENERAL.—To the extent necessary to fund the inspections described in this paragraph, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the Ocean Energy Enforcement Fund established under paragraph (3), from the designated operator for facilities subject to inspection under subsection (c).

''(2) ESTABLISHMENT.—The Secretary shall establish, by rule, inspection fees—

''(A) at an aggregate level equal to the amount necessary to offset the annual expenses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

''(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

''(3) OCEAN ENERGY ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the 'Ocean Energy Enforcement Fund' (referred to in this subsection as the 'Fund'), into which shall be deposited amounts collected under paragraph (1) and which shall be available as provided under paragraph (4).

''(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, all amounts collected by the Secretary under this section—

''(A) shall be credited as offsetting collections;

''(B) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program;

''(C) shall be available only to the extent provided for in advance in an appropriations Act; and

''(D) shall remain available until expended.

''(5) ANNUAL REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2011, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

''(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

''(i) A statement of the amounts deposited into the Fund.

''(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

''(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

''(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.''.

(j) REMEDIES AND PENALTIES.—Section 24 of the Outer Continental Shelf Lands Act (43 U.S.C. 1350) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) CIVIL PENALTY.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (3), if any person fails to comply with this Act, any term of a lease or permit issued under this Act, or any regulation or order issued under this Act, the person shall be liable for a civil administrative penalty of not more than $75,000 for each day of continuance of each failure.

''(2) ADMINISTRATION.—The Secretary may assess, collect, and compromise any penalty under paragraph (1).

''(3) HEARING.—No penalty shall be assessed under this subsection until the person charged with a violation has been given the opportunity for a hearing.

''(4) ADJUSTMENT.—The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.'';

(2) in subsection (c)—

(A) in the first sentence, by striking ''$100,000'' and inserting ''$10,000,000''; and

(B) by adding at the end the following: ''The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''; and

(3) in subsection (d), by inserting '', or with reckless disregard,'' after ''knowingly and willfully''.

(k) OIL AND GAS DEVELOPMENT AND PRODUCTION.—Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended by striking '', other than the Gulf of Mexico,'' each place it appears in subsections (a)(1), (b), and (e)(1).

(l) CONFLICTS OF INTEREST.—Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended to read as follows:

''SEC. 29. CONFLICTS OF INTEREST.

''(a) RESTRICTIONS ON EMPLOYMENT.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall—

''(1) within 2 years after his employment with the Department has ceased—

''(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

''(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

''(C) knowingly aid, advise, or assist in—

''(i) representing any other person (except the United States in any formal or informal appearance before; or

''(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

any department, agency, or court of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, regulation, order lease, permit, rulemaking, inspection, enforcement action, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility or in which he participated personally and substantially as an officer or employee;

''(2) within 1 year after his employment with the Department has ceased—

''(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

''(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

''(C) knowingly aid , advise, or assist in —

''(i) representing any other person (except the United States in any formal or informal appearance before, or

''(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

the Department of the Interior, or any officer or employee thereof, in connection with any judicial, rulemaking, regulation, order, lease, permit, regulation, inspection, enforcement action, or other particular matter which is pending before the Department of the Interior or in which the Department has a direct and substantial interest; or

''(3) accept employment or compensation, during the 1-year period beginning on the date on which employment with the Department has ceased, from any person (other than the United States) that has a direct and substantial interest—

''(A) that was pending under the official responsibility of the employee as an officer or employee of the Department during the 1-year period preceding the termination of the responsibility; or

''(B) in which the employee participated personally and substantially as an officer or employee.

''(b) PRIOR EMPLOYMENT RELATIONSHIPS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

''(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

''(2) any organization in which the officer or employee is serving as an officer, director, trustee, general partner, or employee has a financial interest;

''(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

''(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee has a financial interest.

''(c) GIFTS FROM OUTSIDE SOURCES.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title V, Code of Federal Regulations (or successor regulations).

''(d) EXEMPTIONS.—The Secretary may, by rule, exempt from this section clerical and support personnel who do not conduct inspections, perform audits, or otherwise exercise regulatory or policy making authority under this Act.

''(e) PENALTIES.—

''(1) CRIMINAL PENALTIES.—Any person who violates paragraph (1) or (2) of subsection (a) or subsection (b) shall be punished in accordance with section 216 of title 18, United States Code.

''(2) CIVIL PENALTIES.—Any person who violates subsection (a)(3) or (c) shall be punished in accordance with subsection (b) of section 216 of title 18, United States Code.''.

SEC. 7. STUDY ON THE EFFECT OF THE MORATORIA ON NEW DEEPWATER DRILLING IN THE GULF OF MEXICO ON EMPLOYMENT AND SMALL BUSINESSES.

(a) IN GENERAL.—The Secretary of Energy, acting through the Energy Information Administration, shall publish a monthly study evaluating the effect of the moratoria resulting from 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, on employment and small businesses.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act and at the beginning of each month thereafter during the effective period of the moratoria described in subsection (a), the Secretary of Energy, acting through the Energy Information Administration, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the results of the study conducted under subsection (a), including—

(1) a survey of the effect of the moratoria on deepwater drilling on employment in the industries directly involved in oil and natural gas exploration in the outer Continental Shelf;

(2) a survey of the effect of the moratoria on employment in the industries indirectly involved in oil and natural gas exploration in the outer Continental Shelf, including suppliers of supplies or services and customers of industries directly involved in oil and natural gas exploration;

(3) an estimate of the effect of the moratoria on the revenues of small business located near the Gulf of Mexico and, to the maximum extent practicable, throughout the United States; and

(4) any recommendations to mitigate possible negative effects on small business concerns resulting from the moratoria.

SEC. 8. REFORM OF OTHER LAW.

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58) is amended by adding at the end the following:

''(4) FEDERAL AGENCIES.—Any head of a Federal department or agency shall, on request of the Secretary, provide to the Secretary all data and information that the Secretary determines to be necessary for the purpose of including the data and information in the mapping initiative, except that no Federal department or agency shall be required to provide any data or information that is privileged or proprietary.''.

SEC. 9. SAFER OIL AND GAS PRODUCTION.

(a) PROGRAM AUTHORITY.—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking ''ultra-deepwater'' and inserting ''deepwater''; and

(B) by inserting ''well control and accident prevention,'' after ''safe operations,'';

(2) in subsection (b)—

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

''(1) Deepwater architecture, well control and accident prevention, and deepwater technology, including drilling to deep formations in waters greater than 500 feet.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) Safety technology research and development for drilling activities aimed at well control and accident prevention performed by the Office of Fossil Energy of the Department.''; and

(3) in subsection (d)—

(A) in the subsection heading, by striking ''NATIONAL ENERGY TECHNOLOGY LABORATORY'' and inserting ''OFFICE OF FOSSIL ENERGY OF THE DEPARTMENT''; and

(B) by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

(b) DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking ''**ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM**'' and inserting ''**SAFE OIL AND GAS PRODUCTION AND ACCIDENT PREVENTION**'';

(2) in subsection (a), by striking '', by increasing'' and all that follows through the period at the end and inserting ''and the safe and environmentally responsible exploration, development, and production of hydrocarbon resources.'';

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

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

''(D) projects will be selected on a competitive, peer-reviewed basis.''; and

(4) in subsection (d)—

(A) in paragraph (6), by striking ''ultra-deepwater'' and inserting ''deepwater'';

(B) in paragraph (7)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''ULTRA-DEEPWATER'' and inserting ''DEEPWATER'';

(II) by striking ''development and'' and inserting ''research, development, and''; and

(III) by striking ''as well as'' and all that follows through the period at the end and inserting ''aimed at improving operational safety of drilling activities, including well integrity systems, well control, blowout prevention, the use of non-toxic materials, and integrated systems approach-based management for exploration and production in deepwater.'';

(ii) in subparagraph (B), by striking ''and environmental mitigation'' and inserting ''use of non-toxic materials, drilling safety, and environmental mitigation and accident prevention'';

(iii) in subparagraph (C), by inserting ''safety and accident prevention, well control and systems integrity,'' after ''including''; and

(iv) by adding at the end the following:

''(D) SAFETY AND ACCIDENT PREVENTION TECHNOLOGY RESEARCH AND DEVELOPMENT.—Awards from allocations under section 999H(d)(4) shall be expended on areas including—

''(i) development of improved cementing and casing technologies;

''(ii) best management practices for cementing, casing, and other well control activities and technologies;

''(iii) development of integrity and stewardship guidelines for—

''(I) well-plugging and abandonment;

''(II) development of wellbore sealant technologies; and

''(III) improvement and standardization of blowout prevention devices.''; and

(C) by adding at the end the following:

''(8) STUDY; REPORT.—

''(A) STUDY.—As soon as practicable after the date of enactment of this paragraph, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to determine—

''(i) whether the benefits provided through each award under this subsection during calendar year 2011 have been maximized; and

''(ii) the new areas of research that could be carried out to meet the overall objectives of the program.

''(B) REPORT.—Not later than January 1, 2012, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under subparagraph (A).

''(C) OPTIONAL UPDATES.—The Secretary may update the report described in subparagraph (B) for the 5-year period beginning on

the date described in that subparagraph and each 5-year period thereafter.'';

(5) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting ''to the Secretary for review'' after ''submit''; and

(ii) in the first sentence of subparagraph (B), by striking ''Ultra-Deepwater'' and all that follows through ''and such Advisory Committees'' and inserting ''Program Advisory Committee established under section 999D(a), and the Advisory Committee''; and

(B) by adding at the end the following:

''(6) RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.—The Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and any recommendations for implementation that the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, determines to be necessary.'';

(6) in subsection (i)—

(A) in the subsection heading, by striking ''UNITED STATES GEOLOGICAL SURVEY'' and inserting ''DEPARTMENT OF THE INTERIOR''; and

(B) by striking '', through the United States Geological Survey,''; and

(7) in the first sentence of subsection (j), by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

(c) ADDITIONAL REQUIREMENTS FOR AWARDS.—Section 999C(b) of the Energy Policy Act of 2005 (42 U.S.C. 16373(b)) is amended by striking ''an ultra-deepwater technology or an ultra-deepwater architecture'' and inserting ''a deepwater technology''.

(d) PROGRAM ADVISORY COMMITTEE.—Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

''SEC. 999D. PROGRAM ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of the Safe and Responsible Energy Production Improvement Act of 2010, the Secretary shall establish an advisory committee to be known as the 'Program Advisory Committee' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Committee shall be composed of members appointed by the Secretary, including—

''(A) individuals with extensive research experience or operational knowledge of hydrocarbon exploration and production;

''(B) individuals broadly representative of the affected interests in hydrocarbon production, including interests in environmental protection and safety operations;

''(C) representatives of Federal agencies, including the Environmental Protection Agency and the Department of the Interior;

''(D) State regulatory agency representatives; and

''(E) other individuals, as determined by the Secretary.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

''(B) CATEGORICAL REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (A), (B), (D), or (E) of paragraph (1) comprises more than ⅓ of the membership of the Advisory Committee.

''(c) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees for separate research programs carried out under this subtitle.

''(d) DUTIES.—The Advisory Committee shall—

''(1) advise the Secretary on the development and implementation of programs under this subtitle; and

''(2) carry out section 999B(e)(2)(B).

''(e) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(f) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.''.

(e) DEFINITIONS.—Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking ''200 but less than 1,500 meters'' and inserting ''500 feet'';

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively;

(4) by inserting after paragraph (1) the following:

''(2) DEEPWATER ARCHITECTURE.—The term 'deepwater architecture' means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

''(3) DEEPWATER TECHNOLOGY.—The term 'deepwater technology' means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.''; and

(5) in paragraph (10) (as redesignated by paragraph (3)), by striking ''in an economically inaccessible geological formation, including resources of small producers''.

(f) FUNDING.—Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safe and Responsible Energy Production Research Fund'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''35 percent'' and inserting ''21.5 percent'';

(B) in paragraph (2), by striking ''32.5 percent'' and inserting ''21 percent'';

(C) in paragraph (4)—

(i) by striking ''25 percent'' and inserting ''30 percent'';

(ii) by striking ''complementary research'' and inserting ''safety technology research and development''; and

(iii) by striking ''contract management,'' and all that follows through the period at the end and inserting ''and contract management.''; and

(D) by adding at the end the following:

''(5) 20 percent shall be used for research activities required under sections 20 and 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346, 1347).''.

(3) in subsection (f), by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safer Oil and Gas Production and Accident Prevention Research Fund''.

(g) CONFORMING AMENDMENT.—Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking ''**Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources**'' and inserting ''**Safer Oil and Gas Production and Accident Prevention**''.

SEC. 10. NATIONAL COMMISSION ON OUTER CONTINENTAL SHELF OIL SPILL PREVENTION.

(a) ESTABLISHMENT.—There is established in the Legislative branch the National Commission on Outer Continental Shelf Oil Spill Prevention (referred to in this section as the ''Commission'').

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine and report on the facts and causes relating to the Deepwater Horizon explosion and oil spill of 2010;

(2) to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the incident;

(3) to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate;

(B) the Committee on Natural Resources and the Subcommittee on Oversight and Investigations of the House of Representatives; and

(C) other Executive branch, congressional, or independent commission investigations into the Deepwater Horizon incident of 2010, other fatal oil platform accidents and major spills, and major oil spills generally;

(4) to make a full and complete accounting of the circumstances surrounding the incident, and the extent of the preparedness of the United States for, and immediate response of the United States to, the incident; and

(5) to investigate and report to the President and Congress findings, conclusions, and recommendations for corrective measures that may be taken to prevent similar incidents.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as Chairperson of the Commission;

(B) 1 member shall be appointed by the majority or minority (as the case may be) leader of the Senate from the Republican Party and the majority or minority (as the case may be) leader of the House of Representatives from the Republican Party, who shall serve as Vice Chairperson of the Commission;

(C) 2 members shall be appointed by the senior member of the leadership of the Senate from the Democratic Party;

(D) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Republican Party;

(E) 2 members shall be appointed by the senior member of the leadership of the Senate from the Republican Party; and

(F) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Democratic Party.

(2) QUALIFICATIONS; INITIAL MEETING.—

(A) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(B) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be a current officer or employee of the Federal Government or any State or local government.

(C) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience and expertise in such areas as—

(i) engineering;

(ii) environmental compliance;
(iii) health and safety law (particularly oil spill legislation);
(iv) oil spill insurance policies;
(v) public administration;
(vi) oil and gas exploration and production;
(vii) environmental cleanup; and
(viii) fisheries and wildlife management.

(D) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before September 15, 2010.

(E) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(3) QUORUM; VACANCIES.—

(A) IN GENERAL.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of the members of the Commission.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(d) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission are—

(A) to conduct an investigation that—

(i) investigates relevant facts and circumstances relating to the Deepwater Horizon incident of April 20, 2010, and the associated oil spill thereafter, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(ii) may include relevant facts and circumstances relating to—

(I) permitting agencies;

(II) environmental and worker safety law enforcement agencies;

(III) national energy requirements;

(IV) deepwater and ultradeepwater oil and gas exploration and development;

(V) regulatory specifications, testing, and requirements for offshore oil and gas well explosion prevention;

(VI) regulatory specifications, testing, and requirements offshore oil and gas well casing and cementing regulation;

(VII) the role of congressional oversight and resource allocation; and

(VIII) other areas of the public and private sectors determined to be relevant to the Deepwater Horizon incident by the Commission;

(B) to identify, review, and evaluate the lessons learned from the Deepwater Horizon incident of April 20, 2010, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, and the private sector, relative to detecting, preventing, and responding to those incidents; and

(C) to submit to the President and Congress such reports as are required under this section containing such findings, conclusions, and recommendations as the Commission determines to be appropriate, including proposals for organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(2) RELATIONSHIP TO INQUIRY BY CONGRESSIONAL COMMITTEES.—In investigating facts and circumstances relating to energy policy, the Commission shall—

(A) first review the information compiled by, and any findings, conclusions, and recommendations of, the committees identified in subparagraphs (A) and (B) of subsection (b)(3); and

(B) after completion of that review, pursue any appropriate area of inquiry, if the Commission determines that—

(i) those committees have not investigated that area;

(ii) the investigation of that area by those committees has not been completed; or

(iii) new information not reviewed by the committees has become available with respect to that area.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or such subcommittee or member considers to be advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this paragraph only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph—

(I) shall bear the signature of the Chairperson or any member designated by a majority of the Commission;

(II) and may be served by any person or class of persons designated by the Chairperson or by a member designated by a majority of the Commission for that purpose.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(ii) JUDICIAL ACTION FOR NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) COOPERATION.—Each Federal department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the Chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall be received, handled, stored, and disseminated only by members of the Commission and the staff of the Commission in accordance with all applicable laws (including regulations and Executive orders).

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as are determined to be advisable and authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property, including travel, for the direct advancement of the functions of the Commission.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) PUBLIC MEETINGS AND HEARINGS.—

(1) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(A) hold public hearings and meetings, to the extent appropriate; and

(B) release public versions of the reports required under paragraphs (1) and (2) of subsection (j).

(2) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of proprietary or sensitive information provided to or developed for or by the Commission as required by any applicable law (including a regulation or Executive order).

(g) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—

(i) IN GENERAL.—The Chairperson, in consultation with the Vice Chairperson and in accordance with rules agreed upon by the Commission, may, without regard to the civil service laws (including regulations), appoint and fix the compensation of a staff director and such other personnel as are necessary to enable the Commission to carry out the functions of the Commission.

(ii) MAXIMUM RATE OF PAY.—No rate of pay fixed under this subparagraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not apply to members of the Commission.

(2) DETAILEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the

Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall 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, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(i) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the maximum extent practicable, pursuant to existing procedures and requirements.

(2) PROPRIETARY INFORMATION.—No person shall be provided with access to proprietary information under this section without the appropriate security clearances.

(j) REPORTS OF COMMISSION; ADJOURNMENT.—

(1) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(2) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(3) TEMPORARY ADJOURNMENT.—

(A) IN GENERAL.—The Commission, and all the authority provided under this section, shall adjourn and be suspended, respectively, on the date that is 60 days after the date on which the final report is submitted under paragraph (2).

(B) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding activities of the Commission, including—

(i) providing testimony to committees of Congress concerning reports of the Commission; and

(ii) disseminating the final report submitted under paragraph (2).

(C) RECONVENING OF COMMISSION.—The Commission shall stand adjourned until such time as the President or the Secretary of Homeland Security declares an oil spill of national significance to have occurred, at which time—

(i) the Commission shall reconvene in accordance with subsection (c)(3); and

(ii) the authority of the Commission under this section shall be of full force and effect.

(k) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $10,000,000 for the first fiscal year in which the Commission convenes; and

(B) $3,000,000 for each fiscal year thereafter in which the Commission convenes.

(2) AVAILABILITY.—Amounts made available to carry out this section shall be available—

(A) for transfer to the Commission for use in carrying out the functions and activities of the Commission under this section; and

(B) until the date on which the Commission adjourns for the fiscal year under subsection (j)(3).

(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 11. CLASSIFICATION OF OFFSHORE SYSTEMS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall jointly issue regulations requiring systems (including existing systems) used in the offshore exploration, development, and production of oil and gas in the outer Continental Shelf to be constructed, maintained, and operated so as to meet classification, certification, rating, and inspection standards that are necessary—

(A) to protect the health and safety of affiliated workers; and

(B) to prevent environmental degradation.

(2) THIRD-PARTY VERIFICATION.—The standards established by regulation under paragraph (1) shall be verified through certification and classification by independent third parties that—

(A) have been preapproved by both the Secretary and the Secretary of the Department in which the Coast Guard is operating; and

(B) have no financial conflict of interest in conducting the duties of the third parties.

(3) MINIMUM SYSTEMS COVERED.—At a minimum, the regulations issued under paragraph (1) shall require the certification and classification by an independent third party who meets the requirements of paragraph (2) of—

(A) mobile offshore drilling units;

(B) fixed and floating drilling or production facilities;

(C) drilling systems, including risers and blowout preventers; and

(D) any other equipment dedicated to the safety systems relating to offshore extraction and production of oil and gas.

(4) EXCEPTIONS.—The Secretary and the Secretary of the Department in which the Coast Guard is operating may waive the standards established by regulation under paragraph (1) for an existing system only if—

(A) the system is of an age or type where meeting such requirements is impractical; and

(B) the system poses an acceptably low level of risk to the environment and to human safety.

(b) AUTHORITY OF COAST GUARD.—Nothing in this section preempts or interferes with the authority of the Coast Guard.

SEC. 12. SAVINGS PROVISIONS.

(a) EXISTING LAW.—All regulations, rules, standards, determinations, contracts and agreements, memoranda of understanding, certifications, authorizations, appointments, delegations, results and findings of investigations, or any other actions issued, made, or taken by, or pursuant to or under, the authority of any law (including regulations) that resulted in the assignment of functions or activities to the Secretary, the Director of the Minerals Management Service (including by delegation from the Secretary), or the Department (as related to the implementation of the purposes referenced in this Act) that were in effect on the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act unless previously scheduled to expire or until otherwise modified or rescinded by this Act or any other Act.

(b) EFFECT ON OTHER AUTHORITIES.—This Act does not amend or alter the provisions of other applicable laws, unless otherwise noted.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. HARKIN (for himself and Mrs. GILLIBRAND):

S. 919. A bill to authorize grant programs to ensure successful, safe, and healthy students; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, one of our greatest national priorities is ensuring that all students in all schools are in settings that are safe; classrooms that support learning; situations that ensure our children will be successful.

To be a successful student, to be a contributing citizen to our democracy, to be prepared for college and the workforce of tomorrow, our students need to be of sound mind, of sound body, and have access to resources that will support their success.

Students who travel to school safely; who attend classes in structurally sound buildings where the adults model positive teamwork and collaboration skills; where good nutrition is available and where opportunities for physical activity are available and expected; where they have a safe, supportive social environment, students who have all of these conditions in their schools will be prepared to achieve high academic standards.

In a country where almost one in every five children is obese, where thousands of students are bullied and harassed daily, and where access to high-quality mental and physical health care is limited, students must have these basic conditions for learning in order to be successful.

While the Department of Justice reports that the rate of serious incidents of school violence continue to decline, according to the National Center for Education Statistics, bullying remains a pervasive problem that affects almost one in four students each year. As

we have seen in recent times, sometimes bullying results in the worst possible tragedy, the death of a child.

Fifteen-year-old Phoebe Prince, a freshman at South Hadley High School in Massachusetts, endured nearly three months of routine torment by classmates. On January 14, 2010, Phoebe hanged herself in the stairwell of her family's home, following weeks of taunting by classmates. The day before she died, she told a friend: ''School has been close to intolerable lately.'' In California, thirteen-year-old Seth Walsh committed suicide this past October because of the bullying he experienced in his school. We need to have the expectations in all of our schools that all students will be valued and all students will have a safe haven to learn and achieve. In New York City, middle schooler Gurwinder Singh was targeted by bullies who bashed his head into a metal pole while bystanders watched, because of his Sikh religion. Luckily, Gurwinder survived, and has become an outspoken proponent of bullying prevention. We cannot stand idly by when school becomes a hostile place for kids.

Thus, today, I am introducing the Successful, Safe and Healthy Students Act. This legislation will advance student achievement and promote the positive physical, mental, and emotional health of students throughout the nation. It will help to reduce violence in schools, prevent bullying and harassment, help students make responsible choices about drugs, tobacco, and alcohol, and create the type of school environments where students can do their best work and achieve the highest possible academic outcomes, while also becoming healthy, happy and productive members of their communities.

Essential conditions for learning include schools that provide for adequate physical activity, positive mental health, and safe environments. Those conditions include physical and emotional safety for both students and school personnel and promote positive character development in our youth. Schools with the essential conditions for learning also provide for opportunities for good nutrition and healthy living, and are free of violence, harassment, bullying and other forms of interpersonal aggression. Schools that have the right conditions for learning are free of weapons and prevent the use and abuse of drugs and alcohol. And schools with good conditions for learning have positive adult role models with high expectations for students' development, conduct, and academic achievement.

For those who might be skeptical about these critical conditions for learning, we only need to look to the States and their efforts to improve school performance and accountability. Many States are moving beyond the limited measures of school performance required by No Child Left Behind and have started to collect data on school-wide factors that are associated with student success. Some of these areas include school climate, physical activity of students, and physical and emotional safety. In fact, a March 2011 report from the RAND Corporation indicated that many States are now establishing accountability systems that include school safety, school climate, family involvement, and student engagement.

This legislation will provide to each State the support necessary to measure the conditions for learning in each school in each school in the State. Resources will also be available to offer grants to school districts to establish policies and activities to improve the conditions for learning in each of their schools. This legislation gives State and local school districts the resources and opportunities to create safe, healthy schools that will enhance the academic achievement of students.

This legislation is an essential tool for our States and local schools to support students who are prepared for college, a career, and to be world-class citizens.

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. 919

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 ''Successful, Safe, and Healthy Students Act of 2011''.

SEC. 2. PURPOSE.

The purpose of this Act is to assist States in developing and implementing comprehensive programs and strategies to foster positive conditions for learning in public schools, in order to increase academic achievement for all students through the provision of Federal assistance to States for—

(1) promotion of student physical health and well-being, nutrition, and fitness;

(2) promotion of student mental health and well-being;

(3) prevention of violence, harassment (which includes bullying), and substance abuse among students; and

(4) promotion of safe and supportive schools.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD AND ADOLESCENT PSYCHIATRIST; OTHER QUALIFIED PSYCHOLOGIST; SCHOOL COUNSELOR; SCHOOL PSYCHOLOGIST; SCHOOL SOCIAL WORKER.—The terms ''child and adolescent psychiatrist'', ''other qualified psychologist'', ''school counselor'', ''school psychologist'', and ''school social worker'' shall have the meanings given the terms in section 5421(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245(e)).

(2) CONDITIONS FOR LEARNING.—The term ''conditions for learning'' means conditions that advance student achievement and positive child and youth development by proactively supporting schools (inclusive of in and around the school building, pathways to and from the school and students' homes, school-sponsored activities, and electronic and social media involving students or school personnel) that—

(A) promote physical, mental, and emotional health;

(B) ensure physical and emotional safety for students and staff;

(C) promote social, emotional, and character development; and

(D) have the following attributes:

(i) Provide opportunities for physical activity, good nutrition, and healthy living.

(ii) Are free of harassment (which includes bullying), abuse, dating violence, and all other forms of interpersonal aggression or violence.

(iii) Prevent use and abuse of drugs (including tobacco, alcohol, illegal drugs, and unauthorized use of pharmaceuticals).

(iv) Are free of weapons.

(v) Do not condone or tolerate unhealthy or harmful behaviors, including discrimination of any kind.

(vi) Help staff and students to model positive social and emotional skills, including tolerance and respect for others.

(vii) Promote concern for the well-being of students, including through the presence of caring adults.

(viii) Employ adults who have—

(I) high expectations for student conduct, character, and academic achievement; and

(II) the capacity to establish supportive relationships with students.

(ix) Engage families and community members in meaningful and sustained ways to promote positive student academic achievement, developmental, and social outcomes.

(3) CONDITIONS FOR LEARNING MEASUREMENT SYSTEM.—

(A) IN GENERAL.—The term ''conditions for learning measurement system'' means a State reporting and information system that measures conditions for learning in the State and is, to the extent possible, part of the State's statewide longitudinal data system and with the State's system for reporting the data required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311).

(B) DESCRIPTION OF SYSTEM.—Such system shall—

(i) contain, at a minimum, data from valid and reliable surveys of students and staff and the indicators in clause (ii) that allow staff at the State, local educational agencies, and schools to examine and improve school-level conditions for learning;

(ii) collect school-level data on—

(I) physical education indicators;

(II) individual student attendance and truancy;

(III) in-school suspensions, out-of-school suspensions, expulsions, referrals to law enforcement, school-based arrests, and disciplinary transfers (including placements in alternative schools) by student;

(IV) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in disciplinary action in elementary schools and secondary schools in the State; and

(V) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence, including harassment (which includes bullying), by youth and school personnel in schools and communities;

(iii) collect and report data, including, at a minimum, the data described in subclauses (II), (III), and (V) of clause (ii), in the aggregate and disaggregated by the categories of race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and cross tabulated across all of such categories by gender and by disability;

(iv) protect student privacy, consistent with applicable data privacy laws and regulations, including section 444 of the General Education Provisions Act (20 U.S.C. 1232g,

commonly known as the ''Family Educational Rights and Privacy Act of 1974''); and

(v) to the extent possible, utilize a web-based reporting system.

(C) COMPILING STATISTICS.—In compiling the statistics required to measure conditions for learning in the State—

(i) the offenses described in subparagraph (B)(ii)(IV) shall be defined pursuant to the State's criminal code, and aligned to the extent possible, with the Federal Bureau of Investigation's Uniform Crime Reports categories, but shall not identify victims of crimes or persons accused of crimes and the collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys;

(ii) the performance metrics that are established under section 5(i) shall be collected and the performance on such metrics shall be defined and reported uniformly statewide;

(iii) the State shall collect, analyze, and use the data under subparagraph (B)(ii), as required under section 5(g)(5), at least annually, except the indicators under subparagraph (B)(ii)(V) may be collected, at a minimum, every 2 years; and

(iv) grant recipients and subgrant recipients shall use the data for planning and continuous improvement of activities implemented under this Act, and may collect data for indicators that are locally defined, and that are not reported to the State, to meet local needs (so long as such indicators are aligned with the conditions for learning).

(4) DRUG AND VIOLENCE PREVENTION.—The term ''drug and violence prevention'' means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the abuse and illegal use of drugs (including tobacco, alcohol, illegal drugs, and unauthorized use of pharmaceuticals) to—

(i) raise awareness about the costs and consequences of substance use and abuse;

(ii) change attitudes, perceptions, and social norms about the dangers and acceptability of alcohol, tobacco, and drugs; and

(iii) reduce access to and use of alcohol, tobacco, and drugs; and

(B) with respect to violence, the promotion of school safety on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that—

(i) is free of weapons;

(ii) fosters individual responsibility and respect for the rights and dignity of others;

(iii) employs positive, preventative approaches to school discipline, such as schoolwide positive behavior supports and restorative justice, that improve student engagement while minimizing students' removal from instruction and reducing disparities among the subgroups of students described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)); and

(iv) demonstrates preparedness and readiness to respond to, and recover from, incidents of school violence, such that students and school personnel are free from—

(I) violent and disruptive acts;

(II) harassment (which includes bullying);

(III) sexual harassment, dating violence, and abuse; and

(IV) victimization associated with prejudice and intolerance.

(5) ELIGIBLE LOCAL APPLICANT.—The term ''eligible local applicant'' means a local educational agency, a consortium of local educational agencies, or a nonprofit organization that has a track record of success in implementing the proposed activities and has signed a memorandum of understanding with a local educational agency or consortium of local educational agencies to—

(A) implement school-based activities; and

(B) conduct school-level measurement of conditions for learning that are consistent with this Act.

(6) HARASSMENT.—The term ''harassment'' means conduct, including bullying, that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a program or activity of a public school or educational agency, or to create a hostile or abusive educational environment at a program or activity of a public school or educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility, if such conduct is based on—

(A) a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion;

(B) the actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion of a person with whom a student associates or has associated; or

(C) any other distinguishing characteristics that may be defined by a State or local educational agency.

(7) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) PHYSICAL EDUCATION INDICATORS.—The term ''physical education indicators'' means a set of measures for instruction on physical activity, health-related fitness, physical competence, and cognitive understanding about physical activity. Such indicators shall be publicly reported annually in the State's conditions for learning measurement system, and shall include—

(A) for the State, for each local educational agency in the State, and for each school in the State, the average number of minutes that all students spend in required physical education, and the average number of minutes that all students engage in moderate to vigorous physical activity, as measured against established recommended guidelines of the Centers for Disease Control and Prevention and the Department of Health and Human Services;

(B) for the State, the percentage of local educational agencies that have a required, age-appropriate physical education curriculum that adheres to Centers for Disease Control and Prevention guidelines and State standards;

(C) for the State, for each local educational agency in the State, and for each school in the State, the percentage of elementary school and secondary school physical education teachers who are State licensed or certified to teach physical education;

(D) for the State, and for each local educational agency in the State, the percentage of schools that have a State certified or licensed physical education teacher certified in adapted physical education; and

(E) for each school in the State, the number of indoor square feet and the number of outdoor square feet used primarily for physical education.

(9) PROGRAMS TO PROMOTE MENTAL HEALTH.—The term ''programs to promote mental health'' means programs that—

(A) develop students' social and emotional competencies; and

(B) link students with local mental health systems as follows:

(i) Enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students, and to improve student social emotional competencies.

(ii) Enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services, including suicide prevention, and ongoing mental health services.

(iii) Provide training for the school personnel and mental health professionals who will participate in the program.

(iv) Provide technical assistance and consultation to school systems, mental health agencies, and families participating in the program.

(v) Provide services that establish or expand school counseling and mental health programs that—

(I) are comprehensive in addressing the counseling, social, emotional, behavioral, mental health, and educational needs of all students;

(II) use a developmental, preventive approach to counseling and mental health services;

(III) are linguistically appropriate and culturally responsive;

(IV) increase the range, availability, quantity, and quality of counseling and mental health services in the elementary schools and secondary schools of the local educational agency;

(V) expand counseling and mental health services through school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;

(VI) use innovative approaches to—

(aa) increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning; or

(bb) improve peer interaction;

(VII) provide counseling and mental health services in settings that meet the range of student needs;

(VIII) include professional development appropriate to the activities covered in this paragraph for teachers, school leaders, instructional staff, and appropriate school personnel, including training in appropriate identification and early intervention techniques by school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;

(IX) ensure a team approach to school counseling and mental health services in the schools served by the local educational agency;

(X) ensure work toward ratios recommended—

(aa) by the American School Counselor Association of 1 school counselor to 250 students;

(bb) by the School Social Work Association of America of 1 school social worker to 400 students; and

(cc) by the National Association of School Psychologists of 1 school psychologist to 700 students; and

(XI) ensure that school counselors, school psychologists, other qualified psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this program spend a majority of their time counseling or providing mental health services to students or in other activities directly related to such processes.

(10) PROGRAMS TO PROMOTE PHYSICAL ACTIVITY, EDUCATION, FITNESS, AND NUTRITION.—The term ''programs to promote physical activity, education, fitness, and nutrition'' means programs that increase and enable active student participation in physical well-being activities and provide teacher professional development. Such programs shall be

comprehensive in nature, and include opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education, and 1 or more of the following activities:

(A) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

(B) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, social, and emotional development of every student.

(C) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

(D) Opportunities to develop positive social and cooperative skills through physical activity.

(E) Instruction in healthy eating habits and good nutrition.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(12) STATE.—The term ''State'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. RESERVATIONS.

From amounts made available under section 9, the Secretary shall reserve—

(1) for the first 3 years for which funding is made available under such section to carry out this Act—

(A) not more than 30 percent of such amounts or $30,000,000, whichever amount is more, for State conditions for learning measurement system grants, distributed to every State (by an application process consistent with section 5(d)(1)) in an amount proportional to each State's share of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), to develop the State's conditions for learning measurement system, and to conduct a needs analysis to meet the requirements of section 5(d)(2)(D); and

(B) not more than 68 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 5;

(2) for the fourth year and each subsequent year for which funding is made available under section 9 to carry out this Act, not less than 98 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 5; and

(3) in each year for which funding is made available under section 9 to carry out this Act, not more than 2 percent of such amounts for technical assistance and evaluation.

SEC. 5. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS STATE GRANTS.

(a) PURPOSE.—The purpose of this section is to provide funding to States to implement comprehensive programs that address conditions for learning in schools in the State. Such programs shall be based on —

(1) scientifically valid research; and

(2) an analysis of need that considers, at a minimum, the indicators in the conditions for learning measurement system.

(b) STATE GRANTS.—

(1) IN GENERAL.—From amounts reserved under section 4 for Successful, Safe, and Healthy Students State Grants, the Secretary shall award grants to States to carry out the purpose of this section.

(2) AWARDS TO STATES.—

(A) FORMULA GRANTS.—If the total amount reserved under section 4 for Successful, Safe, and Healthy Students State Grants for a fiscal year is $500,000,000 or more, the Secretary shall allot to each State with an approved application an amount that bears the same relationship to such total amount as the amount received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) by such State for such fiscal year bears to the amount received under such part for such fiscal year by all States.

(B) COMPETITIVE GRANTS.—

(i) IN GENERAL.—If the total amount reserved under section 4 for Successful, Safe, and Healthy Students State Grants for a fiscal year is less than $500,000,000, the Secretary shall award grants under this section on a competitive basis.

(ii) SUFFICIENT SIZE AND SCOPE.—In awarding grants on a competitive basis pursuant to clause (i), the Secretary shall ensure that grant awards are of sufficient size and scope to carry out required and approved activities under this section.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall demonstrate that it has—

(1) established a statewide physical education requirement that is consistent with widely recognized standards; and

(2) required all local educational agencies in the State to—

(A) establish policies that prevent and prohibit harassment (which includes bullying) in schools; and

(B) provide—

(i) annual notice to parents and students describing the full range of prohibited conduct contained in such local educational agency's discipline policies; and

(ii) grievance procedures for students or parents to register complaints regarding the prohibited conduct contained in such local educational agency's discipline policies, including—

(I) the name of the local educational agency officials who are designated as responsible for receiving such complaints; and

(II) timelines that the local educational agency will follow in the resolution of such complaints.

(d) APPLICATIONS.—

(1) IN GENERAL.—A State that desires to receive a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENT OF APPLICATION.—At a minimum, the application shall include—

(A) documentation of the State's eligibility to receive a grant under this section, as described in subsection (c);

(B) an assurance that the policies used to prohibit harassment (which includes bullying) in schools required under subsection (c)(2)(A) emphasize alternatives to school suspension that minimize students' removal from grade-level instruction, promote mental health, and only allow out-of-school punishments in severe or persistent cases;

(C) a plan for improving conditions for learning in schools in the State in a manner consistent with the requirements of the program that may be a part of a broader statewide child and youth plan, if such a plan exists and is consistent with the requirements of this Act;

(D) a needs analysis of the conditions for learning in schools in the State, which—

(i) shall include a description of, and data measuring, the State's conditions for learning; and

(ii) may be a part of a broader statewide child and youth needs analysis, if such an analysis exists and is consistent with the requirements of this Act;

(E) a description of how the activities the State proposes to implement with grant funds are responsive to the results of the needs analysis described in subparagraph (C); and

(F) a description of how the State will—

(i) develop, adopt, adapt, or implement the State's conditions for learning measurement system, and how the State will ensure that all local educational agencies and schools in the State participate in such system;

(ii) ensure the quality of the State's conditions for learning data collection, including the State's plan for survey administration and for ensuring the reliability and validity of survey instruments;

(iii) coordinate the proposed activities with other Federal and State programs, including programs funded under this Act, which may include programs to expand learning time and for before- and after-school programming in order to provide sufficient time to carry out the activities described in this Act;

(iv) assist local educational agencies to align activities with funds the agencies receive under the program with other funding sources in order to support a coherent and non-duplicative program;

(v) solicit and approve subgrant applications, including how the State will—

(I) allocate funds for statewide activities and subgrants for each year of the grant, consistent with allocation requirements under subsection (h)(2); and

(II) consider the results of the analysis described in subparagraph (C) in the State's distribution of subgrants;

(vi) address the needs of diverse geographic areas in the State, including rural and urban communities;

(vii) provide assistance to local educational agencies and schools in their efforts to prevent and appropriately respond to incidents of harassment (which includes bullying), including building the capacity of such agencies and schools to educate family and community members regarding the agencies' and schools' respective roles in preventing and responding to such incidents; and

(viii) provide assistance to local educational agencies and schools in their efforts to implement positive, preventative approaches to school discipline, such as schoolwide positive behavior supports and restorative justice, that improve student engagement while minimizing students' removal from instruction and reducing significant school discipline rates and disciplinary disparities among the subgroups of students described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)).

(3) PEER REVIEW.—The Secretary shall establish a peer review process to review applications submitted under this subsection.

(e) DURATION.—

(1) IN GENERAL.—A State that receives a grant under this section may receive funding for not more than 5 years in accordance with this subsection.

(2) INITIAL PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years.

(3) GRANT EXTENSION.—The Secretary may extend a competitive grant awarded to a State under this section for not more than an additional 2 years if the State shows sufficient improvement, as determined by the Secretary, against baseline data for the performance metrics established under subsection (i).

(f) RESERVATION AND USE OF FUNDS.—A State that receives a grant under this section shall—

(1) reserve not more than 10 percent of the grant funds for administration of the program, technical assistance, and the development, improvement, and implementation of the State's conditions for learning measurement system, as described in paragraphs (1) through (5) of subsection (g); and

(2) use the remainder of grant funds after making the reservation under paragraph (1)

to award subgrants, on a competitive basis, to eligible local applicants.

(g) REQUIRED STATE ACTIVITIES.—A State that receives a grant under this section shall—

(1) not later than 1 year after receipt of the grant, develop, adapt, improve, or adopt and implement a statewide conditions for learning measurement system (unless the State can demonstrate, to the satisfaction of the Secretary, that an appropriate system has already been implemented) that annually measures the State's progress in the conditions for learning for every public school in the State;

(2) collect information in each year of the grant on the conditions for learning at the school-building level through comprehensive needs assessments of students, school staff, and family perceptions, experiences, and behaviors;

(3) collect annual incident data at the school-building level that are accurate and complete;

(4) publicly report, at the school level and district level, the data collected in the conditions for learning measurement system each year in a timely and highly accessible manner;

(5) use, on a continuous basis, the results of the conditions for learning measurement system to—

(A) identify and address conditions for learning statewide;

(B) help subgrantees identify and address school and student needs; and

(C) provide individualized assistance to the lowest-performing schools (consistent with section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)) and schools with significant conditions for learning weaknesses as identified through the conditions for learning measurement system with implementation of activities under this Act; and

(6) award subgrants, consistent with subsection (h), to eligible local applicants.

(h) SUBGRANTS.—

(1) IN GENERAL.—

(A) AWARDING OF SUBGRANTS.—A State that receives a grant under this section shall award subgrants, on a competitive basis, to eligible local applicants (which may apply in partnership with 1 or more community-based organizations)—

(i) based on need as identified by data from State and local conditions for learning measurement systems;

(ii) that are of sufficient size and scope to enable subgrantees to carry out approved activities; and

(iii) to implement programs that—

(I) are comprehensive in nature;

(II) are based on scientifically valid research;

(III) are consistent with achieving the conditions for learning;

(IV) are part of a strategy to achieve all the conditions for learning; and

(V) address 1 or more of the categories described in paragraph (2)(A).

(B) ASSISTANCE.—A State that receives a grant under this section shall provide assistance to subgrant applicants and recipients in the selection of scientifically valid programs and interventions.

(2) ALLOCATION.—

(A) IN GENERAL.—In awarding subgrants under this section, each State shall ensure that, for the aggregate of all subgrants awarded by the State—

(i) not less than 20 percent of the subgrant funds are allocated to carry out drug and violence prevention;

(ii) not less than 20 percent of the subgrant funds are allocated to carry out programs to promote mental health; and

(iii) not less than 20 percent of the subgrant funds are allocated to carry out programs to promote physical activity, education, fitness, and nutrition.

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require States, in making subgrants to eligible local applicants, to require subgrant recipients to use 20 percent of grant funds for drug and violence prevention, 20 percent of grant funds for the promotion of mental health, and 20 percent of grant funds for the promotion of physical activity, education, fitness, and nutrition.

(3) APPLICATIONS.—An eligible local applicant that desires to receive a subgrant under this subsection shall submit to the State an application at such time, in such manner, and containing such information as the State may require.

(4) PRIORITY.—In awarding subgrants under this subsection, a State shall give priority to applications that—

(A) demonstrate the greatest need according to the results of the State's conditions for learning survey; and

(B) propose to serve schools with the highest concentrations of poverty, based on the percentage of students receiving or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—Each recipient of a subgrant under this subsection shall, for the duration of the subgrant—

(A) carry out activities—

(i) the need for which has been identified, at a minimum, through the conditions for learning measurement system; and

(ii) that are part of a comprehensive strategy or framework to address such need, in 1 or more of the 3 categories identified in paragraph (2)(A);

(B) ensure that each framework, intervention, or program selected be based on scientifically valid research and be used for the purpose for which such framework, intervention, or program was found to be effective;

(C) use school-level data from the statewide conditions for learning measurement system to inform the implementation and continuous improvement of activities carried out under this Act;

(D) use data from the statewide conditions for learning measurement system to identify challenges outside of school or off school grounds, (including the need for safe passages for students to and from school), and collaborate with 1 or more community-based organization to address such challenges;

(E) collect and report to the State educational agency, data for schools served by the subgrant recipient, in a manner consistent with the State's conditions for learning measurement system;

(F) establish policies to expand access to quality physical activity opportunities, (including school wellness policies) and establish active school wellness councils, consistent with the requirements of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), which may be part of existing school councils, if such councils exist and have the capacity and willingness to address school wellness;

(G) engage family members and community-based organizations in the development of conditions for learning surveys, and in the planning, implementation, and review of the subgrant recipient's efforts under this Act; and

(H) consider and accommodate the unique needs of students with disabilities and English language learners in implementing activities.

(i) ACCOUNTABILITY.—

(1) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish program performance metrics to measure the effectiveness of the activities carried out under this Act.

(2) ANNUAL REPORT.—Each State that receives a grant under this Act shall prepare and submit an annual report to the Secretary, which shall include information relevant to the conditions for learning, including on progress towards meeting outcomes for the metrics established under paragraph (1).

SEC. 6. FUNDS RESERVED FOR SECRETARY.

From the amount reserved under section 4(3), the Secretary shall—

(1) direct the Institute of Education Sciences to conduct an evaluation of the impact of the practices funded or disseminated by the Successful, Safe, and Healthy Students State Grants program; and

(2) provide technical assistance to applicants, recipients, and subgrant recipients of the programs funded under this Act.

SEC. 7. PROHIBITED USES OF FUNDS.

No funds appropriated under this Act may be used to pay for—

(1) school resource officer or other security personnel salaries, metal detectors, security cameras, or other security-related salaries, equipment, or expenses;

(2) drug testing programs; or

(3) the development, establishment, implementation, or enforcement of zero-tolerance discipline policies, other than those expressly required under the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

SEC. 8. FEDERAL AND STATE NONDISCRIMINATION LAWS.

Nothing in this Act shall be construed to invalidate or limit nondiscrimination principles or rights, remedies, procedures, or legal standards available to victims of discrimination under any other Federal law or law of a State or political subdivision of a State, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794a), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The obligations imposed by this Act are in addition to those imposed by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 173—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2011, AS ''NATIONAL PHYSICAL EDUCATION AND SPORT WEEK''

Ms. KLOBUCHAR (for herself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 173

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity, which has more than tripled in the United States since 1980;