S. 738

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) 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. 755

At the request of Mr. WYDEN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 778

At the request of Mr. MORAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 778, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 906

At the request of Mr. WICKER, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 931

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 931, a bill to amend the Internal Revenue Code of 1986 to reform the rules relating to fractional charitable donations of tangible personal property.

S. 940

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 940, a bill to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes.

S. CON. RES. 12

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Con. Res. 12, a concurrent resolution expressing the sense of Congress that the President should take certain actions with respect to the Government of Burma.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Maine (Ms. SNOWE) 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. CHAMBLISS, Mr. BROWN of Massachusetts, Mr. RUBIO, and Mr. WEBB):

S. 944. A bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. AYOTTE. Mr. President, nearly 10 years after the September 11 terrorist attacks, our country remains at war with violent extremists who want to kill Americans. Yet the administration has not designated a secure location for detaining, interrogating, and trying current and future terrorist detainees. Rather than seeking to address this problem, the administration continues to insist on closing Guantanamo Bay.

Earlier this week, Attorney General Holder in Paris reiterated the administration's determination to ultimately close the Guantanamo Bay facility. This determination to close Gitmo represents a misguided view that treats terrorism like everyday crime, hesitates to call this war on terrorism what it is, and places the perceptions of others over the safety of Americans.

I believe this desire to close Guantanamo represents an unacceptable abrogation of the Federal Government's most important responsibility: providing for the common defense. Therefore, today I rise to introduce and to urge my colleagues to support Senate bill 944, the Detaining Terrorists to Secure America Act of 2011.

Our diligent intelligence professionals and our brave special operations forces who brought bin Laden to justice don't need to be reminded that the United States and our international partners remain engaged in a war with violent Islamist extremist groups, including al-Qaida and associated terrorist groups that are committed to killing Americans and our allies. Indeed, in the treasure trove of information our forces gathered at bin Laden's compound, we have learned the terrorist groups are actively plotting new attacks against our country. This is the latest in a long string of attacks, or planned attacks, against our country in the last 2 years alone.

Just some of the examples of what we have seen: In September 2009, the plot to conduct a suicide bomb attack on the New York subway system; to the November 2009 attack on Fort Hood that killed 13 people and wounded 32; to the Christmas Day 2009 attempted bombing on an international flight to Detroit; to the May 2010 attempt to bomb Times Square; to the October 2010 attempt to send explosives to Jewish centers in Chicago; to a February 2011 plot to manufacture explosives and to conduct attacks in Texas and in New York. Al-Qaida and their fellow terrorists continue to threaten our country. Bin Laden's death is a significant blow to al-Qaida and associated terrorist organizations and a great accomplishment for our country, but the threat continues and our detention policies must reflect that reality.

Since 2001, we have captured and detained thousands of terrorists who have planned and conducted attacks and who have served as terrorist trainers, financiers, bomb makers, bodyguards, recruiters, and facilitators. Interrogations of these terrorists, including those at Guantanamo, have provided valuable intelligence that has prevented attacks, saved lives, and helped locate other terrorists. Detention and interrogation of terrorists at Guantanamo not only protects American lives which is the core function of our federal government, but detention and interrogation of terrorists at Guantanamo also protects our allies. Of course, the most recent and noteworthy example that demonstrates the value of intelligence gleaned from detainee interrogations is the case of Osama bin Laden. Our intelligence community would never have found bin Laden if it weren't for the intelligence gleaned from the interrogation of terrorist detainees.

Not only have interrogations of detainees helped us track down other terrorists, but detaining terrorists helps prevent future attacks. Unfortunately, as Secretary Gates confirmed in response to my question during an Armed Services Committee hearing in February, approximately 1 out of 4, or 25 percent of the Guantanamo detainees who have been released, have reengaged or we suspect have reengaged in hostilities against the United States and our allies. I can tell my colleagues, as a former prosecutor that is an unacceptable reengagement rate.

Former Guantanamo detainees are conducting suicide bombings, recruiting radicals, and training them to kill Americans and our allies. Said al Shihri and Abdul Zakir represent two examples of former Guantanamo detainees who have returned to the fight and assumed leadership positions in terrorist organizations that are dedicated to killing Americans and our allies. Said al Shihri is now working as the No. 2 in al-Qaida in the Arabian Peninsula. After a recent promotion, Abdul Zakir now serves as a top Taliban military commander and a senior leader in the Taliban Quetta Shura. In the world of terrorists, it has become a badge of honor to have served at Guantanamo, and then to have been released, and then to get back into the fight against us.

It is unacceptable for even one released detainee to reengage in the fight against our country. As a military spouse and a member of the Senate Armed Services Committee, I find it sickening that our country has released dangerous prisoners who are

now actively plotting to kill Americans and our allies.

Some have expressed concerns regarding the legality of long-term detention for these terrorists, or expressed concerns about the conditions at Guantanamo. I wish to address both of those concerns.

First, as the former Attorney General of the State of New Hampshire, I am as eager as anyone to ensure that our detention policies conform to the rule of law and reflect our core values. Some have questioned the legality of detaining terrorists. Yet we should be very clear that, according to the law of war, detention is a matter of national security and military necessity and has long been recognized as legitimate under international law.

Second, some have expressed concerns about the conditions at Guantanamo. In March, I visited the Guantanamo Bay detention facility. Gitmo now represents the most professionally run detention facility in the world. International human rights activists, reporters, Members of the Congress and the Senate, constantly stream through Guantanamo checking on the conditions and holding the Department of Defense accountable. Guantanamo is no Abu Ghraib. Detainees are treated in a manner that conforms to international law and honors our values. Guantanamo detainees receive three meals a day tailored to the preferences of each detainee. They also have access to topnotch health care facilities. Their religion is respected. They have television, newspapers, books, English classes, and art classes. In fact, the officials at Guantanamo bend over backwards to respect the cultural and religious preferences of the detainees who are held there. Don't get me wrong; Guantanamo is no Club Med, but the terrorists who are detained there, most of whom would undoubtedly kill Americans if they were given the chance, are getting much better treatment than they deserve.

As a former prosecutor, I have been in a few prisons in my time, and I can tell my colleagues the detention facility at Gitmo is much nicer than some that our common criminals are in, in the United States of America. I was also impressed with the state-of-the-art courtroom at Guantanamo which would rival any Federal courtroom in the United States. However, unlike your average courtroom, it is set up to address the special security concerns associated with trying terrorists and it is also especially designed to enable the judge to ensure that classified information will not be compromised or leaked. This courtroom is the appropriate courtroom and venue for Khalid Sheikh Mohammed and the other 9/11 conspirators to be held accountable for their roles in the horrific attacks on our country on September 11. And after almost 10 years, the victims of September 11 have waited much too long for justice.

I believe our country stands on a solid legal framework in detaining terrorists according to the law of war, and I also believe Guantanamo represents the ideal facility for detaining, interrogating, and trying current and future terrorist detainees.

Some may ask, Why introduce this legislation now? Why is it needed? In February, during a Senate Armed Services Committee hearing, I asked Secretary Gates where we would detain high value terrorists that we capture in the future if the President goes forward with his plan to close Guantanamo. Secretary Gates candidly said to me: ''I think the honest answer to that question is we don't know.''

I was encouraged by President Obama's decision to resume military commissions at Guantanamo. Yet the administration was careful to reiterate its determination to ultimately close Guantanamo. Unfortunately, as I previously mentioned, on Monday Attorney General Holder, in Paris, reiterated the administration's desire to close Guantanamo. But we know intelligence gathered at Guantanamo played a valuable role in helping to ultimately find Osama bin Laden. We know there are other terrorists out there who want to do us harm, and we need to keep this facility open. For this reason, I believe Congress must pass this legislation without delay.

Before concluding, let me briefly summarize what S. 944 will do.

This legislation reaffirms the authority to maintain Gitmo as an operating facility for the detention of current and future unprivileged enemy belligerents.

It directs the Secretary of Defense to take actions to maintain Gitmo as an operating facility for the detention of current and future unprivileged enemy belligerents.

It extends permanently the limitation of transfer of detainees to foreign entities and the prohibition of construction or modification of facilities in the United States of America for detaining terrorists. We have heard loud and clear from the American people that they do not want terrorists detained on American soil.

Finally, it supersedes sections of President Obama's Executive order that he issued shortly after he got into office on January 22, 2009. He issued an Executive order saying that Guantanamo would be closed. This legislation will supersede the portions of that Executive order related to the closure of Gitmo, the determination of transfer, the prosecution of terrorists in article III courts and the military tribunals.

In short, this legislation would establish Gitmo as the permanent location for detaining, interrogating, and trying unprivileged enemy belligerents or terrorists. To accomplish this, we will permanently limit the transfer of detainees to foreign entities because what has happened is that terrorist detainees have been transferred to foreign countries and then the foreign countries release the former detainee. That is how so many former detainees have made there way back to the battlefield. So we have to stop that. And this legislation will prohibit the construction or modification of facilities in the United States of America for detaining terrorists, to make sure we keep detained terrorists at Gitmo and off U.S. soil.

I am proud to introduce this bipartisan legislation called Detaining Terrorists to Secure America Act of 2011, S. 944. I am especially proud that many friends and colleagues have decided to support this bipartisan legislation, including Senators GRAHAM, LIEBERMAN, CHAMBLISS, BROWN, RUBIO and WEBB, all of whom have been leaders when it comes to fighting terrorism and protecting Americans.

Everything we do in this Chamber must be guided by our Constitution, and the Federal Government must fulfill its most important constitutional duty of protecting the American people. Pretending we are not at war with terrorists will not change the fact that terrorists continue to plot against us and to attack Americans. Consistent with our values and the rule of law, we must establish the Guantanamo detention facility as the permanent location for detaining, interrogating, and trying terrorists.

I urge my colleagues to support this legislation, and I thank the Presiding Officer.

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. 944

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 ''Detaining Terrorists to Secure America Act of 2011''

SEC. 2. FINDINGS.

Congress makes the following finding:

(1) The United States and its international partners are in an armed conflict with violent Islamist extremist groups, including al Qaeda and associated terrorist organizations, that are committed to killing Americans and our allies.

(2) In the last 2 years, terrorists have repeatedly attempted to kill Americans both here at home and abroad, including the following attacks, plots, or alleged plots and attacks:

(A) A September 2009 plot by Najibullah Zazi—who received training from al Qaeda in Pakistan—to conduct a suicide bomb attack on the New York, New York, subway system.

(B) A November 2009 attack by Nidal Malik Hasan at Fort Hood, Texas, that killed 13 people and wounded 32.

(C) A Christmas Day 2009 attempt by Umar Farouk Abdulmutallab to detonate a bomb sewn into his underwear on an international flight to Detroit, Michigan.

(D) A May 2010 attempt by Faisal Shahzad to bomb Times Square in New York, New York, on a crowded Saturday evening, an attack that was unsuccessful only because the car bomb failed to detonate.

(E) An October 2010 attempt by terrorists in Yemen to send, via commercial cargo flights, 2 packages of explosives to Jewish centers in Chicago, Illinois.

(F) A February 2011 plot by Khaled Aldawsari, a Saudi-born student, to manufacture explosives and potentially attack New York, New York, the Dallas, Texas, home of former President George W. Bush, as well as hydroelectric dams, nuclear power plants, and a nightclub.

(3) Since the September 11, 2001, attacks on our Nation, the United States and allied forces have captured thousands of individuals fighting for or supporting al Qaeda and associated terrorist organizations that do not abide by the law of war, including detainees at United States Naval Station, Guantanamo Bay, Cuba, who served as planners of those attacks, trainers of terrorists, financiers of terrorists, bomb makers, bodyguards for Osama bin Laden, recruiters of terrorists, and facilitators of terrorism.

(4) Many of the detainees at United States Naval Station, Guantanamo Bay provided valuable intelligence that gave the United States insight into al Qaeda and its methods, prevented terrorist attacks, and saved lives.

(5) Intelligence obtained from detainees at United States Naval Station, Guantanamo Bay was critical to eventually identifying the location of Osama bin Laden.

(6) In a February 17, 2011, hearing of the Committee on Armed Services of the Senate, the Secretary of Defense confirmed that approximately 25 percent of detainees released from the detention facility at United States Naval Station, Guantanamo Bay are confirmed to have reengaged in hostilities or are suspected of having reengaged in hostilities against the United States or our allies.

(7) Al Qaeda in the Arabian Peninsula, an organization that includes former detainees at United States Naval Station, Guantanamo Bay among its leadership and ranks, has claimed responsibility for several of the recent plots and attacks against the United States.

(8) Detention according to the law of war is a matter of national security and military necessity and has long been recognized as legitimate under international law.

(9) Detaining unprivileged enemy belligerents prevents them from returning to the battlefield to attack United States and allied military personnel and engaging in future terrorist attacks against innocent civilians.

(10) The Joint Task Force-Guantanamo provides for the humane, legal, and transparent care and custody of detainees at United States Naval Station, Guantanamo Bay, notwithstanding regular assaults on the guard force by some detainees.

(11) The International Committee of the Red Cross visits detainees at United States Naval Station, Guantanamo Bay on a quarterly basis.

(12) The detention facility at United States Naval Station, Guantanamo Bay benefits from robust oversight by Congress.

SEC. 3. REAFFIRMATION OF AUTHORITY TO MAINTAIN UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AS A LOCATION FOR THE DETENTION OF UNPRIVILEGED ENEMY BELLIGERENTS HELD BY THE DEPARTMENT OF DEFENSE.

(a) REAFFIRMATION OF AUTHORITY AS LOCATION FOR DETENTION OF UNPRIVILEGED ENEMY BELLIGERENTS.—United States Naval Station, Guantanamo Bay, Cuba, is and shall be a location for the detention of individuals in the custody or under the control of the Department of Defense who have engaged in, or supported, hostilities against the United States or its coalition partners on behalf of al Qaeda, the Taliban, or an affiliated group to which the Authorization for Use of Military Force (Public Law 107–40) applies.

(b) MAINTENANCE AS AN OPERATIONAL FACILITY FOR DETENTION.—The Secretary of Defense shall take appropriate actions to maintain United States Naval Station, Guantanamo Bay, Cuba, as an open and operating facility for the detention of current and future individuals as described in subsection (a).

(c) PERMANENT EXTENSION OF CERTAIN LIMITATIONS RELATING TO DETAINEES AND DETENTION FACILITIES.—

(1) LIMITATION ON TRANSFER OF DETAINEES TO FOREIGN ENTITIES.—Section 1033(a)(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4351) is amended by striking ''during the one-year period'' and all that follows through ''by this Act'' and inserting ''the Secretary of Defense may not use any amounts authorized to be appropriated''.

(2) PROHIBITION ON CONSTRUCTION OF DETENTION FACILITIES IN UNITED STATES.—Section 1034(a) of such Act (124 Stat. 4353) is amended by striking ''None of the funds authorized to be appropriated by this Act'' and inserting ''No funds authorized to be appropriated or otherwise made available to the Department of Defense, or to or for any other department or agency of the United States Government,''.

(d) SUPERSEDURE OF EXECUTIVE ORDER.—Sections 3, 4(c)(2), 4(c)(3), 4(c)(5), and 7 of Executive Order No. 13492, dated January 22, 2009, shall have no further force or effect.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Mr. LEAHY, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. BENNET, Mr. UDALL of Colorado, Mr. FRANKEN, and Mr. CONRAD):

S. 946. A bill to establish an Office of Rural Education Policy in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

Mr. BAUCUS. Mr. President, Mike Mansfield once said, ''Knowledge is essential for acceptance and understanding.''

This statement is all too true for the students and educators residing in rural areas. While rural education is becoming an increasingly large and important part of the U.S. public school system, the unique challenges and circumstances within these rural communities are often misunderstood or overlooked. According to the Digest of Education Statistics reported annually by the National Center for Education Statistics, the number of students attending rural schools increased by over 11 percent, from 10.5 million in 2004 to nearly 11.7 million by 2008. Rural students now comprise almost ¼ of the Nation's public school enrollment. And nearly one-third of all schools in the nation are located in rural areas.

Rural is also becoming increasingly diverse. According to NCES, the increase in rural enrollment between 2004 and 2009 was disproportionally among students of color. And in the 2007–2008 school year the national average rate of student poverty in rural school districts, as measured by the rate of participation in federally subsidized meals programs, was almost 40 percent.

Yet despite the significant percentage enrolled in rural schools, the importance of rural education is often obscured by the fact that rural students are, naturally, widely-dispersed, located in small, geographically isolated school districts. The size, diversity, and complexity of rural education support a greater policy focus on the unique challenges and solutions for rural education.

Montana is the fourth largest state by land mass, totaling over 147,000 square miles. More than half of Montana's 830 schools enroll less than 100 students. From Eureka to Ekalaka, from Scobey to Darby, these small schools dot the landscape, providing not only a learning environment but often a community center.

Montana's rural communities are doing an excellent job educating Montana's next generation. Overall, Montana graduation rates are higher than the national average. Montana students taking the National Assessment of Educational Progress, NAEP, in 2009 scored higher than the national average in both reading and math.

But despite the success of Montana's rural schools, these schools face a unique set of challenges that their urban-centric peers may not even comprehend. In 2004, the U.S. Government Accountability Office released a report highlighting the needs and distinctive challenges of rural schools and districts across this nation.

For example, rural schools report greater difficulties in recruiting and retaining qualified teachers, due to inability to offer competitive salaries, geographic isolation, and for some, severe weather. Rural districts often have fewer personnel. The district superintendent is often also the high school principal. He or she may also be the Title I coordinator, math curriculum specialist, and sometimes also the head of transportation services! In isolated areas, schools face challenges in providing professional development and training for teachers and principals. Small rural districts are often located long distances from other districts, towns, and universities, drastically reducing opportunities to partner or collaborate. Additionally, the long distances students must travel between school and home make it more difficult to participate in traditional remedial services, mentoring, and after school programs.

I commend the Secretary for efforts he has taken to try to address concerns of rural areas. However, these efforts have fallen short, and in some cases, even good intentions have created adverse consequences. Most recently, the Investing in Innovation, i3, competitive grant program provided ''competitive preference points'' for applicants serving at least one rural district, in an effort to encourage and support rural applicants. However, the department's lack of guidance and independent scorers' lack of understanding of rural areas still left authentically rural programs at a clear disadvantage. The Rural School & Community Trust highlighted in its report Taking Advantage that this ''rural preference'' instead had the effect of inducing

urban applicants to include minimal rural participation merely in order to gain the additional scoring points for primarily urban projects.

I am joined today by my colleague from West Virginia, Senator ROCKEFELLER, in introducing the Office of Rural Education Policy Act. This bill will establish the Office of Rural Education Policy, housed at the Department of Education's Office of Elementary & Secondary Education. This office and its director will be tasked with coordinating the activities related to rural education and advising the Secretary on issues important to rural schools and districts. The legislation requires the department to consider the impact of proposed rules and regulations on rural education and to produce an annual report on the condition of rural education. The Office of Rural Education Policy will be tasked with establishing a clearinghouse for collecting and disseminating information related to the unique challenges of rural areas, as well as the innovative efforts under way in rural schools to tackle these challenges.

The strong list of supporters of this bill further solidifies the need for an Office of Rural Education Policy. We have received strong support from: American Association of Community Colleges, American Association of School Administrators, Alliance for Excellent Education, Association of Educational Service Agencies, Center for Rural Affairs, Coalition for Community Schools, Council for Opportunity in Education, Montana School Board Association, Montana State Superintendents Association, Montana Rural Education Association, National Association of State Boards of Education, National Association of Development Organizations, National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Education Association, National Congress of American Indians, National Farmers Union, National Indian Education Association, National Rural Education Association, National Rural Education Advocacy Coalition, National School Board Association, Organizations Concerned about Rural Education, Public Education Network, Rural School and Community Trust, and Save the Children. I want to thank all the supporters of the bill, and want to particularly thank the efforts of the Rural School and Community Trust for its steadfast commitment to this proposal.

Mike Mansfield was right. ''Knowledge is essential for acceptance and understanding.'' I look forward to working with my colleagues here in the Senate to move this legislation, to bring about greater knowledge of rural schools and ensure they are both accepted and understood.

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. 946

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 ''Office of Rural Education Policy Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of Education has recognized that ''[r]ural schools have unique challenges and benefits'', but a recent report by the Rural School and Community Trust refers to the ''paucity of rural education research in the United States''.

(2) Rural education is becoming an increasingly large and important part of the United States public school system. According to the Digest of Education Statistics reported annually by the National Center for Education Statistics, the number of students attending rural schools increased by more than 11 percent, from 10,500,000 to nearly 11,700,000, between the 2004–2005 and 2008–2009 school years. The share of the Nation's public school enrollment attending rural schools increased from 21.6 percent to 23.8 percent. In school year 2008–2009, these students attended 31,635 rural schools, nearly one-third of all schools in the United States.

(3) Despite the overall growth of rural education, rural students represent a demographic minority in all but 3 States, according to the National Center for Education Statistics.

(4) Rural education is becoming increasingly diverse. According to the National Center for Education Statistics, the increase in rural enrollment between the 2004–2005 and 2008–2009 school years was disproportionally among students of color. Enrollment of children of color in rural schools increased by 31 percent, and the proportion of students enrolled in rural schools who are children of color increased from 23.0 to 26.5 percent. More than one-third of rural students in 12 States are children of color, according to research by the Rural School and Community Trust (Why Rural Matters 2009).

(5) Rural education is varied and diverse across the Nation. In school year 2007–2008, the national average rate of student poverty in rural school districts, as measured by the rate of participation in federally subsidized meals programs, was 39.1 percent, but ranged from 9.7 percent in Connecticut to 71.9 percent in New Mexico, according to the National Center for Education Statistics.

(6) Even policy measures intended to help rural schools can have unintended consequences. In awarding competitive grants under the Investing in Innovation Fund program under section 14007 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the Secretary of Education attempted to encourage and support rural applicants by providing additional points for proposals to serve at least 1 rural local educational agency. But according to research by the Rural School and Community Trust (Taking Advantage, 2010), this ''rural preference'' mainly had the effect of inducing urban applicants to include rural participation merely in order to gain additional scoring points for primarily urban projects.

(7) Rural schools generally utilize distance education more often for both students and teachers. A fall 2008 survey of public schools by the National Center for Education Statistics found that rural schools were 1½ times more likely to provide students access for online distance learning than schools in cities. A September 2004 study from the Government Accountability Office reported that rural school districts used distance learning for teacher training more often than nonrural school districts.

(8) The National Center for Education Statistics reports that base salaries of both the lowest and highest paid teachers are lower in rural schools than any other community type.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish an Office of Rural Education Policy in the Department of Education; and

(2) to provide input to the Secretary of Education regarding the impact of proposed changes in law, regulations, policies, rules, and budgets on rural schools and communities.

SEC. 3. ESTABLISHMENT OF OFFICE OF RURAL EDUCATION POLICY.

(a) IN GENERAL.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following:

''SEC. 221. OFFICE OF RURAL EDUCATION POLICY.

''(a) IN GENERAL.—There shall be, in the Office of Elementary and Secondary Education of the Department, an Office of Rural Education Policy (referred to in this section as the 'Office').

''(b) DIRECTOR; DUTIES.—

''(1) IN GENERAL.—The Office shall be headed by a Director, who shall advise the Secretary on the characteristics and needs of rural schools and the effects of current policies and proposed statutory, regulatory, administrative, and budgetary changes on State educational agencies, and local educational agencies, that serve schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary.

''(2) ADDITIONAL DUTIES OF THE DIRECTOR.—In addition to advising the Secretary with respect to the matters described in paragraph (1), the Director of the Office of Rural Education Policy (referred to in this section as the 'Director'), through the Office, shall—

''(A) establish and maintain a clearinghouse for collecting and disseminating information on—

''(i) teacher and principal recruitment and retention at rural elementary schools and rural secondary schools;

''(ii) access to, and implementation and use of, technology and distance learning at such schools;

''(iii) rigorous coursework delivery through distance learning at such schools;

''(iv) student achievement at such schools, including the achievement of low-income and minority students;

''(v) innovative approaches in rural education to increase student achievement;

''(vi) higher education and career readiness and secondary school completion of students enrolled in such schools;

''(vii) access to, and quality of, early childhood development for children located in rural areas;

''(viii) access to, or partnerships with, community-based organizations in rural areas;

''(ix) the availability of professional development opportunities for rural teachers and principals;

''(x) the availability of Federal and other grants and assistance that are specifically geared or applicable to rural schools; and

''(xi) the financing of such schools;

''(B) identify innovative research and demonstration projects on topics of importance to rural elementary schools and rural secondary schools, including gaps in such research, and recommend such topics for study by the Institute of Education Sciences and other research agencies;

''(C) coordinate the activities within the Department that relate to rural education;

''(D) provide information to the Secretary and others in the Department with respect

to the activities of other Federal departments and agencies that relate to rural education, including activities relating to rural housing, rural agricultural services, rural transportation, rural economic development, rural career and technical training, rural health care, rural disability services, and rural mental health;

''(E) coordinate with the Bureau of Indian Education, the Bureau of Indian Affairs, the Department of the Interior, and the schools administered by such agencies regarding rural education;

''(F) provide, directly or through grants, cooperative agreements, or contracts, technical assistance and other activities as necessary to support activities related to improving education in rural areas; and

''(G) produce an annual report on the condition of rural education that is delivered to the members of the Education and the Workforce Committee of the House of Representatives and the Health, Education, Labor, and Pensions Committee of the Senate and published on the Department's website.

''(c) IMPACT ANALYSES OF RULES AND REGULATIONS ON RURAL SCHOOLS.—

''(1) PROPOSED RULEMAKING.—Whenever the Secretary publishes a general notice of proposed rulemaking for any rule or regulation that may have a significant impact on State educational agencies or local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary, the Secretary (acting through the Director) shall prepare and make available for public comment an initial regulatory impact analysis. Such analysis shall describe the impact of the proposed rule or regulation on such State educational agencies and local educational agencies and shall set forth, with respect to such agencies, the matters required under section 603 of title 5, United States Code, to be set forth with respect to small entities. The initial regulatory impact analysis (or a summary) shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule or regulation.

''(2) FINAL RULE.—Whenever the Secretary promulgates a final version of a rule or regulation with respect to which an initial regulatory impact analysis is required by paragraph (1), the Secretary (acting through the Director) shall prepare a final regulatory impact analysis with respect to the final version of such rule or regulation. Such analysis shall set forth, with respect to State educational agencies and local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary, the matters required under section 604 of title 5, United States Code, to be set forth with respect to small entities. The Secretary shall make copies of the final regulatory impact analysis available to the public and shall publish, in the Federal Register at the time of publication of the final version of the rule or regulation, a statement describing how a member of the public may obtain a copy of such analysis.

''(3) REGULATORY FLEXIBILITY ANALYSIS.—If a regulatory flexibility analysis is required by chapter 6 of title 5, United States Code, for a rule or regulation to which this subsection applies, such analysis shall specifically address the impact of the rule or regulation on State educational agencies and local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary.''.

(b) EFFECTIVE DATE.—Section 221(c) of the Department of Education Organization Act, as added by subsection (a), shall apply to regulations proposed more than 30 days after the date of enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am proud to join Senator BAUCUS from Montana and my colleagues Senator BEGICH of Alaska, Senator BENNET of Colorado, Senator FRANKEN of Minnesota, Senator JOHNSON of South Dakota, Senator LEAHY of Vermont, Senator SANDERS of Vermont, and Senator UDALL of Colorado, in introducing legislation today to establish an Office of Rural Education Policy at the Department of Education. Senator BAUCUS's leadership in bringing attention to education in our rural areas is remarkable, and I am proud to work with him on this increasingly important issue.

In addition to my colleagues who are cosponsoring this legislation, I want to acknowledge the many organizations who have already announced their support for it. Their concern for the students living in rural America is greatly appreciated. These organizations include American Association of Community Colleges, American Association of School Administrators, Alliance for Excellent Education, Association of Educational Service Agencies, Center for Rural Affairs, Coalition for Community Schools, Council for Opportunity in Education, National Association of State Boards of Education, National Association of Development Organizations, National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Congress of American Indians, National Education Association, National Farmers Union, National Indian Education Association, National Rural Education Association, National Rural Education Advocacy Coalition, National School Board Association, Organizations Concerned about Rural Education, Public Education Network, Rural School and Community Trust, and Save the Children.

We rightly focus quite a bit on education around here—the future success of our nation depends upon today's students. Since nearly one quarter of the students in America are at rural schools and the share of students in rural schools has been increasing, our Nation's success depends considerably on success in rural schools. Over half of the schools in West Virginia are in rural areas. This legislation will create an Office at the Department of Education to make sure the programs there are working for students in schools in rural areas.

Rural schools are not just miniature versions of their urban counterparts. They face special challenges and they have unique capabilities. Among the challenges faced are shrinking local tax bases, recruiting and retaining teachers and principals, limited access to advanced courses, and proportionally higher transportation costs. At the same time, rural communities, and I am very proud of the communities in West Virginia often provide a strong foundation for support and improvement. They are leaders in the use of distance learning. While smaller schools lack an economy of scale, they often profit from this small size and their closeness to community. Parental involvement and support is typically high. Rural schools can be very innovative, and research on what works in rural schools needs to be completed and disseminated.

The Office of Rural Education Policy is modeled after the successful Office of Rural Health Policy at the Department of Health and Human Services which Congress established in 1987. The office will be led by a director charged with coordinating the activities of the Department of Education concerning rural education. It will establish and maintain a clearinghouse for issues faced by rural schools, such as teacher and principal recruitment and retention; partnerships with community-based organizations; and financing of rural schools.

The office will identify innovative research and demonstration projects on rural schools, and recommend research to bridge any gaps. It will issue an annual report on the condition of rural education, and an analysis of the impact on rural education from proposed regulations and other activities will be made public.

Rural schools have been a part of our national fabric since its very beginning. Their students deserve the focus this legislation will provide. It has been said that education in rural America is ''too large to be ignored but too small and diverse to be highly visible.'' We need to establish this office so that it is not ignored and so that its successes are made more visible. I urge my colleagues to support this bill.

By Mr. CARDIN (for himself and Mr. CASEY):

S. 950. A bill to amend title 23, United States Code, to repeal a prohibition on allowing States to use toll revenues as State matching funds for Appalachian Development Highway projects; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today Senator CASEY and I are introducing a bill to help facilitate the completion of critically important transportation infrastructure to the Appalachian region of the United States. The Appalachian Development Highway System, ADHS, is designed to alleviate Appalachia's isolation from major commercial corridors and create better transportation connectivity between communities within the Region and to destinations outside of Appalachia.

According to the Appalachian Regional Commission, ARC: ''Because the cost of building highways through Appalachia's mountainous terrain was high, the Region had never been served by adequate roads. Its network of narrow, winding, two-lane roads, snaking through narrow stream valleys or over mountaintops, was slow to drive, unsafe, and in many places worn out. The Nation's interstate highway system had largely bypassed the Appalachian Region, going through or around the Region's rugged terrain as cost-effectively as possible.''

That's why in 1964, ARC recommended that investments in improving Appalachia's highways were essential to economic growth of this historically economically depressed region of the country. The ADHS is currently authorized at 3,090 miles and is nearly 88 percent complete or under construction. The remaining miles left to be built are located in some of the more difficult places to build located near the mid-Atlantic portion of Appalachia.

The difficulty of construction in this region makes these stretches of the ADHS more expensive to build as well. The legislation I am filing today will provide Appalachian States with greater flexibility on how they may raise and their portion of matching funds that are used towards ADHS projects.

Toll credits, first authorized in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), are being used extensively by States with toll facilities. As of May 31, 2007, over $18 billion in toll credits had been approved in 22 States and Puerto Rico. Toll credits are designed to encourage States to increase capital investment in transportation infrastructure and enable States to simplify program administration. However, there is an interesting exception for how and where toll credit may be used.

SAFETEA–LU included a modification to the toll credit requirements as codified in Section 120(j) of Title 23, United States Code, U.S.C., prohibiting the use of toll credits on the Appalachian Development Highway System program under Section 14501 of Title 40.

Our legislation, quite simply, repeals this prohibition against States using toll credits as their state matching funds for ADHS projects.

Given these particularly difficult economic times that have presented exceptional budgetary challenges for States to revenue adequate revenues to pay for essential infrastructure projects, I believe States need the flexibility to use highway revenues as they see fit regardless of the means in which those revenues are raised. The SAFETEA–LU prohibition against the use of toll credits on the ADHS is discriminatory against a particular revenue mechanism.

Allowing a State to use toll credits towards an ADHS project does not require that State to raise the tolls revenues on the ADHS road that the toll credits were used towards.

I urge my colleagues to join Sen. CASEY and I in repealing SAFETEA–LU's prohibition against one particular revenue stream that could be used to complete an incredibly important system of transportation infrastructure designed to serve a historically underserved region of rural America.

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

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

S. 950

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

SECTION 1. MATCHING FUNDS FOR APPALACHIAN DEVELOPMENT HIGHWAY PROJECTS.

Section 120(j)(1)(A) of title 23, United States Code, is amended by striking ''and the Appalachian development highway system program under section 14501 of title 40''.

Mr. CASEY. Mr. President, I rise today to discuss the development of the Appalachian Development Highway System, ADHS. The completion of this highway system, which connects 13 States from New York to Mississippi, is critical to the economic development of the region as a whole.

Despite the significant progress Appalachia has made over the past few decades, the region has continued to face economic challenges. In the 420-county region, approximately one fourth of these counties are designated as having high poverty, meaning that the poverty rate is 1.5 times the U.S. average. According to the Appalachian Regional Commission, two thirds of the Appalachian counties have unemployment rates that are higher than the national average.

Completion of the Appalachian Development Highway System will spur economic development in the region and create much needed jobs. The Federal Government has played a significant role in the development of this initiative and I urge my colleagues to renew this commitment.

Today, my colleague Senator CARDIN from Maryland and I introduced a bill that will help the continued development of this highway system. Our bill will reverse language in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, that prohibits the use of toll credits for the non-federal share for ADHS projects. This legislation would allow States to unlock existing unspent balances and make it easier for States to access and leverage additional funding. Our bill will allow ADHS projects to move forward, such as Route 219 in my home State of Pennsylvania. In addition, this change would eliminate a disparity that does not exist for the vast majority of other Federal transportation programs.

I urge my colleagues to support this important piece of legislation.

By Mrs. MURRAY (for herself, Ms. MURKOWSKI, Mr. ROCKEFELLER, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CASEY, Mr. COONS. Mr. SANDERS, Mr. TESTER, Mr. LEAHY, and Mr. BROWN of Massachusetts)

S. 951. A bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the Hiring Heroes Act of 2011.

My colleagues, including Senators MURKOWSKI, LEAHY, BAUCUS, ROCKEFELLER, AKAKA, BOXER, SANDERS, BROWN of Ohio, CASEY, TESTER, BEGICH, COONS, and BROWN of Massachusetts join me in introducing this important legislation. I appreciate their continued support of our Nation's veterans. I also want to thank the veterans service organizations and their representatives, who have supported this legislation, including Iraq and Afghanistan Veterans of America, Military Officers Association of America, The American Legion, Disabled American Veterans, and the Veterans of Foreign Wars of the United States.

Today, we are taking a huge step forward in rethinking the way we treat our men and women in uniform after they leave the military. For too long in this country we have invested billions of dollars in training our young men and women with new skills to protect our nation, only to turn our backs once they have left the military. For too long, at the end of their career we patted these troops on the back for their service and then pushed them out into the job market alone. Where has that left us today?

Today, we have an unemployment rate as high as 27 percent among young veterans coming home from Iraq and Afghanistan. That is over one in five of our Nation's heroes who cannot find a job to support their family; who do not have an income that provides stability; and do not have work that provides them with the self-esteem and pride that is so critical to their transition home.

All too often we read about the results of veterans who come home—often with the invisible wounds of war—who cannot find the dignity and security that work provides. We read about it in skyrocketing suicide statistics; problems at home; substance abuse problems, and even in rising rates of homelessness among our young veterans.

I frequently hear from veterans that we have failed to provide adequate job support. I have had veterans tell me that they no longer write the fact that they're a veteran on their resume because they fear the stigma that employers might attach to the invisible wounds of war. I have heard from medics like Eric Smith, a former Navy Corpsman who returned home from treating battlefield wounds and could not get certifications necessary to be an emergency medical technician or to drive an ambulance.

I have heard from veteran after veteran who said that they did not have to go through the military's job skills training program or that they were never taught how to use the vernacular of the business world to describe the benefits of their experience. These stories are as heartbreaking as they are frustrating, but more than anything they are a reminder that we have to act now.

The bill we are introducing today allows our men and women in uniform to capitalize on their service, while also ensuring that the American people capitalize on the investment we have made in them. For the first time, it would require broad job skills training for every servicemember as they leave the military as part of the military's Transition Assistance Program. Today, nearly ⅓ of our servicemembers do not get this training.

This bill would also allow servicemembers to begin the federal employment process prior to separation in order to facilitate a truly seamless transition from the military to jobs at the VA, Homeland Security or many of the other federal agencies in need of our veterans.

In addition, this bill also requires the Department of Labor to take a hard look at what military skills and training should be translatable into the civilian sector, and will work to make it simpler to get needed licenses or certifications.

Finally, this bill will allow for innovative partnerships with organizations that provide mentorship and training programs that are designed to lead to job placements. All of these are real, substantial steps to put our veterans to work, and all of them come at a pivotal time for our economic recovery and our veterans.

I grew up with the Vietnam War and I have dedicated much of my Senate career to helping to care for the veterans we left behind at that time. The mistakes we made then have cost our nation and our veterans dearly and have weighed on the conscience of this nation; yet today we stand on the brink of repeating those mistakes.

We cannot let that happen. Our Nation's veterans are disciplined, team players who have proven they can deliver under pressure like no one else. It is time for us to deliver for them.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's servicemembers as they transition into civilian life. I also ask our colleagues for their continued support for the Nation's veterans.

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. 951

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 ''Hiring Heroes Act of 2011''.

SEC. 2. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

SEC. 3. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking ''who have been rehabilitated to the point of employability''.

SEC. 4. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking ''A person'' and inserting the following:

''(a) IN GENERAL.—A person''; and

(B) by adding at the end the following new paragraph:

''(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—(1) A person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

''(A) the person is described by paragraph (1) or (2) of subsection (a); and

''(B) the person—

''(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

''(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

''(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

''(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

''(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

''(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

''(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

''(3) In this subsection, the terms 'compensation', 'regular compensation', 'benefit year', 'State', 'State law', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).''.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking ''Except as provided in subsection (c) of this section,'' and inserting ''(1) Except as provided in paragraph (2) and in subsection (c),''; and

(B) by adding at the end the following new paragraph:

''(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 24 months.''.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking ''in subsection (b), (c), or (d)'' and inserting ''in subsection (b), (c), (d), or (e)'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

''(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

''(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.''.

(c) EXCEPTION TO LIMITATION ON RECEIPT OF ASSISTANCE UNDER CHAPTER 31 AND ONE OR MORE PROGRAMS.—Section 3695(b) of such title is amended—

(1) by striking ''No person'' and inserting ''Except as provided in paragraph (2), no person''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply with respect to a rehabilitation program described in section 3103(e)(2) of this title.''.

SEC. 5. ASSESSMENT AND FOLLOW-UP ON VETERANS WHO PARTICIPATE IN DEPARTMENT OF VETERANS AFFAIRS TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Section 3106 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

''(g) For each rehabilitation program pursued by a veteran under this chapter, the Secretary shall contact such veteran not later than 180 days after the date on which such veteran completes such rehabilitation program or terminates participation in such rehabilitation program and not less frequently than once every 180 days thereafter for a period of one year to ascertain the employment status of the veteran and assess such rehabilitation program.''; and

(2) in the section heading, by adding ''**; program assessment and follow-up**'' at the end.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of such title is amended by striking the item relating to section 3106 and inserting the following new item:

''3106. Initial and extended evaluations; determinations regarding serious employment handicap; program assessment and follow-up.''.

SEC. 6. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITIONAL ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1144(c) of title 10, United States Code, is amended by striking ''shall encourage'' and all that follows and inserting ''shall require the participation in the program carried out under this section of the members eligible for assistance under the program.''.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking ''may'' and inserting ''shall''.

SEC. 7. FOLLOW-UP ON EMPLOYMENT STATUS OF MEMBERS OF ARMED FORCES WHO RECENTLY PARTICIPATED IN TRANSITIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

For each individual who participates in the Transitional Assistance Program (TAP) of the Department of Defense, the Secretary of Labor shall contact such individual not later than 180 days after the date on which such individual completes such program and not less frequently than once every 90 days

thereafter for a period of 180 days to ascertain the employment status of such individual.

SEC. 8. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

''§ 4104A. Collaborative veterans' training, mentoring, and placement program

''(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than 3 organizations, for periods of 2 years.

''(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

''(1) collaborate with—

''(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

''(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

''(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

''(1) information describing how the organization will—

''(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

''(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

''(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

''(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

''(d) REPORTS.—(1) Not later than 6 months after the date of enactment of the Hiring Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

''(2) Not later than 18 months after the date of enactment of the Hiring Heroes Act of 2011, the Secretary shall—

''(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

''(i) veterans who applied for training under this section;

''(ii) veterans who entered the training;

''(iii) veterans who completed the training;

''(iv) veterans who were placed in meaningful employment under this section; and

''(v) veterans who remained in such employment as of the date of the assessment; and

''(B) submit to the appropriate committees of Congress a report that includes—

''(i) a description of how the grant recipients used the funds made available under this section;

''(ii) the results of the assessment conducted under subparagraph (A); and

''(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,500,000 for the period consisting of fiscal years 2012 and 2013.

''(f) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives; and

''(2) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.''

(b) CONFORMING AMENDMENT.—Section 4103A of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''and facilitate placements'' after ''intensive services''; and

(2) by adding at the end the following:

''(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

''4104A. Collaborative veterans' training, mentoring, and placement program.''.

SEC. 9. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALITIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly enter into a contract with a qualified organization or entity jointly selected by the Secretaries, to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS) and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit to Congress the report submitted under paragraph (3), together with such comments on the report as the Secretaries jointly consider appropriate.

(b) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MOS SKILLS.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through such member's military occupational specialty. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(c) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall transmit the individualized assessment provided a member under subsection (a) to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

SEC. 10. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENT OF HONORABLY DISCHARGED MEMBERS OF THE UNIFORMED SERVICES TO CIVIL SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended by inserting after section 3330c the following:

''§ 3330d. Honorably discharged members of the uniformed services

''The head of an executive agency may appoint a member of the uniformed services who is honorably discharged to a position in the civil service without regard to sections 3301 through 3330c during the 180-day period beginning on the date that the individual is honorably discharged, if that individual is otherwise qualified for the position.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3330c the following:

''3330d. Honorably discharged members of the uniformed services.''.

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code; and

(B) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance

to members of the armed forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 11. OUTREACH PROGRAM FOR CERTAIN VETERANS RECEIVING UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—The Secretary of Labor shall carry out a program through the Assistant Secretary of Labor for Veterans' Employment and Training, the disabled veterans' outreach program specialists employed under section 4103A of title 38, United States Code, and local veterans' employment representatives employed under section 4104 of such title to provide outreach to covered veterans and provide them with assistance in finding employment.

(b) COVERED VETERANS.—For purposes of this section, a covered veteran is a veteran who—

(1) recently separated from service in the Armed Forces; and

(2) has been in receipt of assistance under the Unemployment Compensation for Exservicemembers program under subchapter II of chapter 85 of title 5 for more than 105 days.

SEC. 12. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to covered individuals work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

(1) is a member of the Armed Forces;

(2) the Secretary expects to be discharged or separated from service in the Armed Forces and is on terminal leave;

(3) the Secretary determines has skills that can be used to provide services to the Department that the Secretary considers critical to the success of the mission of the Department; and

(4) the Secretary determines might benefit from exposure to the civilian work environment while working for the Department in order to facilitate a transition of the individual from service in the Armed Forces to employment in the civilian labor market.

(c) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(d) REPORT.—Not later than 540 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 13. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) in subsection (b)(1)—

(A) by striking ''Assistant Secretary shall'' and inserting ''Assistant Secretary of Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,'';

(B) by striking ''10 military'' and inserting ''five military''; and

(C) by inserting ''of Veterans' Employment and Training'' after ''selected by the Assistant Secretary''; and

(3) by striking subsections (d) through (h) and inserting the following:

''(d) PERIOD OF PROJECT.—The period during which the Assistance Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the Hiring Heroes Act of 2011.''.

By Mr. DURBIN (for himself, Mr. REID, Mr. LEAHY, Mr. SCHUMER, Mr. MENENDEZ, Mr. LEVIN, Mr. LIEBERMAN, Mr. AKAKA, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. COONS, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. SANDERS, Mr. UDALL of Colorado, and Mr. WHITEHOUSE):

S. 952. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. We had a historic vote in the Senate last December on the DREAM Act. Senator HARRY REID, the majority leader, promised that we would bring this measure for consideration on the floor of the Senate. Some people on both sides of the aisle said, it is a bad idea, do not do it. But he kept his word, and I am glad he did.

We called it. We had three Republican votes, and we fell short. Oh, we had a majority. It seems as if we always have a majority when we call this bill. But because of the threat of a Republican filibuster, we needed 60 votes, and we did not reach the 60 votes necessary. So 55 Senators, a bipartisan majority, voted for the DREAM Act. I have reintroduced it today. By way of background, this is a simple piece of legislation, but it is one that affects thousands of people across America. It came to my attention 10 years ago when a Korean-American woman called me in my Chicago office and told me she had a problem.

She had come to the United States about 18 years before and brought her little girl with her. She had raised a family. She was now a naturalized citizen. The children who were born in the United States were citizens. But her older daughter was in a different status. Her older daughter was a special person. Her older daughter was a concert pianist who had been accepted at the Julliard School of Music in New York, the best. As she filled out the application form, and they asked for her citizenship, she turned to her mom and said: USA, right?

And her mom said: You know, we never filed any papers for you.

So the little girl said: What should we do?

And her mom said: We ought to call DURBIN.

So they called my office, thinking I could solve this. I found out the awful truth. Our laws currently say the only recourse for that little girl—who came here at the age of 2, who grew up in the United States, going to school here, saying the Pledge of Allegiance to our flag every morning, singing the only national anthem she knew, speaking the only language she knew—under our law could never be a U.S. citizen and had to leave our country.

What is wrong with this? Well, it is unfair. That is what is wrong. At 2 years of age, she had no voice in the decision of her family to come here. She had done everything right. All she was asking for, all she continues to ask for, is a chance to be part of the only country she has ever known, a country she dearly loves.

The DREAM Act gives young people that chance. It says: You can have a chance if you graduate high school, have no criminal record involving anything of a serious nature, if you are prepared go through and prove that you have been in the United States, came before the age of 16, been here at least 5 years, then you will have a chance to apply. If you apply, you have two ways that you can reach legal status in our country: Serve in our military, or complete at least 2 years of college. For thousands of young people across America, this is the only way to get them out of their current situation.

We just had a press conference with Senator HARRY REID and Senator BOB MENENDEZ, as well as Senator BLUMENTHAL of Connecticut to reintroduce this DREAM Act. At that press conference was a young woman who

told her story. Like thousands of others it is a compelling personal story. Her name is Tolu Olubunmi. She was born in Nigeria and brought to the United States as a child. She graduated her high school with honors. She was awarded a full scholarship to one of the Nation's top universities. In college, she was a leader: a peer counselor, a resident assistant, a volunteer in an abused women's shelter, and a research analyst in the department of engineering.

Tolu received a bachelor's degree in chemical engineering in 2002. But she has never been able to work 1 day as a chemical engineer in America because she is undocumented.

She cannot leave this country, because she could not return. She cannot get a job in this country because she is undocumented. Her whole life is focused on America. She is asking for a chance to be an engineer, to be a productive part of America, to move us forward as a nation. The DREAM Act would give her that chance.

When we introduced the bill today, we have 32 original cosponsors. We are hoping for more. We have the Democratic leadership, the Chairs of the Judiciary, Armed Services, and Homeland Security Committees, and all 10 Democratic members of the Judiciary Committee. I want to thank the lead sponsors over in the House: HOWARD BERMAN of California, LUIS GUTIERREZ, from my State of Illinois, and ILEANA ROS-LEHTINEN of Florida. Thanks to their leadership last year, the House passed the DREAM Act.

I want to especially thank the President. As a Senator and my colleague from Illinois, he was a cosponsor of this bill. He has been a strong supporter ever since. He never fails to mention the DREAM Act in his conversations with America about immigration. Yesterday, he said:

> These are kids who grew up in this country, love this country, and know no other place as home. The idea that we should punish them is cruel and it makes no sense. We are a better nation than that.

The President is right. This is a matter of simple justice. Thousands of immigrant students in America were brought here as children. It was not their decision to come here. But they grew up here and they called it home. The fundamental premise of the DREAM Act is an American premise. We do not hold children responsible for the wrongdoings of their parents.

These young people do not want a free pass. They do not want amnesty. All they want is a chance to earn their place in America. That is what the DREAM Act would give them. The DREAM Act would strengthen our national security, making thousands of young people eligible to serve. That is why the Department of Defense and Secretary Gates support it.

In fact, the Secretary said:

> There is a rich precedence supporting the service of non-citizens in the U.S. military. . . . The DREAM Act represents an opportunity to expand this pool to the advantage of military recruiting and readiness.

The first casualty in the war in Iraq was a Hispanic who was not a citizen of the United States, was not even a permanent resident of the United States. But he had volunteered to serve his country and gave his life. I think that shows the level of commitment these young people have to this great Nation.

A recent study at UCLA found that allowing the DREAM Act to pass would put so many productive young people into our economy, they will generate jobs, they will build businesses, they will help our economy grow.

I want to salute in your home State of New York, Madam President, Mayor Michael Bloomberg who has spoken out in support of the DREAM Act, and said:

> They are just the kind of immigrants we need to help solve our unemployment problem. Some of them will go on to create new small businesses and hire people. It is senseless for us to chase out the home-grown talent that has the potential to contribute so significantly to our society.

When you take a look at the supporters of the DREAM Act, they have such diverse backgrounds. They include business leaders such as Rupert Murdoch, and the CEOs of companies such as Microsoft and Pfizer.

There are some who oppose the DREAM Act and argue that we need to enhance border security first. I can certainly make the argument, as the President did yesterday, that we have done extraordinary things, more than doubling the number of people at the border, adding technical devices there to detect people who are trying to cross, using drones, building fences.

We have gone, I think, as far as I can imagine, but I am open—I told a Republican Senator this morning: I am open to any reasonable suggestion to make the border safer. But I say to my friends on the other side of the aisle, if we show good faith in border enforcement, can you join us by showing good faith in helping to pass the DREAM Act? I do not think that is an unreasonable exchange. I am open to their ideas. I hope they are open to the idea of the DREAM Act.

I also have to say that many of the young people who are affected by this have been dramatically positive in their contribution to America. There are restrictions in the DREAM Act that prevent abuse. The DREAM Act students would not be eligible for Pell grants or other Federal grants, which means they are going to pay more to go to school.

DREAM Act students will be subject to tough criminal penalties for fraud, including a prison sentence of up to 5 years. No one is eligible for the DREAM Act unless they arrived in the United States at least 5 years before the bill becomes law, and there is no exception and no waiver.

Also the DREAM Act specifically includes a 1-year application deadline. An individual would be required to apply for conditional nonimmigrant status within 1 year of obtaining a high school degree or GED, or within 1 year of when the bill becomes law.

This is not an amnesty. On many occasions I have come to the floor to tell the personal stories of people who are involved. Their lives speak more eloquently than anything I can say on the floor. Let me tell you about Nelson and Jhon Magdaleno. They are brothers who came to the United States from Venezuela when Nelson was 11 and Jhon was 9. They were both honor students at Lakeside High School in Atlanta, GA. This is a picture of Nelson Magdaleno at graduation. Jhon, his brother, served with distinction in the Air Force Junior Officer Reserve Corps. He was the fourth highest ranking officer in a 175-officer cadet unit and commander of the Air Honor Society. Here is a picture of Jhon in his ROTC uniform in high school.

Both Jhon and Nelson are honor students at Georgia Tech University, a great school. It is one of the most selective engineering schools in America. Nelson, who is now 21, is a junior. He is a computer engineering major with a 3.6 GPA. Jhon, 18, is a freshman. He is a biomedical engineering major with a 4.0 GPA.

Let me ask my colleagues, can we afford to lose these two young people? Well, I guess we could but at great expense because their talent, their energy, their determination to make a contribution to America can make us a better nation. I don't think returning them to Venezuela, a country they have never called home, is going to be good for the United States.

John David Bunting, Nelson and Jhon's uncle, wrote me a letter about his nephews. Here is what he said:

> They will be able to give back so much to our country if they are allowed to stay. I am overwhelmed by my pride in them and how they have managed to persevere and even flourish under these circumstances. . . . I also have two young sons and I teach them about the incredible history of the United States and the way that our country can address wrongs committed in its name and come out of the process even stronger. Please help us.

Nelson and Jhon asked the Department of Homeland Security to stop their deportation proceedings. After I received their uncle's letter, I contacted the Department and asked them to consider this case. The Department has decided to grant a stay to Nelson and Jhon to give them a chance to continue their education. That was clearly the right thing to do.

Some have criticized the Obama administration for granting this kind of deferral action to a small number of DREAM Act students, but this is exactly what the Bush administration did. I wish to commend President George Bush, who was steadfast and consistent in his support of immigration reform.

It is a waste of limited resources to deport two fine engineering students from the United States, and it is entirely consistent with the law to grant them deferred action.

Let me tell my colleagues about another student, Pedro Pedroza. Here is his photograph. Pedro was brought to Chicago from Mexico when he was 5 years old. He graduated from St. Agnes Catholic School in Little Village, a great part of our city of Chicago. He was an honor student at St. Ignatius College Prep, one of the best schools in Chicago. He is now a student in New York at Cornell University in Ithaca. His goal is to become a teacher.

Do we need teachers with his qualities? You bet we do, not just in New York but in Illinois and across America. But, unfortunately, Pedro is in deportation proceedings. He was riding a bus from Chicago back to school in New York when immigration agents arrested him. He has asked the Department of Homeland Security to grant him a stay, and I hope they will. It makes no sense to send someone like Pedro, who has so much to contribute, to a country he barely remembers.

Here is what he wrote to me in a letter:

Mexico is not only unfamiliar to me, but leaving the U.S. means leaving everything and everyone I know. I only hope I can have a future in the U.S. for as long as I am here. Even if I am left no choice but to leave for Mexico, I would still strive to adjust my status and return to a place I consider home—The United States of America.

The last photograph I wish to show is Steve Li. This is his photograph. His parents brought him to the United States when he was 11 years old. He is a student at the City College of San Francisco where he has majored in nursing and is a leader in student government. He wrote a letter:

My dream is to become a registered nurse at San Francisco General Hospital and be a public health advocate. I want to give back to my community by raising awareness about preventive care and other health care issues. I am well on my way to achieving that dream. By passing the DREAM Act, I will be able to achieve these goals and contribute to the growing health care industry.

So can we use more health care professionals? You bet we could. Nurses, we need a lot of them. In fact, the United States imports thousands of foreign nurses each year in this country because we just don't have enough.

Unfortunately, Steve Li is also in deportation proceedings. His case is especially complicated because while his parents are Chinese, he was born in Peru. So he could be deported back to Peru where he knows no one and has no family members.

Senator FEINSTEIN asked the Department of Homeland Security to consider his case. They have given him a temporary stay, for now.

I first introduced the DREAM Act 10 years ago. Since then, I have met so many immigrant students who would qualify for it. When I first brought up this bill I used to have meetings in Chicago. After the meetings, without fail there would be someone waiting for me outside. Sometimes in the dark of night they would be standing by my car. They were always young and most of them had tears in their eyes, and they would say to me: Senator DURBIN, please pass the DREAM Act. It is my life.

Times have changed. Ten years of effort, even passing it with a majority, hasn't resulted in this becoming a law because of the Republican filibuster. Times have changed to the point where the DREAM Act students are now stepping up and saying: Here we are. This is who we are. We are not going to hide in the shadows anymore.

When we debated that bill on the floor of the Senate last December, the galleries were filled with students wearing graduation gowns and caps, waiting, praying for the vote, and it failed. They left, many of them crying. They went downstairs, and I met with them. They couldn't have felt worse. They just don't know where to turn. They are being rejected by the only country they have ever known, the only place they have ever called home.

I said to them: I am not giving up on you. Don't give up on me. We are going to keep working on this.

We reintroduced the bill today. I thank my colleagues who have already cosponsored it. I urge and plead with others who have not for simple justice and fairness. Give these young people a chance. That is all they are asking for.

Mr. WHITEHOUSE. Mr. President, let me express my great appreciation to Senator DURBIN of Illinois for his many years of leadership on this issue. I am very proud to be a cosponsor of his legislation, and I look forward to passing this bill.

I am reminded of the story in the Bible of Joshua at Jericho. It was not the first time around Jericho that the horns of Joshua and his Israelite Army brought down the walls. If I recall the Bible correctly, it was seven times around those walls before they came tumbling down, but tumble down is what they did.

I look forward to joining the Joshua of this crusade, Senator DURBIN, to go around those walls as long as it takes in order to get the DREAM Act passed.

Mr. DURBIN. 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. 952

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 ''Development, Relief, and Education for Alien Minors Act of 2011''or the ''DREAM 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. Definitions.
Sec. 3. Conditional permanent resident status for certain long-term residents who entered the United States as children.
Sec. 4. Terms of conditional permanent resident status.
Sec. 5. Removal of conditional basis of permanent resident status.
Sec. 6. Regulations.
Sec. 7. Penalties for false statements.
Sec. 8. Confidentiality of information.
Sec. 9. Higher education assistance.

SEC. 2. DEFINITIONS.

In this Act:

(1) IN GENERAL.—Except as otherwise specifically provided, a term used in this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), except that the term does not include an institution of higher education outside the United States.

(4) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(5) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. 3. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions of this Act.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if the alien demonstrates by a preponderance of the evidence that—

(A) the alien has been continuously physically present in the United States since the date that is 5 years before the date of the enactment of this Act;

(B) the alien was 15 years of age or younger on the date the alien initially entered the United States;

(C) the alien has been a person of good moral character since the date the alien initially entered the United States;

(D) subject to paragraph (2), the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) has not been convicted of—

(I) any offense under Federal or State law punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more;

(E) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States; and

(F) the alien was 35 years of age or younger on the date of the enactment of this Act.

(2) WAIVER.—With respect to any benefit under this Act, the Secretary may waive the grounds of inadmissibility under paragraph (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant permanent resident status on a conditional basis to an alien under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(4) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines is appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such status.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by subparagraph (A) for an alien shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary grants permanent resident status on a conditional basis to the alien.

(5) MEDICAL EXAMINATION.—An alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination. The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of such examination.

(6) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), if the alien is subject to such registration under that Act.

(c) DETERMINATION OF CONTINUOUS PRESENCE.—

(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien if the alien demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control.

(d) APPLICATION.—

(1) IN GENERAL.—An alien seeking lawful permanent resident status on a conditional basis shall file an application for such status in such manner as the Secretary may require.

(2) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for relief under this section not later than the date that is 1 year after the later of—

(A) the date the alien earned a high school diploma or obtained a general education development certificate in the United States; or

(B) the effective date of the final regulations issued pursuant to section 6.

(e) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who—

(A) has a pending application for relief under this section; and

(B) establishes prima facie eligibility for relief under this section.

(2) CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—

(A) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

(i) meets all the requirements of subparagraphs (A), (B), (C), (D), and (F) of subsection (b)(1);

(ii) is at least 5 years of age; and

(iii) is enrolled full-time in a primary or secondary school.

(B) ALIENS NOT IN REMOVAL PROCEEDINGS.—If an alien is not in removal proceedings, the Secretary shall not commence such proceedings with respect to the alien if the alien is described in clauses (i) through (iii) of subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

(D) LIFT OF STAY.—The Secretary or Attorney General may lift the stay granted to an alien under subparagraph (A) if the alien—

(i) is no longer enrolled in a primary or secondary school; or

(ii) ceases to meet the requirements of such paragraph.

(f) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status under this Act.

SEC. 4. TERMS OF CONDITIONAL PERMANENT RESIDENT STATUS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis granted under this Act is—

(1) valid for a period of 6 years, unless such period is extended by the Secretary; and

(2) subject to termination under subsection (c).

(b) NOTICE OF REQUIREMENTS.—

(1) AT TIME OF OBTAINING STATUS.—At the time an alien obtains permanent resident status on a conditional basis under this Act, the Secretary shall provide for notice to the alien regarding the provisions of this Act and the requirements to have the conditional basis of such status removed.

(2) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary to provide a notice under this subsection—

(A) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(B) shall not give rise to any private right of action by the alien.

(c) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary shall terminate the conditional permanent resident status of an alien, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (C) or (D) of section 3(b)(1); or

(B) was discharged from the Uniformed Services and did not receive an honorable discharge.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied shall return to the immigration status the alien had immediately prior to receiving permanent resident status on a conditional basis or applying for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—In the case of an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied and who had temporary protected status immediately prior to receiving or applying for such status, as appropriate, the alien may not return to temporary protected status if—

(A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) has been terminated; or

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for temporary protected status.

(e) INFORMATION SYSTEMS.—The Secretary shall use the information systems of the Department of Homeland Security to maintain current information on the identity, address, and immigration status of aliens granted permanent resident status on a conditional basis under this Act.

SEC. 5. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may remove the conditional basis of an alien's permanent resident status granted under this Act if the alien demonstrates by a preponderance of the evidence that—

(A) the alien has been a person of good moral character during the entire period of conditional permanent resident status;

(B) the alien is described in section 3(b)(1)(D);

(C) the alien has not abandoned the alien's residence in the United States;

(D) the alien—

(i) has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; and

(E) the alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary may, in the Secretary's discretion, remove the conditional basis of an alien's permanent resident status if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), (C), and (E) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to satisfy the requirements of subparagraph (D) of such paragraph; and

(iii) demonstrates that the alien's removal from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary may extend the period of permanent resident status on a conditional basis for an alien so that the alien may complete the requirements of subparagraph (D) of paragraph (1).

(3) TREATMENT OF ABANDONMENT OR RESIDENCE.—For purposes of paragraph (1)(C), an alien—

(A) shall be presumed to have abandoned the alien's residence in the United States if the alien is absent from the United States for more than 365 days, in the aggregate, during the alien's period of conditional permanent resident status, unless the alien demonstrates to the satisfaction of the Secretary that the alien has not abandoned such residence; and

(B) who is absent from the United States due to active service in the Uniformed Services has not abandoned the alien's residence in the United States during the period of such service.

(4) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of an alien's permanent resident status may not be removed unless the alien demonstrates that the alien satisfies the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is unable because of a physical or developmental disability or mental impairment to meet the requirements of such subparagraph.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not remove the conditional basis of an alien's permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien's permanent resident status; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of such conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by subparagraph (A) for an alien shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary removes the conditional basis of the alien's permanent resident status.

(b) APPLICATION TO REMOVE CONDITIONAL BASIS.—

(1) IN GENERAL.—An alien seeking to have the conditional basis of the alien's lawful permanent resident status removed shall file an application for such removal in such manner as the Secretary may require.

(2) DEADLINE FOR SUBMISSION OF APPLICATION.—

(A) IN GENERAL.—An alien shall file an application under this subsection during the period beginning 6 months prior to and ending on the date that is later of—

(i) 6 years after the date the alien was initially granted conditional permanent resident status; or

(ii) any other expiration date of the alien's conditional permanent resident status, as extended by the Secretary in accordance with this Act.

(B) STATUS DURING PENDENCY.—An alien shall be deemed to have permanent resident status on a conditional basis during the period that the alien's application submitted under this subsection is pending.

(3) ADJUDICATION OF APPLICATION.—

(A) IN GENERAL.—The Secretary shall make a determination on each application filed by an alien under this subsection as to whether the alien meets the requirements for removal of the conditional basis of the alien's permanent resident status.

(B) ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and remove the conditional basis of the alien's permanent resident status, effective as of the date of such determination.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and, if the period of the alien's conditional permanent resident status under section 4(a)(1) has ended, terminate the conditional permanent resident status granted the alien under this Act as of the date of such determination.

(c) TREATMENT FOR PURPOSES OF NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis under this Act shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization during the period that the alien is in permanent resident status on a conditional basis under this Act.

SEC. 6. REGULATIONS.

(a) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish regulations implementing this Act. Such regulations shall allow eligible individuals to apply affirmatively for the relief available under section 3 without being placed in removal proceedings.

(b) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations required by subsection (a) shall be effective, on an interim basis, immediately upon publication but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with subsection (b), the Secretary shall publish final regulations implementing this Act.

(d) PAPERWORK REDUCTION ACT.—The requirements of chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to any action to implement this Act.

SEC. 7. PENALTIES FOR FALSE STATEMENTS.

Whoever files an application for any relief or benefit under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

SEC. 8. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by an individual pursuant to an application filed under this Act in removal proceedings against any person identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer, employee or authorized contractor of the United States Government or, in the case of an application filed under this Act with a designated entity, that designated entity, to examine such application filed under such sections.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary shall provide the information furnished under this Act, and any other information derived from such furnished information, to—

(1) a Federal, State, tribal, or local law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution, a background check conducted pursuant to section 103 of the Brady Handgun Violence Protection Act (Public Law 103–159; 18 U.S.C. 922 note), or national security purposes, if such information is requested by such entity or consistent with an information sharing agreement or mechanism; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) FRAUD IN APPLICATION PROCESS OR CRIMINAL CONDUCT.—Notwithstanding any other provision of this section, information concerning whether an alien seeking relief under this Act has engaged in fraud in an application for such relief or at any time committed a crime may be used or released for immigration enforcement, law enforcement, or national security purposes.

(d) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 9. HIGHER EDUCATION ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who has permanent resident status on a conditional basis under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts D and E of such title IV (20 U.S.C. 1087a et seq. and 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

(b) RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.—

(1) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(2) EFFECTIVE DATE.—The repeal under paragraph (1) shall take effect as if included in the enactment of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

By Mr. LUGAR:

S. 954. A bill to promote the strengthening of the Haitian private sector; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation that will lead to the establishment of the Haitian-American Enterprise Fund. The Haitian-American Enterprise Fund bill authorizes the Administration to allocate, from existing resources, such sums as required to create the Fund. The mission of the Fund will be to help empower Haiti's private sector to create jobs, which will contribute towards achieving long-term social stability and economic growth.

Last month, I asked six of the most distinguished directors of the former enterprise funds in Eastern Europe and the former Soviet Union to travel to Haiti to evaluate the current status of Haiti's private sector, the scope of U.S. Government efforts targeting sustainable job creation, and the role, if any, an enterprise fund might play there in promoting economic growth. Led by Kim Davis, a founder of the private equity firm Charlesbank Capital Partners, each member of the Delegation has had a very successful private sector career and each traveled to Haiti, at his or her own expense, in order to provide the Congress an experienced perspective as to whether proven economic growth strategies they employed to strengthen other fragile countries might work in Haiti. They were also asked to describe what immediate actions they would recommend, if any, to jump-start Haiti's private sector, with a particular emphasis on entrepreneurship, and other initiatives that could assist Haiti in its necessary transition to a nation with a middle class and a market economy.

In a recent letter to me, Haitian President-elect Michel Martelly noted he is fully supportive of efforts to create an enterprise fund for Haiti. Enterprise funds have historically filled important voids in the nascent capital markets of fragile economies. President-elect Martelly has indicated a keen interest in creating an enterprise fund in order to generate lending vehicles for mortgages and agricultural loans—as housing and agricultural production rank among his top priorities. There are many other voids in Haiti's economy that have been identified, which previous enterprise funds have effectively worked to address in other countries.

The Delegation's report makes clear that enterprise funds are not silver bullets. However, at a time when we face significant domestic and global economic challenges, the enterprise fund model, if implemented effectively, provides a proven vehicle by which the U.S. Government can leverage the extensive intellectual and financial capital of the American business community in order to help address these challenges in underdeveloped economies such as that of Haiti. As an example, the Polish Fund received a USG grant of $240 million in 1990 and used that to attract more than $2.3 billion to Poland over the next several years.

Since Senator LEAHY and I introduced legislation authorizing the creation of an enterprise fund for Haiti in April 2010, the Administration has requested that enterprise funds also be created for Pakistan, Egypt, Tunisia and Jordan. Such keen interest in utilizing the enterprise fund model for advancing sustainable economic growth is welcomed. Empowering a group of U.S. citizens who understand democratic capitalism to help translate our foreign assistance strategies into practical actions will complement the important work performed by our capable diplomats and development experts.

The May 14, 2011 inauguration of Mr. Martelly as President of Haiti provides an opportunity to start anew. Congress should aide the President-elect in this important effort by honoring his request for the creation of a Haitian-American Enterprise Fund. I ask for your support on passage of this bill.

By Mr. BOOZMAN (for himself and Mr. BEGICH):

S. 957. A bill to amend title 38, United States Code to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BOOZMAN. Mr. President, traumatic brain injury, TBI, is becoming an increasingly common injury on the modern battlefield. Thankfully, because of advances in medicine, servicemembers who would not have been expected to survive catastrophic attacks in previous conflicts are returning home today from combat in Iraq and Afghanistan with unprecedented severe and complex injuries. Since 2001, over 1,500 service members have suffered from a severe TBI, many of whom require rehabilitative programs ranging from total care for the most basic needs to semi-independent living support. A restrictive approach to rehabilitation puts these wounded warriors at risk of losing any progress they made towards recovery. For this reason, my colleague, Senator MARK BEGICH of Alaska, and I are introducing the Veterans' Traumatic Brain Injury Rehabilitative Services' Improvements Act of 2011. I would also like to thank my House colleagues, Rep. TIM WALZ of Minnesota and Rep. GUS BILIRAKIS of Florida, for their support and leadership on the House companion version of this legislation.

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

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

S. 957

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' Traumatic Brain Injury Rehabilitative Services' Improvements Act of 2011''.

SEC. 2. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) REHABILITATION SERVICES IN PLANS FOR REHABILITATION AND REINTEGRATION.—Section 1710C of title 38, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: ''with the goal of maximizing the individual's independence and quality of life'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting after ''improving'' the following: ''(and sustaining improvement in)'';

(ii) by inserting ''behavioral,'' after ''cognitive'';

(iii) by inserting ''and mental health'' after ''functioning''; and

(iv) by inserting '', quality of life,'' after ''independence'';

(B) in paragraph (2), by inserting ''rehabilitative services and'' before ''rehabilitative components''; and

(C) in paragraph (3)—

(i) by striking ''treatments'' the first place it appears and inserting ''services''; and

(ii) by striking ''treatments and'' the second place it appears; and

(3) by adding at the end the following new subsection:

''(h) REHABILITATIVE SERVICES DEFINED.—For purposes of this section, and sections 1710D and 1710E of this title, the term 'rehabilitative services' includes—

''(1) rehabilitative services, as such term is defined in section 1701 of this title;

''(2) services (which may be of ongoing duration) to sustain, and prevent loss of, functional gains that have been achieved; and

''(3) any other services or supports that may contribute to maximizing an individual's independence and quality of life.''.

(b) REHABILITATION SERVICES IN COMPREHENSIVE PROGRAM FOR LONG-TERM REHABILITATION.—Section 1710D(a) of such title is amended—

(1) by inserting ''and rehabilitative services (as defined in section 1710C of this title)'' after ''long-term care''; and

(2) by striking ''treatment''.

(c) REHABILITATION SERVICES IN AUTHORITY FOR COOPERATIVE AGREEMENTS FOR USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION.—Section 1710E(a) of such title is amended by inserting '', including rehabilitative services (as defined in section 1710C of this title),'' after ''medical services''.

(d) TECHNICAL AMENDMENT.—Section 1710C(c)(2)(S) of such title is amended by striking ''opthamologist'' and inserting ''ophthalmologist''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 179—TO CONSTITUTE THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TWELFTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 179

Resolved, That the following shall constitute the minority party's membership on the following committees for the One Hundred Twelfth Congress, or until their successors are chosen: