patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits.

S. 1043

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1043, a bill to amend the Energy Independence and Security Act of 2007 to promote energy security through the production of petroleum from oil sands, and for other purposes.

S. 1048

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1048, supra.

S. 1049

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1059

At the request of Mr. THUNE, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. ISAKSON) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1059, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 1064

At the request of Mr. REED, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1064, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. RES. 150

At the request of Mr. INHOFE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

S. RES. 162

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mr. SCHUMER) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 162, a resolution expressing the sense of the Senate that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 172

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as ''National Cancer Research Month''.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. Res. 185, supra.

S. RES. 188

At the request of Mr. KIRK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 188, a resolution opposing State bailouts by the Federal Government.

AMENDMENT NO. 360

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 360 intended to be proposed to S. 990, a bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Ms. SNOWE):

S. 1085. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, and environmental goals; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I have introduced a bill, S. 1085. I have some cosponsors, including Senator SNOWE from Maine. The bill addresses something that has become very controversial. It is certainly not partisan in any way. It is more geographical; that is, I have been one who has been opposed to the corn ethanol mandates ever since they first came out. I opposed the 2007 Energy bill because it doubled the corn-based ethanol mandates, despite the mounting questions surrounding ethanol's compatibility with existing engines, its environmental sustainment, as well as transportational infrastructure needs. I can remember back when they first did it, all the environmentalists were saying corn ethanol will be the answer. They were all for it, but they are against it now. They all recognize that corn ethanol is bad for the environment.

Now, the three areas I personally have a problem with are, No. 1, the environment; No. 2, you have a compatibility situation. You talk to any of the farmers, any of the marine people, they will tell you it is very destructive to the small engines. Thirdly, everyone is concerned with the high price of fuel, with the fact that corn ethanol is not good for your mileage. Kris Kiser of the Outdoor Power Equipment Manufacturers testified before the Environment and Public Works Committee on ethanol's compatibility or lack of compatibility with more than 200 million legacy engines across America which are not designed to run on certain blends of ethanol. I will quote her testimony before our committee. She said:

> In the marine industry, if your machine fails or your engine fails and you are 30 miles offshore, this is a serious problem. If you are in a snow machine and it fails in the wilderness this is a serious problem.

Consumers complain about the decreasing fuel efficiency around corn ethanol, containing 67 percent of the Btu of gasoline. We call it clear gas. This is a good time to say we are not talking about biomass. We are only talking about corn ethanol. Another problem I have in my State of Oklahoma is we are a big cattle State and that has driven up the cost of feedstock to a level that is not acceptable. According to the EPA, vehicles operating on E85 ethanol experience a 20-percent to 30-percent drop in miles per gallon due to ethanol's lower energy content. Consumer reports found that E85 resulted in a 27-percent drop in fuel.

As a result, you drive around Oklahoma—first of all, we are in Washington. It is my understanding there is no choice in Washington or Virginia or in Maryland and those areas. In my State of Oklahoma, we still have a choice, and the choice is very clear. The problem is the way this is set up, we will run into a barrier where they will no longer have clear gas available under the current formulas. For that reason, we have people who—at almost every station you see, the majority of the stations you see in Oklahoma, you have signs such as this: Ethanol free. 100 percent gasoline. This is all over the State of Oklahoma.

There is a solution to this problem, and it is one I have introduced in this bill. Before describing that, I think the most pressing issue of this so-called blend wall is that EISA mandated 15 billion gallons of corn-based ethanol by 2015, but today it is readily apparent that the country cannot physically absorb this much corn ethanol. It is too much, too fast. In Oklahoma, ethanol's blend wall has nearly eliminated consumer choice. The fuel blenders and gas station owners have little option but to sell ethanol-blended gasoline, despite strong consumer demand for clear gas. There is the consumer demand all over the State of Oklahoma.

What is the solution? I introduced a very simple, five-page bill. The bill would allow individual States to opt out of the mandate. It would require their State legislature wants this and they pass a resolution, it is signed by the governor, and they would be able to opt out. The State would pass a bill. It is signed by the Governor, stating its election to exercise this option. The Administrator of the EPA would then reduce the amount of the national corn ethanol mandate by the percentage amount of the gasoline consumed by this State.

This option nonparticipation would only apply to the corn portion of the RFS and would not affect any of the volumetric requirements of advanced biofuels. We are big in advanced biofuels in my State of Oklahoma, the various foundations, Oklahoma State University. We have switchgrass we are working on, and it is something we are all for. The bill actually redefines cellulosic biofuels as next generation biofuel. The previously defined cellulosic biofuel carveout is expanded to include algae and any nonethanol renewable fuel derived from renewable biomass. So this is something that is not going to be incompatible. It is going to be very compatible with our interest here. So for those people who say: We demand to have corn-based ethanol, you can have it. All this is is choice, and if we and the people of my State of Oklahoma want a choice of clear gas or corn ethanol, they should be able to do it. I honestly don't think there is a legitimate argument against that. I plan to try to get some cosponsors. I think my good friend from Florida might be interested in cosponsoring something such as this because this gives choice to the people of his State as well as my State.

By Mr. HARKIN (for himself and Mr. BLUNT):

S. 1086. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor, today, to introduce the Eunice Kennedy Shriver Act. I am very pleased that Senator BLUNT has joined me in introducing this legislation; he and I are both long-time supporters of the Special Olympics and Best Buddies programs authorized in this legislation. Equally importantly, we are continuing the bipartisan support that this legislation has historically enjoyed.

The Special Olympics program is respected around the world as a model and leader in using sport to end the isolation and stigmatization of individuals with intellectual disabilities. For more than 40 years, Special Olympics has encouraged skill development, sharing, courage and confidence through year-round sports training and athletic competition for children and adults with intellectual disabilities. Through their programs, Special Olympics has helped to ensure that millions of individuals with intellectual disabilities are assured of equal opportunities for community participation, access to appropriate health care, and inclusive education, and to experience life in a nondiscriminatory manner. Special Olympics gives athletes with intellectual disabilities the tools they need to be included in society, and it gives society the understanding and tools it needs to include them.

I can speak first-hand about what a rewarding experience it is for all of us who have been involved in Special Olympics. In 2006, my state of Iowa hosted the first USA National Summer Games. Thousands of athletes, volunteers, coaches, and families attended our Games, in addition to 30,000 fans and spectators. Ames, IA, was transformed into an Olympic Village, and it was thrilling to experience.

Similarly, the Best Buddies program is dedicated to ending the social isolation of people with intellectual disabilities by promoting peer support and friendships with their peers without disabilities. The aim is to increase the self-esteem, confidence and abilities of people with and without intellectual disabilities. Equally important, the Best Buddies program has provided opportunities for integrated employment for individuals with intellectual disabilities.

Research shows that participation in activities involving both people with intellectual disabilities and people without disabilities results in more positive support for inclusion in society, including in schools.

This bill is named in honor of Eunice Kennedy Shriver, who devoted her life to improving the lives of people with intellectual disabilities around the world. Mrs. Shriver founded and fostered the development of Special Olympics and Best Buddies, both of which celebrate the possibilities of a world where all people, including those with disabilities, have meaningful opportunities for participation and inclusion.

In addition to reauthorizing the former Special Olympics Sports and Empowerment Act and providing an authorization for the Best Buddies program, this bill will also allow the Department of Education to award competitive grants to support increased opportunities for inclusive participation by individuals with intellectual disabilities in sports and recreation programs.

I am pleased to be the chief sponsor of this legislation, which will continue our support for these important programs that promote the extraordinary gifts and contributions of people with intellectual disabilities as well as broader community inclusion.

I urge all my colleagues to join with me and Senator BLUNT in supporting this very worthy bill.

By Mr. KERRY (for himself, Ms. STABENOW, Mr. BLUMENTHAL, and Mr. CARDIN):

S. 1088. A bill to provide increased funding for the reinsurance for early program; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, today I am introducing the Retiree Health Coverage Protection Act to provide an additional $5 billion for the Early Retiree Reinsurance Program, EERP, to allow more employers to participate in the program. It will also further reduce the cost of retiree coverage.

I worked with Sen. STABENOW to include the EERP program in the Affordable Care Act due to the erosion of employer-sponsored retiree coverage across the country. The percentage of large firms providing workers with retiree health coverage dropped from 66 percent in 1988 to 29 percent in 2009.

The ERRP helps to control health care costs and preserve coverage for early retirees and their families and has been remarkably successful in making retiree health insurance coverage more stable and affordable.

Employers who participate in the program can receive a reinsurance reimbursement of up to 80 percent of catastrophic medical claims between $15,000 and $90,000 for their early retiree enrollees. The reimbursement is used to reduce the employer's health care costs and to lower premiums to retirees and their families. A study from Hewitt Associates estimates that the program will reduce the cost of retiree coverage from 25 to 35 percent, anywhere from $2,000 to $3,000 per retiree, per year.

The program has garnered robust participation among a wide range of retiree health plan sponsors from all major sectors of our economy. Earlier this month, it was announced that 5,515 plan sponsors have been approved to participate in the program and nearly $2.5 billion reinsurance reimbursements have been paid to 1,728 participating retiree plans.

The ERRP has been so successful that the Centers for Medicare and Medicaid Services, CMS, announced it could no longer accept applications for the program after May 6 because the overwhelming response would exhaust the $5 billion in appropriated program

funding. Until additional insurance market reforms are enacted in 2014, we should build on the demonstrated success of ERRP.

Senator STABENOW, Senator BLUMENTHAL, and I are working together to preserve insurance coverage for millions of retirees who rely on on health coverage through their former employers before they become eligible for Medicare. That is why we are introducing legislation, the Retiree Health Coverage Protection Act, to provide an additional $5 billion in ERRP funding. This additional funding could be used to allow more employers to participate in the program and to further reduce the cost of retiree coverage.

Over 180 employers who offer retiree health benefits in Massachusetts have taken advantage of this program. These public and private sector employers in the Commonwealth represent various entities, including: city governments, hospitals, colleges, and financial service institutions.

I would like to thank a number of organizations who have been integral to the development of the Retiree Health Coverage Protection Act and who have endorsed our legislation today, including the American Federation of Labor and Congress of Industrial Organizations, AFL–CIO, the Alliance for Retired Americans, the American Federation of State, County, and Municipal Employees, AFSCME, Families USA, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, and the National Education Association, NEA.

I look forward to working with my colleagues in the Senate to protect and stabilize retiree health coverage by ensuring the ERRP has adequate funding. I ask my colleagues to cosponsor this important legislation.

By Mr. MCCONNELL:

S. 1089. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Veterans Health Care Improvement Act of 2011.

As we all know, the Department of Veterans Affairs strives to provide the best possible health care for our nation's heroes. However, it has come to my attention that the quality of care provided to our nation's veterans remains inconsistent among community-based outpatient clinics. Some of these clinics are operated by private health care providers under VA contracts. These VA-contracted health care providers are compensated for their work at community-based outpatient clinics on a capitated basis, which means they are essentially paid based on how many new veterans they see during a pay period. These firms are therefore rewarded for the number of veterans they sign up, not for the quality of treatment provided to our veterans. While I am not opposed to capitation per se, I am concerned current VA policy provides contractors with the wrong incentives. Contracted health care providers should have incentives to provide the best possible care for veterans, not simply get as many veterans as possible through their doors.

As a result of the capitated system, it has been reported that too many of our nation's heroes have faced difficulties at these clinics in scheduling appointments, have suffered from neglect or have received substandard health care. This occurred under the last administration and I am concerned it may be continuing in the current one.

As such, I am reintroducing the Veterans Health Care Improvement Act, which attempts to fix the way VA-contracted health care providers are compensated at clinics. This bill would require the VA to begin to introduce a pay-for-performance compensation plan for contractors, thereby gradually incentivizing a higher quality of care for veterans seen at privately-administered community-based outpatient clinics.

This bill gives the VA the flexibility to begin to implement such a system through a pilot program and leaves the VA the discretion as to how to adopt and best implement the pay-for-performance standards. In this respect, the bill defers to the VA on how best to execute these changes. It is my hope that my colleagues will support this measure.

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. 1089

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Improvement Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) Many CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to sign up as many veterans as possible, without ensuring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(4) Mechanisms to ensure that veterans are not denied care or face undue delays in receiving care.

(c) IMPLEMENTATION.—The Secretary shall commence the implementation of the plan required by subsection (a) unless Congress enacts an Act, not later than 60 days after the date of the submittal of the plan, prohibiting or modifying implementation of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasability and advisability of mechanisms under the plan.

(d) REPORTS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasability and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

By Mr. UDALL of Colorado:

S. 1093. A bill to amend the Internal Revenue Code of 1986 to provide that solar energy property need not be located on the property with respect to

which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, I rise to speak about a bill that is born from the forward-thinking ideas of my constituents, a bill that will help spur our Nation's new energy economy and create jobs: the Solar Uniting Neighborhoods Act, or SUN Act.

Over the last three years, I have been travelling across Colorado as part of a work force tour to talk directly to Coloradans and hear their innovative policy ideas to create jobs. The SUN Act comes directly from visiting with Coloradans.

This bill will help bring commonsense to our tax code, get government out of the way of developing solar energy, and spur job growth in every community across the United States.

I installed solar panels on my own home several years ago to take advantage of the strong Colorado sun. However, I understand this option is not available for all American families who want to receive their home's energy needs from solar power. There can be difficulties attaching solar panels to your home, which is why more and more neighborhoods and towns are creating so called ''community solar'' projects.

Instead of affixing solar panels to every roof on the block, an increasing number of Americans have decided to place those same solar panels all together in one open and unobstructed sunny area near their homes. By grouping solar panels together, it reduces the cost by up to 30 percent compared to installing each panel on every roof separately. Whether used by neighbors living at the end of a cul-de-sac or developed by our rural energy cooperatives, creating these group solar projects to share energy is a great way to lower the cost of developing solar energy.

But there is a problem: our tax code is getting in the way. It discourages neighborhood solar projects by requiring that solar panels must actually be on your property instead of allowing neighbors and others to partner on community solar projects. This discourages innovation and slows the growth of solar power as an alternate energy source.

The SUN Act would make a small change to the tax code that would no longer constrain this innovative solar energy development. By eliminating the requirement that solar panels be on one individual's property, it allows Americans to work together on community projects where each individual can claim a tax credit. This simple solution makes it easier to adopt and use clean, renewable energy.

What excites me about this bill is that it will create jobs for Americans in every neighborhood where these community solar projects are developed. This bill reduces barriers that currently prevent Americans from adopting solar energy, opens up new markets, and creates a simple structure to allow people to utilize clean energy for their home.

Mr. Presdient, 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. 1093

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 ''Solar Uniting Neighborhoods (SUN) Act of 2011''.

SEC. 2. CLARIFICATION WITH RESPECT TO LOCATION OF SOLAR ELECTRIC PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 25D(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified solar electric property expenditure' means an expenditure for property which uses solar energy to generate electricity—

''(i) for use in a dwelling unit located in the United States and used as a residence by the taxpayer, or

''(ii) which enters the electrical grid at any point which is not more than 50 miles from the point at which such a dwelling unit used as a residence by the taxpayer is connected to such grid, but only if such property is not used in a trade or business of the taxpayer or in an activity with respect to which a deduction is allowed to the taxpayer under section 162 or paragraph (1) or (2) of section 212.

''(B) RECAPTURE.—The Secretary may provide for the recapture of the credit under this subsection with respect to any property described in clause (ii) of subparagraph (A) which ceases to satisfy the requirements of such clause.''.

(b) LIMITATION WITH RESPECT TO OFF-SITE SOLAR PROPERTY.—Subsection (b) of section 25D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) MAXIMUM CREDIT FOR OFF-SITE SOLAR PROPERTY.—In the case of any qualified solar electric property expenditure which is such an expenditure by reason of clause (ii) of subsection (d)(2)(A), the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year with respect to all such expenditures shall not exceed $50,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. CLARIFICATION WITH RESPECT TO LOCATION OF SOLAR WATER HEATING PROPERTY.

(a) IN GENERAL.—Section 25D(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term'', and

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

''(B) OFF-SITE PROPERTY.—

''(i) IN GENERAL.—Such term shall include an expenditure for property described in subparagraph (A) notwithstanding—

''(I) whether such property is located on the same site as the dwelling unit for which the energy generated from such property is used, and

''(II) whether the energy generated by such property displaces the energy used to heat the water load or space heating load for the dwelling, so long as any such displacement from such property occurs not more than 50 miles from such dwelling unit,

but only if such property is not used in a trade or business of the taxpayer or in an activity with respect to which a deduction is allowed to the taxpayer under section 162 or paragraph (1) or (2) of section 212.

''(ii) RECAPTURE.—The Secretary may provide for the recapture of the credit under this subsection with respect to any property described in clause (i) which ceases to satisfy the requirements of such clause.''.

(b) LIMITATION WITH RESPECT TO OFF-SITE SOLAR PROPERTY.—Paragraph (3) of section 25D(b) of the Internal Revenue Code of 1986, as added by section 2, is amended to read as follows:

''(3) MAXIMUM CREDIT FOR OFF-SITE SOLAR PROPERTY.—In the case of—

''(A) any qualified solar electric property expenditure which is such an expenditure by reason of clause (ii) of subsection (d)(2)(A), and

''(B) any qualified solar water heating property expenditure which is such an expenditure by reason of subparagraph (B) of subsection (d)(1),

the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year with respect to all such expenditures shall not exceed $50,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 4. EXCLUSION OF INCOME FROM QUALIFYING SALES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

''SEC. 139F. INCOME FROM QUALIFYING SALES OF SOLAR ELECTRICITY.

''For any taxable year, gross income of any person shall not include any gain from the sale or exchange to the electrical grid during such taxable year of electricity which is generated by property with respect to which any qualified solar electric property expenditures are eligible to be taken into account under section 25D, but only to the extent such gain does not exceed the value of the electricity used at such residence during such taxable year.''.

(b) TECHNICAL AMENDMENT.—The Internal Revenue Code of 1986 is amended by redesignating the section added to such Code by section 10108(f) of the Patient Protection and Affordable Care Act as section 139E, and by locating such section immediately after section 139D of such Code (as added by section 9021(a) of such Act) and immediately before section 139F of such Code (as added by this section).

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking all that follows after the item relating to section 139C and inserting the following items:

''Sec. 139D. Indian health care benefits.
''Sec. 139E. Free choice vouchers.
''Sec. 139F. Income from qualifying sales of solar electricity.
''Sec. 140. Cross references to other Acts.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. KOHL, and Mr. SANDERS):

S. 1095. A bill to include geriatrics and gerontology in the definition of ''primary health services'' under the

National Health Service Corps program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we recognize Older Americans Month this May it is important that we commit to meeting the needs of older Americans to live longer and healthier lives.

Our aging population is expected to almost double in number, from 37 million people in 2009 to about 72 million by 2030. We must start now if we are going to adequately train the health care workforce to meet the needs of an aging America. If we fail to prepare, our Nation will face a crisis in providing care to these older Americans.

Health care providers with the necessary training to give older Americans the best care are in critically short supply. In its landmark report, Retooling for an Aging America, the Institute of Medicine concluded that action must be taken immediately to address the severe workforce shortages in the care of older adults.

According to the Institute of Medicine, in 2009 only about 7,100 U.S. physicians were certified geriatricians; 36,000 are needed by 2030. In addition, just 4 percent of social workers and only 3 percent of advanced practice nurses specialized in geriatrics in 2009. Recruitment and retention of direct care workers is also a looming crisis due to low wages and few benefits, lack of career advancement, and inadequate training.

Preparing our workforce for the job of caring for older Americans is an essential part of ensuring the future health of our nation. Right now, there is a critical shortage of health care providers with the necessary training and skills to provide our seniors with the best possible care. This is a tremendously important issue for American families who are concerned about quality of care and quality of life for their older relatives and friends.

It is clear that there is a need for federal action to address these issues, and that is why I am joined today by Senators COLLINS, KOHL and SANDERS in reintroducing the Caring for an Aging America Act. This legislation would help attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans by providing them with loan forgiveness and career advancement opportunities through the National Health Service Corps.

Specifically, for health professionals with training in geriatrics or gerontology—including physicians, physician assistants, advance practice nurses, social workers, and psychologists—the legislation would link educational loan repayment to a commitment to serve in areas with a shortage of these important health professionals.

Ensuring we have a well-trained health care workforce with the skills to care for our aging population is a critical investment in America's future. This legislation offers a modest but important step toward creating the future health care workforce that our Nation so urgently needs.

I look forward to working with my colleagues to ensure that we meet our obligations to the seniors of our Nation to improve their care.

By Ms. SNOWE (for herself, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, and Mr. WICKER):

S. 1096. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to join with Senator STABENOW of Michigan to introduce The Preservation of Access to Osteoporosis Testing for Medicare Beneficiaries Act of 2011. The companion bill in the U.S. House of Representatives is being introduced by Representative MICHAEL BURGESS with Representative SHELLEY BERKLEY.

Since 1997, Congress has recognized the necessity of osteoporosis prevention by standardizing coverage for bone mass measurement under the Medicare program. At that time, I actively pursued inclusion of the language in the Medicare Bone Mass Measurement Standardization bill as part of the Balanced Budget Act of 1997. Later, with the passage of health care reform legislation, Congress enacted a temporary solution to the problem caused by Medicare cuts in reimbursement rates for osteoporosis screening tests through bone mass measurements. The osteoporosis screening provision in the Patient Protection and Affordable Care Act returned the Medicare reimbursement level to 70 percent of the 2006 Medicare reimbursement rate.

Regrettably, this provision will expire at the end of the calendar year. For Medicare beneficiaries, this sunset means that access to osteoporosis diagnosis, prevention, and treatment will once again be in jeopardy as Medicare reimbursement rates for osteoporosis screening will plummet by about 50 percent on January 1, 2012. Moreover, without adequate Medicare reimbursement rates, we most certainly risk losing the battle for improving access to bone density testing as well as preventing debilitating and costly bone fractures—an outcome we can ill afford.

A disease of reduced bone mass that ultimately results in bones becoming brittle and fracturing more easily, osteoporosis constitutes a major public health threat, affecting 44 million Americans who either have the disease or are at risk for developing it due to low bone density. Osteoporosis is especially prevalent among women, who represent an incredible 71 percent of all cases. In fact, in their lifetime, one in two women and as many as one in four men over the age of 50 will fracture a bone due to osteoporosis. Amazingly, a woman's risk of an osteoporotic fracture is greater than her annual combined incidence of breast cancer, heart attack, and stroke, making access and affordability absolutely imperative.

I want to stress to my colleagues that while there is no cure for osteoporosis, it is largely preventable and thousands of fractures could be avoided through early detection and treatment of low bone mass. New drug therapies have been proven to reduce fractures and to rebuild bone mass. At the same time, a bone mass measurement is necessary prior to initiating any form of osteoporosis therapy or prophylaxis.

Bone mass measurements can be used to determine the status of a person's bone health and to predict the risk of future fractures. These tests are safe, painless, accurate, and quick. DXA, dual energy x-ray absorptiometry, is recognized by the World Health Organization, the U.S. Surgeon General, and the Centers for Medicare and Medicaid Services as the ''gold standard'' for diagnosing osteoporosis.

A technique called vertebral fracture assessment or VFA can identify spinal fractures and show abnormally shaped vertebra. Bone density screenings have been shown to result in 37 percent reduction in hip fracture rates according to a 2008 study by Kaiser in Southern California. Reimbursement under the Medicare program for DXA screening is scheduled to be reduced by 62 percent by 2013 and VFA will be reduced by 30 percent by 2013. The reduction in Medicare reimbursement will almost certainly discourage physicians from continuing to provide convenient access to DXA screening or VFA in their offices.

Since ⅔ of all DXA scans are performed in non-facility settings, such as physician offices, patient access to bone mass measurement will continue to be severely compromised if DXA scans are not readily available to all patients. Our bill would renew the current Medicare levels for reimbursement relief to preserve access to DXA screenings, improve patient care, and prevent unnecessary costs to the Medicare program through reduced expenditures on fractures.

Osteoporosis, which is responsible for more than two million fractures annually, is a silent disease that often goes undetected until a fall or an injury results in a broken bone. Our senior population is at greatest risk, with 89 percent of fracture costs attributed to individuals who are 65 years of age or older. Perhaps the most tragic consequences occur with elderly individuals who fall and suffer osteoporotic hip fractures.

Of those senior citizens suffering hip fractures, 12–13 percent will die within 6 months following the injury and 20 percent will require nursing home care . . . often for the rest of their lives. Moreover, the Medicaid budget bears the cost of nursing home admissions

for hip fractures for low-income Americans. In general, osteoporotic fractures result in an estimated annual cost of $19 billion to our health care system.

I remain hopeful that one day researchers will discover a cure for this silent and debilitating disease. In the meantime, early detection continues to be our best weapon against osteoporosis, because it is through early detection that we can best thwart the progress of osteoporosis by initiating preventive measures to combat bone loss.

Continuing our current Medicare reimbursement rate for osteoporosis screening tests satisfies the triple aim of better care, improved health, and lower costs. I hope that our colleagues will join Senator STABENOW and me in supporting this bill.

By Ms. COLLINS (for herself, Mr. MCCONNELL, Mr. KYL, Mr. ALEXANDER, Mr. PORTMAN, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. HATCH, Mr. GRASSLEY, Mr. ENZI, Mr. CORNYN, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNS, Mr. COATS, Ms. AYOTTE, and Mr. BLUNT)

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Keeping Politics Out of Federal Contracting Act of 2011. This bill would prohibit Federal agencies from collecting or using information about political contributions made by businesses or individuals that seek to do business with the Federal Government. My bill would keep politics out of Federal contracting.

I am pleased to be joined in this effort by Minority Leader MITCH MCCONNELL, Republican Whip JON KYL, Rules Committee Ranking Member LAMAR ALEXANDER, Subcommittee on Contracting Oversight Ranking Member ROB PORTMAN, as well as our colleagues Senators SCOTT BROWN, RON JOHNSON, JERRY MORAN, ORRIN HATCH, CHUCK GRASSLEY, MIKE ENZI, JOHN CORNYN, RICHARD BURR, JOHNNY ISAKSON, DAVID VITTER, JOHN THUNE, JOHN BARRASSO, ROGER WICKER, MIKE JOHANNS, DAN COATS, ROY BLUNT, and KELLY AYOTTE.

We learned in April that the Obama administration was seriously considering requiring Federal agencies to collect information about campaign contributions by companies, some of their employees, and even their directors as a condition of competing for Federal contracts. This is simply shocking. It amounts to intentionally injecting political considerations into the Federal contracting process. What possible good can come from linking political information to a process which must be grounded solely and unequivocally on providing the very best value to American taxpayers?

The trust of the American people in the integrity of our Federal contract award process depends on ensuring that the government's ''best value'' determination is free from political bias. It is unfathomable that this administration would even consider a move that would inject politics into the process, or create a perception that politics is something to be considered in selecting the winners and losers among businesses vying for Federal contracts.

In addition to threatening the integrity of the procurement process, the draft Executive Order would also chill the First Amendment rights of individuals to contribute to the political causes or candidates they choose.

Were the President to issue such an order, undoubtedly we would see a chilling effect on political activity. Many contractors would fear that the success or viability of their business could be threatened if they support the causes or candidates opposed by the administration.

If the collection of such data were required, American businesses would be forced to think twice before contributing to political candidates or causes.

In true Orwellian fashion, the draft executive order suggests that the only way to keep politics out of the contracting process is to include political information with every contract offer. If the White House gets its way, Federal agencies would have to collect information about the campaign contributions and other political expenditures of potential contractors before any contract could be awarded.

This EO would be far reaching and would apply not only to contributions made by the contracting company but also to those made by its directors, officers, and affiliates.

These requirements would also apply retroactively to contributions made two years before the submission of an offer. Just think about—political donations made years before a contract is even contemplated would have to be shared with government officials.

By contrast, my bill reaffirms the fundamental principle that federal contracts should be awarded free from political considerations and be based on the best value to the taxpayers. Specifically, the bill would prohibit a Federal agency from collecting the political information of contractors and their employees as part of any type of request for proposal in anticipation of any type of contract.

It would prohibit the agency from using political information received from any source as a factor in the source selection decision process for new contracts, or in making decisions related to modifications or extensions of existing contracts; and prohibit databases designed to be used by contracting officers to determine the responsibility of bidders from including political information, except for information on contractors' violations already permitted by law.

Whether or not a prospective contractor agrees with the political views of this or any other administration should be completely irrelevant.

Businesses that have supported conservative causes or whose directors have contributed to Republican candidates should not have to fear that bidding for Federal work would be a waste of their effort.

Similarly, in the next Republican administration, contributors to Democratic causes and candidates should not be intimidated from competing for contracts. The result of such considerations would be less competition for Federal contracts and thus higher prices for goods and services procured by the Federal Government.

The President and the Federal contracting system must not discourage businesses from competing for government contracts. At a time when the budget is under severe constraints, the administration should be seeking to expand the pool of bidders, not shrink it.

In April, 27 Senators wrote to the President to express our opposition to this ill-conceived proposal. We pointed out that ''political activity would obviously be chilled if prospective contractors have to fear that their livelihood could be threatened if the causes they support are disfavored by the Administration. No White House should be able to review your political party affiliation or the causes you support before deciding if you are worthy of a government contract. And no American should have to worry about whether his or her political activities or support will affect the ability to get or keep a federal contract * * *''

I also joined three other colleagues in a bipartisan letter to the President in May stressing the Executive Order's impact on the Federal contracting process and the already stretched-thin Federal acquisition workforce.

I have not received a response to either letter.

It simply doesn't pass the straight face test for this administration to suggest that this dramatic change in federal contracting is needed to remove politics from the contracting process. In fact, even the administration's chief procurement official recently admitted at a House hearing that there was no evidence of any problem of political corruption in the contracting process that would warrant correction with this type of new Executive Order.

The reality is just the opposite: requiring disclosure of one's political activities and leanings as part of that process would likely ensure that politics would play a role in the award of federal contracts.

If more transparency is truly the goal, why don't these requirements also apply to organizations receiving Federal grants?

In fact, campaign contributions to candidates and political committees already are required to be reported to the

Federal Election Commission, and with a click of a mouse, can be viewed on FEC.gov.

Americans should get the best value in the marketplace and not a partisan policy that stifles First Amendment rights, politicizes the contracting process, and reduces competition in Federal contracting. I am pleased to note that my colleagues in the House of Representatives, Representatives DARRELL ISSA, TOM COLE, and SAM GRAVES agree. Today they have introduced an identical measure in that chamber. And last night, the House adopted an amendment to the defense authorization bill that would prohibit Federal agencies from requiring contractors to reveal contributions to political campaigns.

Keep politics out of Federal contracting. I urge my colleagues to support this bill.

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

S. 1101. A bill to require the Secretary of Health and Human Services to approve waives under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Finance.

Mr. BOOZMAN. Mr. President, it has been brought to my attention that certain Continuing Care Retirement Communities and Life Care Communities are required to pay a provider tax despite the fact that they provide no beds and no services that are certified under the Medicaid program. Thus, these facilities are paying a tax and receiving no benefit. The Department of Health and Human Services currently provides a waiver for this fee, but the approval for the waiver is not a foregone conclusion. This is costly to those communities who provide for themselves and who do not depend on government programs at all. For these reasons, Senator MARK PRYOR and I are introducing this legislation requiring the Secretary of Health and Human Services to approve waivers sought by states in relation to Continuing Care Retirement Communities and Life Care Communities which have no beds that are certified to provide medical assistance under title XIX of the Social Security Act or that do not provide services for which payment may be made under title XIX of the Social Security Act.

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. 1101

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 ''Provider Tax Administrative Simplification Act of 2011''.

SEC. 2. PROVIDER TAX RULE EXEMPTION FOR CERTAIN CONTINUING CARE RETIREMENT COMMUNITIES.

In the case of a State that has a provider tax that does not apply to continuing care retirement communities or life care communities (as such terms are used for purposes of section 1917(g) of the Social Security Act (42 U.S.C. 1396p(g)) that have no beds that are certified to provide medical assistance (as such term is defined under section 1905(a) of such Act) under title XIX of the Social Security Act or that do not provide services for which payment may be made under title XIX of the Social Security Act, the Secretary of Health and Human Services shall approve a waiver under section 433.68(e)(2)(iii) of title 42 of the Code of Federal Regulations regardless of whether the Secretary determines that the State satisfies the requirements of section 433.68(e)(2)(iii)(B) of such title.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 1102. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, over the past year, students in Illinois have told me their stories of leaving some for-profit colleges with mountains of student loan debt and no job prospects. The students who find themselves in this terrible situation often end up defaulting on their loans. One quarter of students who took out Federal loans to attend for-profit colleges defaulted within three years of starting repayment. Compare that to 11 percent at public colleges and 8 percent at private nonprofit colleges.

The situation for students who take out private student loans to attend for-profit schools can be even worse. A study by the College Board found that students at for-profit schools, unable to get enough government aid to pay their tuition turn to private loans much more than students at traditional schools.

Many large for-profit colleges have begun making loans directly to their students. This private lending can be a boon for the schools. It keeps students in school. It helps the college meet its ''90/10'' requirement, which keeps the student aid flowing.

Disturbingly, some of the for-profit colleges making these loans do not expect to collect them easily. Corinthian Colleges Executive Vice President and Chief Financial Officer Ken Ord stated in the February 2010 investor call that they anticipate a 56 percent to 58 percent default rate on an estimated $150 million in internal student lending. Just last month, Ken Ord stated that Corinthian Colleges will seek to nearly double this loan volume.

For-profit colleges like Corinthian are making private loans to students knowing that a majority of the students will struggle to make payments. These companies make significant profits from federal financial aid programs and are able to write off these loans.

This is a disaster for students. These are private student loans with interest rates and fees that can be as onerous as credit cards. There are reports of private loans with variable interest rates reaching 18 percent. Unlike Federal student loans, there are few consumer protections available for private student loans. Some students who take out private loans find themselves trapped under an enormous amount of debt that they cannot escape. Because of a 2005 change to the bankruptcy law, they are stuck with this debt for the rest of their lives.

Today, along with Senator FRANKEN and Senator WHITEHOUSE, I am introducing a bill that will restore fairness for these students and others who find themselves buried in private student loan debt. Our bill, the Fairness for Struggling Students Act, will allow borrowers of private student loans to discharge those loans in bankruptcy, just as other types of private debt can be discharged. Representatives COHEN and DAVIS are introducing a similar bill in the House.

Before 2005, private student loans issued by for-profit lenders were appropriately treated like credit card debt and other similar types of unsecured consumer debt in bankruptcy. In 2005, a provision was added to law to protect the investments of private lenders that extend private credit to students. The industry has boomed over the past decade. Private student loan volume last year was $8.5 billion.

Today, I am pleased to introduce a bill that will give students who find themselves in dire financial straits a chance at a new beginning. My bill restores the bankruptcy law, as it pertains to private student loans, to the statute in place before the law was amended in 2005. Under this legislation, privately issued student loans will once again be dischargeable in bankruptcy.

The bankruptcy law was designed to give debtors in severe financial distress a chance for meaningful relief. The current bankruptcy law unjustly punishes men and women who have tried to improve their lives by pursuing a higher education and all too often became victims of predatory private student lenders or predatory for-profit colleges. It is time to restore fairness for student borrowers. I urge my colleagues to support this bill.

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

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

S. 1102

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 ''Fairness for Struggling Students Act of 2011''.

SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a)(8) of title 11, United States Code, is amended by striking ''dependents, for'' and all that follows through the end of subparagraph (B) and inserting ''dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program

funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend;''.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. 1103. A bill to extend the term of the incumbent Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, earlier this month, the President requested that Congress provide a limited exception to the statutory limit on the service of the FBI Director in order to allow Robert Mueller to continue his service for up to two additional years, until September 2013. I spoke with the President about his request, and understand his desire for continuity and stability in our national security leadership team at a time of great challenge and heightened threat concerns.

On May 12, the President explained in a statement: ''Given the ongoing threats facing the United States, as well as the leadership transitions at other agencies like the Defense Department and Central Intelligence Agency, I believe continuity and stability at the FBI is critical at this time.'' It is for that reason, along with his confidence in Director Mueller, that the President has made this request of us. The President has asked us ''to join together in extending that leadership for the sake of our nation's safety and security.''

Since the attack on September 11, 2001, I have spoken often of the need for us all to join together. When I spoke to the Senate about the successful operation against Osama bin Laden, I urged all Americans to support our President in his continuing efforts to protect our Nation and keep Americans safe. I reiterated my hope that Americans would stand shoulder-to-shoulder, as we did in the weeks and months immediately following the September 11 attacks, unified in our resolve to keep our Nation secure. And I urged Congress to join together for the good of the country and all Americans. This is one of those times that we must join together.

We face a time of heightened threats, particularly when experts are so concerned about possible reprisal attacks by al Qaeda. Indeed, most Americans share a concern that al Qaeda will try to strike back. So now is not a time for obstruction or delay in considering the President's request to maintain continuity and stability in his national security team.

We have an opportunity now to set aside partisanship and come together to work with our President to keep America safe. While the threat from al Qaeda continues, and as the President makes necessary shifts in his national security team, I appreciate why President Obama has proposed that we continue the service of President Bush's appointee to the important leadership position of Director of the FBI. I appreciate Director Mueller's willingness to continue in service to the Nation. This was not Bob Mueller's idea or request. This is the President's request and, as a patriotic American, Director Mueller is willing to give another two years in service to a grateful Nation.

The Bureau has seen significant transformation since September 11, 2001. Director Mueller has handled this evolution with professionalism and focus. The FBI plays a critical role in our efforts to protect national security. Attorney General Holder said recently: ''The United States faces ongoing threats from terrorist intent on attacking us both at home and abroad, and it is crucial that the FBI have sustained, strong leadership to confront that threat.'' He is right.

I was encouraged to see the reports that Senator MCCONNELL, the Senate Republican leader, supports the President's request. I appreciate the comments by Chairman LAMAR SMITH of the House Judiciary Committee, supporting the President's decision, and stating his agreement that ''it is important to maintain continuity for our intelligence community during this transition period.''

I am pleased that Senator GRASSLEY, our ranking Republican on the Senate Judiciary Committee, has joined as a cosponsor of a bill to extend the service of Director Mueller, who Senator GRASSLEY said has ''proven his ability to run the FBI'' in these ''extraordinary times.'' I am also pleased that Senators FEINSTEIN and CHAMBLISS, the Chairman and Vice Chairman of the Senate Intelligence Committee, are joining as cosponsors of the bill. We recognize the extraordinary circumstances confronting the President, and support his request for a short extension of Director Mueller's service. But we also all agree that this needs to be a one-time exception and this measure we join together to introduce today is intended to be a one-time exception and not a permanent extension.

I chaired the Senate Judiciary Committee in the summer of 2001 when President Bush nominated Bob Mueller. The President nominated him on July 18; the Judiciary Committee received his paperwork on July 24; and we held two days of hearings on July 30 and July 31. The Judiciary Committee voted on his nomination on August 2 and the Senate confirmed him that same day. It is already as long from the day that President Obama made his request for the short extension of his term of service as it took us in 2001 to hold hearings and for the Senate to confirm Bob Mueller to a 10-year term as FBI Director. We must not delay action any longer.

Bob Mueller served for three years in the United States Marine Corps; led a rifle platoon in Vietnam; and earned a Bronze Star, two Navy Commendation Medals, the Purple Heart, and the Vietnamese Cross of Gallantry. This is a man who served as the United States Attorney in both Massachusetts and Northern California, as the Assistant Attorney General for the Criminal Division at the Justice Department, and the acting Deputy Attorney General at the beginning of the George W. Bush administration. This is a man who left a lucrative position in private practice to return to law enforcement after he had served in higher positions, by joining the U.S. Attorney's office in the District of Columbia as a line prosecutor in the homicide section.

The President could have nominated the next director of the FBI, someone who could serve for the next 10 years, until 2021. That is someone who would serve through the presidential elections in 2012, 2016 and 2020, and into the period long after his own presidency. Instead, he has chosen to ask Congress to extend the term of service of a proven leader for a brief period, given the extenuating circumstances facing our country.

I emphasize that this is not Bob Mueller's request, it is the President's. Bob Mueller has served tirelessly and selflessly for 10 years, and is undoubtedly ready to begin the next phase of his life. But Bob has characteristically answered duty's call and indicated his willingness to continue his service. We should fulfill our duty, as well, and join together without delay to secure the continuity and stability that is demanded at this time, and that is needed to keep our country safe. It is time for us to join together and act on the President's request.

Mr. President, I ask unanimous consent 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. 1103

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

SECTION 1. EXTENSION OF THE TERM OF THE INCUMBENT DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 (28 U.S.C. 532 note) is amended by adding at the end the following:

''(c) With respect to the individual who is the incumbent in the office of the Director of the Federal Bureau of Investigation on the date of enactment of this subsection—

''(1) subsection (b) shall be applied —

''(A) in the first sentence, by substituting '12 years' for 'ten years'; and

''(B) in the second sentence, by substituting '12-year term' for '10-year' term; and

''(2) the third sentence of subsection (b) shall not apply.''.

Mr. GRASSLEY. Mr. President, the Federal Bureau of Investigation is on the front line in defending our country from terrorists, spies, and criminals. The FBI has a long history dating back over 100 years. The FBI started as an agency formed during President Theodore Roosevelt's administration when seven Secret Service agents were sent to the Justice Department to create a new investigative bureau. Since that start, the FBI has developed into a

cadre of talented agents who have pioneered new investigative tools advancing law enforcement across the country.

For example, the Bureau agents developed advancements in forensic science, such as fingerprint technology and DNA analysis, now utilized to build investigations from the smallest of clues obtained at crime scenes. Such advancements have allowed the FBI to combat organized crime and international terrorists across the country and around the globe.

Despite these successes, the FBI has also had its share of failures. These include maintaining secret files on elected officials, the investigation of civil rights leaders, the tragedies at Ruby Ridge and Waco, missing internal spy Robert Hanssen, the corruption and misuse of mob informants in the Boston field office, and the failure to connect the dots leading up to the 9/11 attacks. The FBI has also had problems in failing to manage high-profile projects, such as the procurement of information technology upgrades. They have failed to address personnel problems, such as the double standard for discipline that the Justice Department inspector general found agents believe exists. And there were the serious issues that required reform at the FBI crime lab. These are black marks on the history of the FBI.

I have been an outspoken critic of the FBI's culture for many years because of its unwillingness to own up to mistakes. Too often, officials sought to protect the agency's reputation at the expense of the truth. My concerns are magnified by the way the FBI treats internal whistleblowers who come forward and report fraud and abuse. All too often, instead of owning up to problems and fixing them, they circle the wagons and shoot the messenger. The FBI is all too often the exact opposite of an agency that can accept constructive criticism, from both those inside and out.

That said, I must give credit to the FBI when it is due. Following the tragedy of 9/11, the FBI has worked to fix the problems that have occurred. There has been a top-to-bottom transformation at the FBI moving it from a pure law enforcement agency to a national security agency. Chief among those lending this transformation has been FBI Director Robert Mueller. Sworn in as Director just 1 week prior to 9/11, Director Mueller has led the charge to ensure that the FBI is updated into a modern national security agency. This transformation includes upgrading the workforce from an agent-driven model to one that includes an ever-increasing number of intelligence analysts. Director Mueller has taken the transformation head-on and has done an admirable job. I applaud the hard work that has been done, but more work remains. That is why we are here today introducing legislation that will extend the term of FBI Director Mueller for 2 additional years. I join my colleagues from the Judiciary and Select Intelligence Committees in introducing a one-time statutory exemption that will extend the term of FBI Director Mueller's term by 2 years. I do this recognizing the good work of Director Mueller and against a backdrop of heightened alert to terrorist attack following the death of Osama bin Laden. However, I do this with a heavy heart because I believe the 10-year term is a good thing for both the FBI and the country.

Currently, the law requires that the FBI Director be limited to one single 10-year term. This limitation was put in place in 1976 following a 1968 change in the law making the Director a Presidential appointment. Congress included this term for two main reasons: one, to ensure that the Director was insulated from political influence of the President; two, to ensure that no one individual serves as FBI Director for such a long period of time to amass too much power. The inclusion of a term was part of a series of reforms to government agencies following the Watergate scandal and following the death of former Director J. Edgar Hoover, who had served a 48-year term.

The current term limit has been in place for 35 years. In that time, no Director of the FBI has ever served an entire 10-year term and no President has ever suggested the term limit should be extended. However, on September 4, 2011, FBI Director Mueller would be the first to reach the 10-year mark. President Obama has indicated it is his desire to have Director Mueller stay on for an additional 2 years and has asked us to extend the term.

While I join my colleagues in introducing this extension, I have also asked that we have a hearing in the Senate Judiciary Committee to address this extension. There are significant constitutional concerns that must be addressed, such as whether Congress has the authority to extend the term of a sitting appointee. A concern of this magnitude needs to be discussed in a formal hearing. Additionally, this would be the first time the Congress will be extending the term of the Director in over 35 years and nearly 37 years since a hearing was held on the term of the Director in the Judiciary Committee.

Director Mueller has done an admirable job of reforming an agency under difficult circumstances. While I have my concerns with the precedent that this will set for future Directors—namely, that the term can be extended—I do think that making a one-time exception is warranted in this limited case and with the current existing threats. But I do not want this to become a regular occurrence. This legislation is narrowly tailored to ensure that the intent of Congress is to create only a one-time exception. Further, we will be holding a Judiciary Committee hearing in the near future to address this important, limited, one-time extension. Against that backdrop, I support this extension and look forward to an open debate and discussion surrounding this legislation.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 1106. A bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces; to the Committee on Armed Services.

Mr. KOHL. Mr. President, I rise today with Senator GRAHAM to introduce the Justice for Troops Act. This legislation offers a simple solution to a serious problem that affects the well-being of our troops and their families. Today, when service men and women face civil legal problems they often have no access to legal assistance. When these troops face such problems, like child custody issues, complications with leases, mortgage payments or credit card debt that should be protected under the Servicemembers Civil Relief Act, or disputes over a bank account, they often have no access to legal assistance.

Without representation, troops run the risk of losing custody of their children, being evicted from their home, or facing financial ruin. This is unjust, especially when there are many lawyers willing to volunteer their services for free. The Justice for Troops Act would solve this problem by connecting service men and women with pro bono lawyers. It would do so by authorizing the Department of Defense, DoD, to use up to $500,000 of funds already appropriated for operation and maintenance to support programs that make these connections and ensure that our troops have access to the legal representation they need.

All branches of the military provide our service men and women with basic legal services on-base through legal assistance officers, Judge Advocate Generals, JAGs, but they generally cannot represent service members in court or provide legal assistance in other parts of the country. When troops encounter legal problems that JAGs are not able to handle, they are left on their own to find a lawyer. This burden can arise if a service member is stationed in one state, but his or her home, family, or bank accounts are located in another. On-base JAG officers are unable to help with bankruptcy, child support issues, and other legal challenges that arise in a different state. As the number of deployed troops has increased since 2001, the gap between their legal needs and the offerings of JAG offices has widened. In some cases, JAG officers have referred troops who cannot afford a lawyer to programs that connect them with pro bono lawyers. Other cases have been left unresolved, to the detriment of our troops, their families, and the readiness of our armed forces.

Today, there are limited services available to help troops with legal problems that cannot be handled by JAGs, but they are unable to fully meet the growing need. Some law

school clinics, state bar associations, and the American Bar Association's Military Pro Bono Project connect active-duty military personnel and their families to free legal assistance beyond what military legal offices can offer. They maintain lists of attorneys who are willing to provide their services free of charge to service members and, in conjunction with the DoD, reach out to on-base JAG offices to encourage them to refer troops to their programs.

Unfortunately, these programs have a long way to go to meet the increasing demand for their pro bono legal services, and too many troops still go without legal help. Furthermore, existing programs are limited in their ability to connect troops with pro bono lawyers because funding to support them is scarce. With access to only $500,000, pro bono projects would be able to build more connections, ensure that every JAG office knows how to refer service members to the programs, and grow their databases of pro bono lawyers. This small investment would be leveraged into providing free legal assistance to countless men and women who serve our country. We will no doubt enhance our military readiness by eliminating the stress and anxiety caused by legal problems.

The Justice for Troops Act is supported by the Department of Defense, the Military Officers Association of America, the Southern Wisconsin Chapter of the Military Officers Association of America, the National Military Family Association, the National Guard Association of the United States, the Wisconsin National Guard Association, the Association of the US Army, the Air Force Association, and the Gold Star Wives of 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. 1106

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 ''Justice for Troops Act''.

SEC. 2. DEPARTMENT OF DEFENSE SUPPORT FOR PROGRAMS ON PRO BONO LEGAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) SUPPORT AUTHORIZED.—The Secretary of Defense may provide support to one or more public or private programs designed to connect attorneys who provide pro bono legal assistance with members of the Armed Forces who are in need of such assistance.

(b) FINANCIAL SUPPORT.—

(1) IN GENERAL.—The support provided a program under subsection (a) may include financial support of the program.

(2) LIMITATION ON AMOUNT.—The total amount of financial support provided under subsection (a) in any fiscal year may not exceed $500,000.

(3) FUNDING.—Amounts for financial support under this section shall be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

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

S. 1110. A bill to amend the Small Business Act to permit agencies to count certain contracts toward contracting goals; to the Committee on Small Business and Entrepreneurship.

Mr. ENZI. Mr. President, I rise today to introduce the Small Business Fairness Act. I want to first thank my colleague Senator CASEY from Pennsylvania for cosponsoring this important legislation with me. Promoting small business is not a Republican or a Democrat issue; it is an economic issue that is of even more importance as we consider ways to help improve our Nation's job situation. This bill is just one of many efforts that I hope Congress can consider this year that will help promote the needs of our small businesses on Main Street.

This particular issue involves a rule currently in place that prevents agencies from counting their government procurement contracts toward their statutory obligations if a small business is a member of a cooperative or association of other small businesses. While the rule was well intended when it was written, it likely never anticipated the growth of small businesses that pool their resources into teaming agreements to compete for large government contracts.

This bill, the Small Business Fairness Act, helps address this issue. The Internet and other resources in recent years have helped small businesses identify and partner with other businesses to make competitive bids for government contracts. Not every small business can meet the contracting needs of federal agencies, however, as a group they can often offer competitive bids for some of the largest government contracts being offered. We know that the Federal Government is one of the largest consumers of products and it is only right to make sure our small businesses can group with other small businesses for their own mutual benefit. The bill is specifically designed to ensure that agencies can do business through teaming agreements with small businesses that qualify through the Small Business Administration as socially or economically disadvantaged firms. This includes businesses owned by service-disabled veterans, women-owned small businesses and firms located in qualified HUBZones. Without this bill, an agency can do business with a small entity through a teaming agreement but cannot count that business towards its statutory obligations for small business set-asides.

As a former small business owner and a member of the Small Business Committee, I am a firm believer that small businesses should be able to access government contracts. These contracts help businesses diversify and offer new opportunities for their products. That is why for over 9 years I have helped to host a Procurement Conference in Wyoming where contactors can meet with our State's small businesses to ensure the Federal Government gets the goods and services they need.

This bill is a step in the right direction to help our small businesses and I look forward to opportunities to discuss this and other efforts that help our small businesses succeed.

By Mr. ROCKEFELLER (for himself, Ms. STABENOW, and Mr. BROWN of Ohio):

S. 1117. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, when Congress passed the Trade Act of 2002, we made a promise to American workers that the potential loss of jobs due to trade policy will not equal the loss of health care coverage. The health coverage tax credit, HCTC, was designed to help American workers retain health insurance coverage when their jobs are displaced by outsourcing—and it has been a lifeline for these middle-class families who simply cannot afford coverage on their own. In 2010, an Internal Revenue Service survey found that 90 percent of HCTC participants are very satisfied with the program.

However, despite the high satisfaction rate among participants, far too many trade-displaced workers are not able to take advantage of this important program. Historically, fewer than 30,000 of the hundreds of thousands of potentially eligible individuals each year have participated in the HCTC. These hundreds of thousands of laid-off workers and retirees have been left uninsured because the program still has several barriers to enrollment, and despite the 65 percent subsidy provided by the program, the premiums are prohibitively high for some workers.

I have heard from steel retirees and widows in my state about how unaffordable the TAA health care tax credit is. I have been very frustrated, just as I was when this bill passed, that we have not been able to make the credit as affordable and accessible as possible for people who need it the most—laid-off workers and retirees who have very limited income.

The Government Accountability Office, GAO, and several consumer advocacy groups and research organizations have cited affordability as the primary reason for low participation in the HCTC program. The bottom line is that a 65 percent subsidy is simply not enough for many to afford the high cost of health insurance premiums. The American Recovery and Reinvestment Act of 2009, which reauthorized the Trade Adjustment Assistance Act, made several temporary changes to expand eligibility for and benefits of the HCTC program. These changes included an increase in the tax credit's subsidy rate from 65 percent to 80 percent of the health insurance premium, and expanded TAA eligibility to additional workers. The GAO released a report

last year on the credit and found that HCTC participation increased after these key Recovery Act changes took effect. As a result of the Recovery Act, many more people eligible for the program felt they could afford a qualified health plan and afford to pay their share of monthly premiums. However, 33 percent still could not afford their share of monthly premiums, even with the credit and these expanded provisions expired on February 13, 2011.

As our economy continues its recovery, it is critical to build on this program to help more Americans secure health coverage. The TAA Health Coverage Improvement Act would extend the Recovery Act's temporary provisions, and it would also address the issues of affordability by increasing the subsidy amount from 65 percent to 95 percent, retroactive to the date the Recovery Act expired.

This legislation also addresses the issue of affordability by placing limits on the use of the individual market, as Congress intended under the original law. The Trade Act of 2002 specified that the health insurance credit could not be used for the purchase of health insurance coverage in the individual market except for HCTC-eligible workers who previously had a private, nongroup coverage policy 30 days prior to separation from employment. However, states have been allowed by prior Administrations to create state-based coverage options in the individual market for any HCTC beneficiaries, including those who did not have individual market coverage one month prior to separation from employment. As a result, there are people who had employer-based coverage prior to separation from employment who are now being covered in the individual market. This was not the intent of the law. To make matters worse, this interpretation undermines the consumer protections set forth in the law because individual market plans are allowed to vary premiums based on age and medical status. In one state GAO reviewed for its report, because of medical underwriting, HCTC recipients in less-than-perfect health were charged almost six times the premiums charged to recipients rated in the healthiest category. The legislation I am introducing today addresses this problem by clarifying that states can only designate individual market coverage within guidelines of 30-day restriction and by requiring individual market plans to be community-rated.

Second, this legislation guarantees that eligible workers will have access to comprehensive group health coverage. Group coverage is what people know. The vast majority of laid-off workers and PBGC retirees had employer-sponsored group coverage prior to losing their jobs or pension benefits. The TAA Health Coverage Improvement Act designates the Federal Employees Health Benefit Plan, FEHBP, as a qualified group option in every State, so that displaced workers nationwide will have access to the same type of affordable, comprehensive coverage they were used to when they were employed.

Third, the TAA Health Coverage Act clarifies the three month continuous coverage requirement. Under the original TAA statute, displaced workers are required to maintain three months of continuous health insurance coverage in order to qualify for certain consumer protections. Those protections are guaranteed issue, no preexisting condition exclusion, comparable premiums, and comparable benefits. Congress intended this three month period to be counted as the three months prior to separation from employment. However, the Administration has interpreted the three month requirement as three months of health insurance coverage prior to enrollment in the new health plan, which usually is after separation from employment and after certification of TAA eligibility. Many laid-off workers and PBGC recipients cannot afford to maintain health coverage in the months between losing their jobs and TAA certification and, therefore, lose eligibility for the statutorily-provided consumer protections. This legislation corrects this problem by clarifying that three months of continuous coverage means three months prior to separation from employment.

Fourth, this bill allows spouses and dependents to maintain eligibility for the health coverage tax credit if the worker or retiree becomes eligible for Medicare. Younger spouses and dependents of Medicare-eligible individuals have not been able to receive the subsidy because eligibility runs through the worker or retiree. This technicality is unfair to individuals who rely on health coverage through their spouses or parents.

Finally, this legislation streamlines the HCTC enrollment process and makes it easier for trade-displaced workers to access health insurance coverage. According to GAO, two of the factors contributing to low participation include a complicated and fragmented enrollment process and the inability of workers to pay 100 percent of the premium during the 3 to 6 months they are waiting to enroll in advance payment. This legislation includes a presumptive eligibility provision that allows displaced workers to enroll in a qualified health plan and receive the HCTC immediately upon application to the Department of Labor for certification. There is also a provision which directs the Treasury Secretary to pay 100 percent of the cost of premiums directly to the health plans during the months TAA-eligible workers are waiting for advance payment to begin. This legislation allows workers to be eligible for the HCTC even if they are not receiving training, an important provision that was included in the Recovery Act. The current training requirement subjects families to a loss of health coverage when transportation, relocation, or childcare issues interfere with an individual's ability to participate in training.

As a former Governor, I know how important Trade Adjustment Assistance is to individuals who have lost their jobs due to trade. In West Virginia, thousands of workers have lost their jobs as a result of trade policy. While adjusting to the loss of employment, these individuals still have to pay mortgages, put food on the table, and care for their families. Finding affordable health care adds a significant burden to their worries. The TAA health coverage tax credit is designed to help American workers retain health insurance coverage during this very difficult transition.

Since 2002, the HCTC program has been a lifeline for tens of thousands of participants. But for many others who face barriers to participation, the HCTC program is not living up to its potential. The GAO has given us a very specific diagnosis of the problems, and the Recovery Act has shown us that the situation can improve for trade-displaced workers. The TAA Health Coverage Improvement Act builds upon the Trade Act of 2002 and the lessons we have learned since in order to make the health coverage tax credit workable for eligible individuals and their families. I look forward to working with my colleagues to pass this important legislation.

By Mr. INOUYE (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Ms. SNOWE, and Ms. MURKOWSKI):

S. 1119. A bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I am pleased to introduce the Trash Free Seas Act of 2011, a bill to reauthorize and strengthen the Marine Debris Research, Prevention, and Reduction Act, MDRPRA. This act, of which I am proud to have been the original sponsor, was first passed in 2006 to address the pervasive issue of marine debris which is found in myriad forms throughout our oceans. It created programs in both the National Oceanic and Atmospheric Administration, NOAA, and the U.S. Coast Guard that research, track, and work to mitigate and remove marine debris and its associated impacts. The Trash Free Seas Act would update these programs to incorporate advances in our understanding of the issue and allow for greater regional and international coordination in our mitigation efforts.

Marine debris is a catch-all term that encompasses everything from floating refuse to lost fishing nets and pieces of micro-plastic. In all its forms, however, it is something that was once manufactured and has since been lost at sea through accident, intent, or act of nature. Once at sea, the impacts of marine debris may reach unintended shores as it drifts on ocean currents

and harms our ecosystems and economies. This harm may come from direct interactions such as physical damage to a coral reef or fishing vessel; through indirect impacts such as the concentration of harmful chemicals in floating plastics; or from a reduction in tourism due to the unsightliness of a littered beach. In every case we should be responding by working to reduce the overall problem on a global scale and by striving to mitigate specific impacts.

As an island State, Hawaii is particularly susceptible to the impacts of marine debris and, all the more so, because we are located near the center of a great network of ocean currents in the Pacific that tend to concentrate debris into a wide region known as the ''garbage patch''. For this reason, our State has long been at the forefront in dealing with this issue and in fact we have recently become the first State to develop and implement a comprehensive marine debris action plan. This Plan, along with the programs at NOAA and the Coast Guard, are likely to be even more valuable to us in the coming years as recent research suggests that the tragic Great East Japan Earthquake and Tsunami that struck in March, resulted in a tremendous amount of lost infrastructure that may reach our shores as debris in as little as 1 to 2 years.

The Trash Free Seas Act of 2011 would strengthen our ability to respond to the pervasive problem of marine debris by incorporating marine debris removal as an explicit purpose of the programs; clarifying research and assessment and reduction, prevention, and removal as two distinct components of the NOAA program; and including tool development, regional coordination, and promoting international action as explicit program functions.

I ask that my colleagues join me in supporting this important legislation.

By Mr. CARDIN (for himself, Mr. BLUNT, and Ms. STABENOW):

S. 1120. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce the Propane Green Autogas Solutions Act of 2011. I am pleased to note that the junior Senators from Missouri, Mr. BLUNT, and Michigan, Ms. STABENOW, are original cosponsors of this measure. Our bill extends for five years Federal Alternative Fuel Tax Credits for Propane Used as a Motor Fuel, Propane Vehicles, and Propane Refueling Infrastructure.

Propane ''autogas'' is a reliable, domestically produced alternative fuel with lower greenhouse gas, GHG, emissions than gasoline. Sixty percent of propane, also known as liquefied petroleum gas, LPG, derived from natural gas processing and 40 percent is a byproduct of crude oil refining. Since LPG is derived from fossil fuels, burning it releases carbon dioxide, CO_2. The advantage is that LPG releases less CO_2 per unit of energy than oil and burns cleanly with regard to particulates.

At present, one propane-powered light-duty vehicle, LDV, and several heavy-duty vehicle, HDV, propane engines and fueling systems are available from U.S. original equipment manufacturers, OEM. Because other countries offer more OEM options in propane vehicles, thorough testing to compare emissions with reformulated gasoline has been conducted on these vehicles and engines in Europe. Two of these tests were combined and the results are promising with respect to lower particulate matter, PM, nitrogen oxides, NO_X, carbon monoxide, CO, and total hydrocarbon, THC, emissions, as the chart below details:

To augment LPG's generally cleaner combustion properties, propane engines can be calibrated to choose between pollutants, making the engine additionally useful in achieving regional or local pollution-reduction targets. A rich calibration reduces nitrogen oxides, NO_X, at the expense of increasing CO and non-methane hydrocarbons and a lean calibration does just the opposite.

Propane is in surplus worldwide with 93 percent of U.S. propane produced domestically when combined with supply from Canada. A national infrastructure of pipelines, processing facilities, and storage, i.e., 59 million barrel capacity in Texas alone, already exists for the efficient distribution of propane and there are roughly 3,200 propane dispensing stations across the U.S. Propane supply is expected to increase over the next several decades, which means more consumer availability and price stability.

Commercial fleets are the propane autogas vehicle target market. The Energy Policy Act of 2005 (EPACT 2005) and the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, transportation reauthorization established significant tax incentives for propane autogas to stimulate its use in motor vehicles to reduce U.S. dependence on foreign oil and reduce environmental impacts associated with gasoline and diesel fuel use. The 2005 legislation provided the following alternative fuel tax credits that benefit propane autogas, all of which would be extended under the legislation Senators BLUNT and STABENOW and I are introducing today.

Propane Fuel Credits—SAFETEA–LU included a 50 cent per gallon credit for propane sold for use in motor vehicles. This credit expires at the end of 2011.

Propane Vehicle Credits—EPACT 2005 included a tax credit to consumers who purchase OEM propane vehicles or convert gasoline or diesel engines. The amount of credit the consumer receives varies depending on vehicle weight and emissions. This credit is currently expired.

Propane Infrastructure Credits—EPACT 2005 provided a tax credit amounting to 30 percent of the cost of a fueling station, not to exceed $30,000 per station. This credit expires at the end of 2011.

The Propane Act would extend these three tax credits for 5 years. For the credits to have a meaningful effect in firmly establishing a robust propane autogas market, they should be in place for a defined period of time, not extended from year-to-year in a haphazard fashion. Congress should not wait to act until the credits are about to expire because market uncertainty regarding the credits undermines the effectiveness of the incentives and discourages the kind of investment that Congress wants the private sector to make in alternative fuels. The Propane Green Autogas Solutions Act, if enacted, would offer the long-term policy commitment necessary to continue building essential alternative fuel infrastructure and bolster a burgeoning autogas market. Private investment is much more likely to occur when the availability of the tax credits is assured in the long-term so the propane industry can create the economies of scale necessary to make propane autogas a viable and competitive alternative fuel.

There is no score for the bill yet. The National Propane Gas Association, NPGA, has retained an economic research firm to perform a comprehensive economic review that will look at costs and offsetting benefits, job creation, economic growth, etc.; foreign petroleum gallons displaced; and the positive environmental impact of extending the tax credits. The study will be available shortly and will share it with my colleagues when it becomes available.

Recent rapid price increases for gasoline and diesel fuel have hurt Americans families and businesses. This weekend is Memorial Day weekend, the unofficial beginning of the summer and the summer driving season. Our Nation needs to come to grips with a few fundamental facts. We have 2–3 percent of the world's oil reserves. We account for about 5 percent of the world's population. We currently produce 11 percent of the world's oil, up 11 percent over the last 2 years, in large part because we have more drilling rigs in operation right now than the rest of the world combined—by 50 percent. We account for 25 percent of the world's oil consumption. ''Drill here, drill now, pay less'' is a catchy slogan, but it's not a solution to our energy woes. As T. Boone Pickens himself has said, we cannot drill our way of this problem. The best way for the United States to put downward pressure on gasoline and diesel prices is through demand reduction since we are the world's biggest consumers of petroleum products by far. The Propane Green Autogas Solutions Act offers one way to reduce our demand—by substituting propane for gasoline or diesel fuel. Propane is a domestic transportation fuel. It is less

expensive than gasoline and diesel fuel. It burns more cleanly. These are all good things. I urge my colleagues to support this bill.

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

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

S. 1120

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Propane Green Autogas Solutions Act of 2011''.

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

SEC. 2. MODIFICATION AND EXTENSION OF ALTERNATIVE FUEL CREDIT.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by inserting '', and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas)'' after ''hydrogen''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by inserting '', and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas)'' after ''hydrogen''.

(c) PAYMENTS RELATING TO ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.—Paragraph (6) of section 6427(e) is amended—

(1) in subparagraph (C)—

(A) by striking ''subparagraph (D)'' in subparagraph (C) and inserting ''subparagraphs (D) and (E)'', and

(B) by striking ''and'' at the end thereof,

(2) by striking the period at the end of subparagraph (D) and inserting '', and'', and

(3) by adding at the end the following:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving liquefied petroleum gas sold or used after December 31, 2016.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to liquefied petroleum gas sold or used after the date of the enactment of this Act.

SEC. 3. EXTENSION AND MODIFICATION OF NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by inserting ''(December 31, 2016, in the case of a vehicle powered by liquefied petroleum gas)'' before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 4. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Subsection (g) of section 30C is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) in the case of property relating to liquefied petroleum gas, after December 31, 2016, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. WHITEHOUSE (for himself, Mr. ALEXANDER, and Mr. UDALL of Colorado):

S. 1126. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to insure loans for financing of renewable energy systems leased for residential use, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the Renewable Energy Access through Leasing Act of 2011 or the REAL Act of 2011. I'd like to thank Senator LAMAR ALEXANDER and Senator MARK UDALL for joining in this bipartisan effort.

Many homeowners would like to install solar panels or other renewable energy systems, but face the daunting challenge of paying the upfront cost for the technology. To purchase and install a new solar energy system, for example, can cost between $20,000 and $30,000. This is a significant and often prohibitive cost, even when more than justified by long-term savings.

A promising option to promote residential use of renewable energy is leasing. Here is how it works: A company pays to purchase and install the system and the homeowner pays a fixed monthly fee to lease the renewable energy system from the company. It is easy for the homeowner, often requires no upfront cost, and can even save them money on electricity bills. Leasing has been successfully used for everything from satellite TV dishes to car. Why not solar panels too?

One of the problems has been that renewable energy system leasing does not have a well-established financial market. Investors are reluctant to pursue these opportunities, in large part because of the uncertain lifespan of the renewable energy systems. The REAL Act would address that problem by having the Department of Energy insure the value of the lease. This would help create a secondary market for renewable energy system leases to residential customers, freeing up additional capital to invest in these programs.

The benefits of renewable energy are manifold and well-documented. Renewable energy creates jobs. From the engineers who design the systems to the technicians who install them, this industry has the potential to support thousands of new jobs.

Renewable energy promotes energy independence. Oil still accounts for approximately 40 percent of our total energy needs, and seventy percent of this oil is imported from foreign countries, many of whom, to put it mildly, are not committed to our best interests. We are sending $1 billion per day overseas to fund this addiction.

Renewable energy reduces harmful pollution. Many of our current dirty sources of energy are significant contributors to air pollution, leading to increased cases of asthma, respiratory diseases, and birth defects. Moreover, these energy sources are significant contributors to global climate change, harming our communities through sea level rise and increased extreme weather. Rapidly rising greenhouse gas concentrations are also putting severe strain on our oceans through acidification and temperature change, creating conditions not seen for millions of years. In my home state of Rhode Island, the Narragansett Bay has witnessed a 4 degree increase in average annual temperature, causing what amounts to a full ecosystem shift.

It is hard to disagree that renewable energy offers solutions to many of the problems facing our country. But there is often disagreement about the best way forward to promote renewable energy. Some are concerned about the budget impact of promoting renewable energy, some are concerned about government mandates, and some are concerned about government subsidies. While we may disagree on other means to promote renewable energy, I am hoping that we can all agree on this bipartisan proposal.

The REAL Act would not add a dime to the budget deficit. The Congressional Budget Office scored similar legislation last Congress as having no budget impact. It achieves this goal because the insurance program is paid for entirely through premiums. The bill also protects the taxpayer in the case of a default because the government has the right to collect revenues directly from the renewable energy system.

The REAL Act is not a subsidy and requires no appropriation. It relies on the value of the renewable energy system itself to provide the basis for the insurance.

The REAL Act is also not a mandate. It has no requirement to use the leasing mechanism, but merely facilitates the expansion of renewable energy leasing to homeowners.

While this bill is only one piece of the puzzle to solving our overall energy problem, I hope that it is a piece we can all agree on. Providing additional options to lease renewable energy systems is a win for our homeowners, our economy, and our environment.

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. 1126

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Renewable Energy Access through Leasing Act of 2011'' or the ''REAL Act of 2011''.

SEC. 2. LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.

Subtitle A of title IV of the Energy Independence and Security Act of 2007 is amended by inserting after section 413 (42 U.S.C. 17071) the following:

''SEC. 414. LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.

''(a) PURPOSES.—The purposes of this section are—

''(1) to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of those systems to homeowners;

''(2) to reduce carbon emissions and the use of nonrenewable resources;

''(3) to encourage energy-efficient residential construction and rehabilitation;

''(4) to encourage the use of renewable resources by homeowners;

''(5) to minimize the impact of development on the environment;

''(6) to reduce consumer utility costs; and

''(7) to encourage private investment in the green economy.

''(b) DEFINITIONS.—In this section:

''(1) AUTHORIZED RENEWABLE ENERGY LENDER.—The term 'authorized renewable energy lender' means a lender authorized by the Secretary to make a loan under this section.

''(2) RENEWABLE ENERGY SYSTEM LEASE.—The term 'renewable system energy lease' means an agreement between an authorized renewable energy system owner and a homeowner for a term of not less than 5 years, under which the homeowner—

''(A) grants an easement to the renewable energy system owner to install, maintain, use, and otherwise access the renewable energy system; and

''(B) agrees to—

''(i) lease the use of the system from the renewable energy system owner; or

''(ii) a power purchase agreement.

''(3) RENEWABLE ENERGY MANUFACTURER.—The term 'renewable energy manufacturer' means a manufacturer of renewable energy systems.

''(4) RENEWABLE ENERGY SYSTEM.—The term 'renewable energy system' means a system of energy derived from—

''(A) a wind, solar (including photovoltaic and solar thermal), biomass (including biodiesel), or geothermal source; or

''(B) hydrogen derived from biomass or water using an energy source described in subparagraph (A).

''(5) RENEWABLE ENERGY SYSTEM OWNER.—The term 'renewable energy system owner' means a homebuilder, a manufacturer or installer of a renewable energy system, or any other person, as determined by the Secretary.

''(c) AUTHORITY.—

''(1) IN GENERAL.—The Secretary may, on application by an authorized renewable energy system owner, insure or make a commitment to insure a loan made by an authorized renewable energy lender to a renewable energy system owner to finance the acquisition of a renewable energy system for lease to a homeowner for use at the residence of the homeowner.

''(2) TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions for insurance under paragraph (1) as are consistent with the purposes of this section.

''(d) LIMITATION ON PRINCIPAL AMOUNT.—

''(1) LIMITATION.—The principal amount of a loan insured under this section shall not exceed the residual value of the renewable energy system to be acquired with the loan.

''(2) RESIDUAL VALUE.—For purposes of this subsection—

''(A) the residual value of a renewable energy system shall be the fair market value of the future revenue stream from the sale of the expected remaining electricity production from the system, pursuant to the easement granted in accordance with subsection (e); and

''(B) the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system shall be determined based on the net present value of the power output production warranty for the renewable energy system provided by the renewable energy manufacturer and the forecast of regional residential electricity prices made by the Energy Information Administration of the Department.

''(e) EASEMENT.—

''(1) IN GENERAL.—The Secretary may not insure a loan under this section unless the renewable energy system owner certifies, in accordance with such requirements as the Secretary shall establish, consistent with the purposes of this section, that the renewable energy system financed will be leased only to a homeowner that grants an easement to install, maintain, use, and otherwise access the renewable energy system that includes the right to sell electricity produced during the life of the renewable energy system to a wholesale or retail electrical power grid.

''(2) ASSUMABLE LEASE.—The renewable energy system lease shall specify that the renewable energy system lease can be assumed by new homeowners.

''(f) DISCOUNT OR PREPAYMENT.—

''(1) IN GENERAL.—To encourage the use of renewable energy systems, the Secretary shall ensure that a discount given to a homeowner by a renewable energy system owner or other investor or prepayment of a renewable energy system lease by a renewable energy system owner does not adversely affect the mortgage requirements of the homeowner.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary may consult with agencies and entities involved in oversight of home mortgages.

''(g) ELIGIBILITY OF LENDERS.—The Secretary may not insure a loan under this section unless the lender making the loan is an institution that meets such requirements as the Secretary shall establish for participation of renewable energy lenders in the program under this section.

''(h) CERTIFICATE OF INSURANCE.—

''(1) IN GENERAL.—The Secretary shall issue to a lender that is insured under this section a certificate that serves as evidence of insurance coverage under this section.

''(2) CONTENTS OF CERTIFICATE.—The certificate required under paragraph (1) shall describe the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system.

''(3) FULL FAITH AND CREDIT.—The certificate required under paragraph (1) shall be backed by the full faith and credit of the United States.

''(i) PAYMENT OF INSURANCE CLAIM.—

''(1) FILING OF CLAIM.—The Secretary shall provide for the filing of claims for insurance under this section and the payment of the claims.

''(2) PAYMENT OF CLAIM.—A claim under paragraph (1) may be paid only on a default under the loan insured under this section and the assignment, transfer, and delivery to the Secretary of—

''(A) all rights and interests arising under the loan; and

''(B) all claims of the lender or the assigns of the lender against the borrower or others arising under the loan transaction.

''(3) LIEN.—

''(A) IN GENERAL.—On payment of a claim for insurance of a loan under this section, the Secretary shall hold a lien on the underlying renewable energy system assets and any associated revenue stream from the use of the system, which shall be superior to all other liens on the assets.

''(B) RESIDUAL VALUE.—The residual value of the renewable energy system and the revenue stream from the use of the system shall be not less than the unpaid balance of the loan amount covered by the certificate of insurance.

''(C) REVENUE FROM SALE.—The Secretary shall be entitled to any revenue generated by the renewable energy system from selling electricity to the grid when an insurance claim has been paid out.

''(j) ASSIGNMENT AND TRANSFERABILITY OF INSURANCE.—A renewable energy system owner or an authorized renewable energy lender that is insured under this section may assign or transfer the insurance, in whole or in part, to another owner or lender, subject to such requirements as the Secretary may prescribe.

''(k) PREMIUMS AND CHARGES.—

''(1) INSURANCE PREMIUMS.—

''(A) IN GENERAL.—The Secretary shall fix and collect premiums for insurance of loans under this section, that shall be—

''(i) paid by the applicant renewable energy system owner at the time of issuance of the certificate of insurance to the lender; and

''(ii) adequate, as determined by the Secretary, to cover the expenses and probable losses of administering the program under this section.

''(B) DEPOSIT OF PREMIUM.—The Secretary shall deposit any premiums collected under this subsection in the Renewable Energy Lease Insurance Fund established by subsection (l).

''(2) PROHIBITION ON OTHER CHARGES.—Except as provided in paragraph (1), the Secretary may not assess any other fee (including a user fee), insurance premium, or charge in connection with loan insurance provided under this section.

''(l) RENEWABLE ENERGY LEASE INSURANCE FUND.—

''(1) FUND ESTABLISHED.—There is established in the Treasury of the United States the Renewable Energy Lease Insurance Fund (referred to in this subsection as the 'Fund'), which shall be available to the Secretary without fiscal year limitation, for the purpose of providing insurance under this section.

''(2) CREDITS.—The Fund shall be credited with—

''(A) any premiums collected under subsection (k)(1);

''(B) any amounts collected by the Secretary under subsection (i)(3); and

''(C) any associated interest or earnings.

''(3) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary for—

''(A) fulfilling any obligations with respect to insurance for loans provided under this section; and

''(B) paying administrative expenses in connection with this section.

''(4) EXCESS AMOUNTS.—The Secretary may invest in obligations of the United States any amounts in the Fund determined by the Secretary to be in excess of amounts required at the time of the determination to carry out this section.

''(m) INELIGIBILITY FOR PURCHASE BY FEDERAL FINANCING BANK.—Notwithstanding any other provision of law, no debt obligation that is insured or committed to be insured by the Secretary under this section shall be subject to the Federal Financing Bank Act of 1973 (12 U.S.C. 2281 et seq.).

''(n) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to carry out this section.

''(2) MULTIFAMILY HOUSING.—In issuing the regulations, the Secretary shall ensure that multifamily housing units are eligible for programs established by this section.

''(3) TIMING.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue interim or final regulations.

''(o) TERMINATION OF AUTHORITY.—The authority of the Secretary to insure and make commitments to insure new loans under this

section shall terminate on the date that is 10 years after the date of enactment of this section.''.

By Mr. ROCKEFELLER:

S. 1130. A bill to strengthen the United States trade laws and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing the Strengthening America's Trade Laws Act, legislation that will protect American businesses and workers by ensuring that they can compete on a level playing field with foreign companies.

The legislation I am introducing today should be viewed as a placeholder for a more comprehensive updated bill that I plan on introducing after the recess. Given the potential for legislative action at any time on Trade Adjustment Assistance, the three pending Free Trade Agreements, and the continuing harm caused by illegally dumped foreign goods, I thought it was imperative that I introduce this bill today and move the discussion of our country's trade policy forward.

The Strengthening America's Trade Laws Act allows the government to live up to its commitment to protect American businesses by allowing the businesses being harmed by unfairly subsidized imports to have a seat at the table in trade dispute proceedings. It also strengthens countervailing duty laws that are used to impose tariffs on goods from countries like China that are being unfairly subsidized.

Importantly, my bill would prevent the World Trade Organization, WTO, from dictating American policy by mandating that Congress must approve of any regulatory change to American law that is meant to conform with an adverse WTO decision.

This bill goes after countries that use currency manipulation to keep their prices artificially low by allowing the American government to treat this manipulation as an unfair subsidy that can be responded to with countervailing duties.

My bill also allows a panel of judicial experts to review recent adverse WTO decisions to ensure that they were made correctly and that obligations are not being imposed on the United States that our government has not previously agreed to.

These steps are important because businesses like those in my home state of West Virginia face a constant threat from foreign made goods that are being sold at prices well below cost in an effort to drive American businesses out of the marketplace altogether. In West Virginia, we know all too well the impact these unfair practices can have, as numerous manufacturing businesses have closed in recent years in response to these challenges.

I have worked through the system to try to protect our employers, testifying numerous times before the International Trade Commission on behalf of West Virginia businesses, including our steel industry, in an effort to get the government to counter unfair subsidies and give American manufacturers a fighting chance in the global marketplace. It has become clear to me through the years though that the current protections are not strong enough and that more must be done to allow our businesses to compete. That is what I hope to accomplish with this bill. I am not asking for any unfair advantages for American businesses. I just want to allow them the opportunity to succeed on the merits of their ideas and their hard work.

I ask my colleagues to join me in supporting this important legislation and thank the chair for allowing me to speak on this issue.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. MCCASKILL, Mr. BLUNT, Mr. BROWN of Ohio, Mr. PORTMAN, and Mr. SCHUMER):

S. 1133. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, President, I rise today to introduce the Enforcing Orders and Reducing Circumvention and Evasion Act, or the ENFORCE Act, of 2011.

For almost a century, Democratic and Republican Administrations have promoted and protected America's anti-dumping and countervailing duty laws. These laws recognize the reality that foreign competitors don't always play by the rules. Some employ unfair and unscrupulous trade practices that put American businesses at a serious disadvantage. So, when it comes to ensuring that American businesses and workers have a level playing field to compete, anti-dumping and countervailing duty laws are the first line of defense.

But it is not enough to just pass these laws; they need to be enforced. Duties don't work unless they are assessed and collected. But just like some people cheat their way out of taxes, the same is true for foreign supplies and dishonest importers who evade and flout the anti-dumping and countervailing duties that protect American business and workers from grievous economic harm.

These suppliers and importers are what I call trade cheats.

You see, under U.S. trade laws, when a certain import is found to be unfairly traded, that is, it benefits from government subsidies or is sold below market prices, the U.S. Department of Commerce imposes additional duties on these imports. These duties, we call them anti-dumping and countervailing duties, or AD/CVD, ensure that American producers are only asked to compete on a playing field that is level.

But we have these trade cheats out there. They cheat American taxpayers out of the revenue that is supposed to be collected on imports, and which is needed to reduce the budget deficit, and they cheat American producers out of business that may otherwise be theirs. In short, the trade cheats steal American jobs and America's treasure.

The trade cheats are increasingly, and brazenly, employing a variety of schemes to evade AD/CVD orders. Sometimes, they hustle their merchandise through foreign ports to claim that it originates from somewhere it doesn't. Other times, the trade cheats will provide fraudulent information' to government authorities at American ports of entry, or they engage in schemes to mislabel and misrepresent imports.

In recognizing this problem, I convened a hearing in the subcommittee on international trade, customs and global competitiveness entitled ''Enforcing America's Trade Laws in the Face of Customs Fraud and Duty Evasion'' in May of this year. At this hearing we heard from Senators of both political parties and companies from across this nation about their concerns regarding this lack of enforcement. Others launched their own investigation into the matter.

My own staff on the Finance Subcommittee on Trade, Customs and Competitiveness learned that if often takes Customs and Border Protection, CBP, nearly a year to ask its sister agencies for investigatory help when it is needed and when CBP does refer a case to an outside agency they don't follow-up to ensure that it gets handled. It generally takes several years for the government to conclude an investigation into evasion and reassess the appropriate duties that should have been collected.

Customs and Border Protection, is the nation's frontline defense against unfair trade and is responsible for enforcing U.S. trade remedy laws and collecting AD/CV duties. Yet, if you listen to the concerns of domestic producers, like those who testified at my hearing, timely and effective enforcement of AD/CVD orders remains problematic and AD/CV duty evasion continues, seemingly unabated.

While Immigration and Customs Enforcement, or ICE, and CBP are dragging their feet to enforce our trade laws, this country's domestic manufacturers are being hammered by foreign trade cheats. It is not like the cheaters wait around to get caught and pay their fines, they disappear long before the so called government watchdogs arrive. ICE and CBP are the two principal American government agencies that are supposed to police this beat. In my view, one of them, CBP, treats allegations of duty evasion like junk mail. The other, Immigration and Customs Enforcement, has been more visible on the issue of alleged illegal movie downloads than taking steps to protect tens of thousands of manufacturing jobs that are threatened by unfair trade.

Such lollygagging is not only hurting our domestic producer, it is hurting our country's treasury. U.S. industry sources estimate that approximately

$91 million in AD/CV duties that were supposed to be applied to just four steel products went uncollected as a result of evasion in 2009. This is an amount equal to 30 percent of all AD/CV duties CBP collected that year. With 300 current AD/CVD orders in place on countless products from over 40 countries, the potential for AD/CV duty evasion is vast, and hundreds of millions of AD/CV duties may be unaccounted for. Every penny counts and we have an obligation to the American businesses, and the workers they rely on, to do a better job.

The bill I am introducing today, with Senators SNOWE, MCCASKILL, BLUNT, BROWN from Ohio, PORTMAN, and SCHUMER, will go a long way toward empowering the federal government to do a better job to combat the trade cheats and enforce U.S. trade laws. I would like to highlight just a few of the main provisions.

First, the ENFORCE Act would formalize a process by which allegations of evasion are acted on. Because CBP primarily relies on the private sector to identify evasion of AD/CVD, the ENFORCE Act would formalize that process by allowing stakeholders to file a petition alleging evasion and require CBP to initiate an investigation pursuant to the petition within 10 days.

Second, our bill would establish a rapid-response timeline by which CBP would investigate allegations of evasion. The ENFORCE Act would give the CBP 90 days, after an investigation of evasion begins, to make a preliminary determination into whether there is a reason to believe an importer is evading an AD/CVD order. So if an affirmative preliminary determination is made, AD/CV duties would be required to be collected in cash until the investigation is concluded and any entries of subject merchandise would not be liquidated by CBP in order to ensure that the correct amount of duties owed can be collected. CBP would also be required to make a final determination as to whether merchandise subject to an investigation under the bill entered into the U.S. through an evasion scheme within 120 days after CBP has issued a preliminary determination. Flexibilities are added to these timelines for cases that are complex. All of this would put an end to the lollygagging that our domestic producers would desperately like to see ended.

Third, the ENFORCE Act would help facilitate information sharing. Our bill would establish clear instruction and guidelines to promote appropriate information sharing among the various agencies to better combat evasion and protect consumers from unsafe goods. Everyone knows that the more information law enforcement agencies have, the better they are able to do their jobs.

Last and certainly not least, our bill would establish accountability. CBP's broad mandate to facilitate trade, enforce trade remedy laws, and protect national security often leads to inconsistent efforts to combat evasion of the trade remedy laws. The ENFORCE Act would require CBP to provide annual reports to us here in Congress about the effectiveness of its enforcement efforts and the job it is required to do to protect American producers from the harm of unfairly traded imports.

As you can see, this bill presents a common-sense strategy to combat trade cheating and the evasion of antidumping and countervailing duty collection. Enforcing U.S. trade laws and combating unfair trade practices must be a central pillar of an economic and trade policy that is designed to promote economic growth and job expansion, especially as we continue to recover from a recession.

I want to take a moment to recognize and thank some terrific colleagues of mine in the Senate that are joining me in introducing this legislation. I thank you, and your staff, for your help and for your efforts. I would also like to thank the Retail Industry Leaders Association, the Committee to Support U.S. Trade Laws, and the Coalition to Enforce Antidumping & Countervailing Duty Orders for their valuable input. I look forward to more of their input going forward.

I look forward to working with my colleagues in the Senate and with my friends in the House of Representatives to build support for this initiative and to take action on behalf of American producers.

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. 1133

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 ''Enforcing Orders and Reducing Customs Evasion Act of 2011''.

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

TITLE I—PROCEDURES

SEC. 101. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

''SEC. 516B. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 771(1).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

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

''(3) COMMISSIONER.—The term 'Commissioner' means the Commissioner responsible for U.S. Customs and Border Protection.

''(4) COVERED MERCHANDISE.—The term 'covered merchandise' means merchandise that is subject to—

''(A) an antidumping duty order issued under section 736;

''(B) a finding issued under the Antidumping Act, 1921; or

''(C) a countervailing duty order issued under section 706.

''(5) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

''(6) EVADE; EVASION.—The terms 'evade' and 'evasion' refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

''(7) INTERESTED PARTY.—The term 'interested party' has the meaning given that term in section 771(9).

''(b) PROCEDURES FOR INVESTIGATING ALLEGATIONS OF EVASION.—

''(1) INITIATION BY PETITION OR REFERRAL.—

''(A) IN GENERAL.—Not later than 10 days after the date on which the Commissioner receives a petition described in subparagraph (B) or a referral described in subparagraph (C), the Commissioner shall initiate an investigation pursuant to this paragraph if the Commissioner determines that the information provided in the petition or the referral, as the case may be, is accurate and reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

''(B) PETITION DESCRIBED.—A petition described in this subparagraph is a petition that—

''(i) is filed with the Commissioner by any party who is an interested party with respect to covered merchandise;

''(ii) alleges that a person has entered covered merchandise into the customs territory of the United States through evasion; and

''(iii) is accompanied by information reasonably available to the petitioner supporting the allegation.

''(C) REFERRAL DESCRIBED.—A referral described in this subparagraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, indicating that a person has entered covered merchandise into the customs territory of the United States through evasion.

''(2) DETERMINATIONS.—

''(A) PRELIMINARY DETERMINATION.—

''(i) IN GENERAL.—Not later than 90 days after the date on which the Commissioner

initiates an investigation under paragraph (1), the Commissioner shall issue a preliminary determination, based on information available to the Commissioner at the time of the determination, with respect to whether there is a reasonable basis to believe or suspect that the covered merchandise was entered into the customs territory of the United States through evasion.

''(ii) EXTENSION.—The Commissioner may extend by not more than 45 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a preliminary determination under that clause is not available within that time period or the inquiry is unusually complex.

''(B) FINAL DETERMINATION.—

''(i) IN GENERAL.—Not later than 120 days after making a preliminary determination under subparagraph (A), the Commissioner shall make a final determination, based on substantial evidence, with respect to whether covered merchandise was entered into the customs territory of the United States through evasion.

''(ii) EXTENSION.—The Commissioner may extend by not more than 60 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a final determination under that clause is not available within that time period or the inquiry is unusually complex.

''(C) OPPORTUNITY FOR COMMENT; HEARING.—Before issuing a preliminary determination under subparagraph (A) or a final determination under subparagraph (B) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(i) provide any person alleged to have entered the merchandise into the customs territory of the United States through evasion, and any person that is an interested party with respect to the merchandise, with an opportunity to be heard;

''(ii) upon request, hold a hearing with respect to whether the covered merchandise was entered into the customs territory of the United States through evasion; and

''(iii) provide an opportunity for public comment.

''(D) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner—

''(i) shall exercise all existing authorities to collect information needed to make the determination; and

''(ii) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

''(I) issuing a questionnaire with respect to covered merchandise to—

''(aa) a person that filed a petition under paragraph (1)(B);

''(bb) a person alleged to have entered covered merchandise into the customs territory of the United States through evasion; or

''(cc) any other person that is an interested party with respect to the covered merchandise; or

''(II) conducting verifications, including on-site verifications, of any relevant information.

''(E) ADVERSE INFERENCE.—

''(i) IN GENERAL.—If the Commissioner finds that a person that filed a petition under paragraph (1)(B), a person alleged to have entered covered merchandise into the customs territory of the United States through evasion, or a foreign producer or exporter, has failed to cooperate by not acting to the best of the person's ability to comply with a request for information, the Commissioner may, in making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

''(ii) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under clause (i) may include reliance on information derived from—

''(I) the petition, if any, submitted under paragraph (1)(B) with respect to the covered merchandise;

''(II) a determination by the Commissioner in another investigation under this section;

''(III) an investigation or review by the administering authority under title VII; or

''(IV) any other information placed on the record.

''(F) NOTIFICATION AND PUBLICATION.—Not later than 7 days after making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner shall—

''(i) provide notification of the determination to—

''(I) the administering authority; and

''(II) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

''(ii) provide the determination for publication in the Federal Register.

''(3) BUSINESS PROPRIETARY INFORMATION.—

''(A) ESTABLISHMENT OF PROCEDURES.—For each investigation initiated under paragraph (1), the Commissioner shall establish procedures for the submission of business proprietary information under an administrative protective order that—

''(i) protects against public disclosure of such information; and

''(ii) for purposes of submitting comments to the Commissioner, provides limited access to such information for—

''(I) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

''(II) the person alleged to have entered covered merchandise into the customs territory of the United States through evasion.

''(B) ADMINISTRATION IN ACCORDANCE WITH OTHER PROCEDURES.—The procedures established under subparagraph (A) shall be administered—

''(i) to the maximum extent practicable, in a manner similar to the manner in which the administering authority administers the administrative protective order procedures under section 777;

''(ii) in accordance with section 1905 of title 18, United States Code; and

''(iii) in a manner that is consistent with the obligations of the United States under the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)) (relating to customs valuation).

''(C) DISCLOSURE OF BUSINESS PROPRIETARY INFORMATION.—The Commissioner shall, in accordance with the procedures established under subparagraph (A) and consistent with subparagraph (B), make all business proprietary information presented to, or obtained by, the Commissioner during an investigation available to the persons specified in subparagraph (A)(ii) under an administrative protective order, regardless of when such information is submitted during an investigation.

''(4) REFERRALS TO OTHER FEDERAL AGENCIES.—

''(A) AFTER PRELIMINARY DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative preliminary determination under paragraph (2)(A), the Commissioner shall, at the request of the head of another Federal agency, transmit the administrative record to the head of that agency.

''(B) AFTER FINAL DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative final determination under paragraph (2)(B), the Commissioner shall, at the request of the head of another Federal agency, transmit the complete administrative record to the head of that agency.

''(C) PROTECTIVE ORDERS.—Before transmitting an administrative record to the head of another Federal agency under subparagraph (A) or (B), the Commissioner shall verify that the other agency has in effect with respect to the administrative record a protective order that provides the same or a similar level of protection for the information in the administrative record as the protective order in effect with respect to such information under this subsection.

''(c) EFFECT OF DETERMINATIONS.—

''(1) EFFECT OF AFFIRMATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(A) suspend the liquidation of each unliquidated entry of the covered merchandise that is subject to the preliminary determination and that entered on or after the date of the initiation of the investigation under paragraph (1);

''(B) review and reassess the amount of bond or other security the importer is required to post for each entry of merchandise described in subparagraph (A);

''(C) require the posting of a cash deposit with respect to each entry of merchandise described in subparagraph (A); and

''(D) take such other measures as the Commissioner determines appropriate to ensure the collection of any duties that may be owed with respect to merchandise described in subparagraph (A) as a result of a final determination under subsection (b)(2)(B).

''(2) EFFECT OF NEGATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is not a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall continue the investigation and notify the administering authority pending a final determination under subsection (b)(2)(B).

''(3) EFFECT OF AFFIRMATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(A) suspend or continue to suspend, as the case may be, the liquidation of each entry of the covered merchandise that is subject to the determination and that enters on or after the date of the determination;

''(B) notify the administering authority of the determination and request that the administering authority—

''(i) identify the applicable antidumping or countervailing duty assessment rate for the entries for which liquidation is suspended under paragraph (1)(A) or subparagraph (A) of this paragraph; or

''(ii) if no such assessment rates are available at the time, identify the applicable cash

deposit rate to be applied to the entries described in subparagraph (A), with the applicable antidumping or countervailing duty assessment rates to be provided as soon as such rates become available;

''(C) require the posting of cash deposits and assess duties on each entry of merchandise described in subparagraph (A) in accordance with the instructions received from the administering authority under paragraph (5);

''(D) review and reassess the amount of bond or other security the importer is required to post for merchandise described in subparagraph (A) to ensure the protection of revenue and compliance with the law; and

''(E) take such additional enforcement measures as the Commissioner determines appropriate, such as—

''(i) initiating proceedings under section 592 or 596;

''(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rules sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment, importers, other parties, and merchandise that may be associated with evasion;

''(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to submit entry summary documentation and to deposit estimated duties at the time of entry;

''(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation; and

''(v) transmitting the administrative record to the administering authority for further appropriate proceedings.

''(4) EFFECT OF NEGATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was not entered into the customs territory of the United States through evasion, the Commissioner shall terminate the suspension of liquidation pursuant to paragraph (1)(A) and refund any cash deposits collected pursuant to paragraph (1)(C) that are in excess of the cash deposit rate that would otherwise have been applicable the merchandise.

''(5) COOPERATION OF ADMINISTERING AUTHORITY.—

''(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (3)(B), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

''(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (3)(B), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the 'all-others' rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

''(d) SPECIAL RULES.—

''(1) EFFECT ON OTHER AUTHORITIES.—Neither the initiation of an investigation under subsection (b)(1) nor a preliminary determination or a final determination under subsection (b)(2) shall affect the authority of the Commissioner—

''(A) to pursue such other enforcement measures with respect to the evasion of antidumping or countervailing duties as the Commissioner determines necessary, including enforcement measures described in clauses (i) through (iv) of subsection (c)(3)(E); or

''(B) to assess any penalties or collect any applicable duties, taxes, and fees, including pursuant to section 592.

''(2) EFFECT OF DETERMINATIONS ON FRAUD ACTIONS.—Neither a preliminary determination nor a final determination under subsection (b)(2) shall be determinative in a proceeding under section 592.

''(3) NEGLIGENCE OR INTENT.—The Commissioner shall investigate and make a preliminary determination or a final determination under this section with respect to whether a person has entered covered merchandise into the customs territory of the United States through evasion without regard to whether the person—

''(A) intended to violate an antidumping duty order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921; or

''(B) exercised reasonable care with respect to avoiding a violation of such an order or finding.''.

(b) TECHNICAL AMENDMENT.—Clause (ii) of section 777(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)) is amended to read as follows:

''(ii) to an officer or employee of U.S. Customs and Border Protection who is directly involved in conducting an investigation regarding fraud under this title or claims of evasion under section 516B.''.

(c) JUDICIAL REVIEW.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(III), by striking ''or'' at the end;

(B) in clause (ii), by adding ''or'' at the end; and

(C) by inserting after clause (ii) the following:

''(iii) the date of publication in the Federal Register of a determination described in clause (ix) of subparagraph (B),''; and

(2) in subparagraph (B), by adding at the end the following new clause:

''(ix) A determination by the Commissioner responsible for U.S. Customs and Border Protection under section 516B that merchandise has been entered into the customs territory of the United States through evasion.''.

(d) FINALITY OF DETERMINATIONS.—Section 514(b) of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended by striking ''section 303'' and all that follows through ''which are reviewable'' and inserting ''section 516B or title VII that are reviewable''.

SEC. 102. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

TITLE II—OTHER MATTERS

SEC. 201. DEFINITIONS.

In this title, the terms ''appropriate congressional committees'', ''Commissioner'', ''covered merchandise'', ''enter'' and ''entry'', and ''evade'' and ''evasion'' have the meanings given those terms in section 516B(a) of the Tariff Act of 1930 (as added by section 101 of this Act).

SEC. 202. ALLOCATION OF U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) REASSIGNMENT AND ALLOCATION.—The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States.

(b) COMMERCIAL ENFORCEMENT OFFICERS.—Not later than September 30, 2011, the Secretary of Homeland Security, the Commissioner, and the Assistant Secretary for U.S. Immigration and Customs Enforcement shall assess and properly allocate the resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement—

(1) to effectively implement the provisions of, and amendments made by, this Act; and

(2) to improve efforts to investigate and combat evasion.

SEC. 203. REGULATIONS.

(a) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Commissioner shall issue regulations to carry out this title and the amendments made by title I.

(b) COOPERATION BETWEEN U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, AND DEPARTMENT OF COMMERCE.—Not later than 240 days after the date of the enactment of this Act, the Commissioner, the Assistant Secretary for U.S. Immigration and Customs Enforcement, and the Secretary of Commerce shall establish procedures to ensure maximum cooperation and communication between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Department of Commerce in order to quickly, efficiently, and accurately investigate allegations of evasion under section 516B of the Tariff Act of 1930 (as added by section 101 of this Act).

SEC. 204. ANNUAL REPORT ON PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than February 28 of each year, beginning in 2012, the Commissioner, in consultation with the Secretary of Commerce, shall submit to the appropriate congressional committees a report on the efforts being taken pursuant to section 516B of the Tariff Act of 1930 (as added by section 101 of this Act) to prevent the entry of covered merchandise into the customs territory of the United States through evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the fiscal year preceding the submission of the report—

(A) the number and a brief description of petitions and referrals received pursuant to section 516B(b)(1) of the Tariff Act of 1930 (as added by section 101 of this Act);

(B) the results of the investigations initiated under such section, including any related enforcement actions, and the amount of antidumping and countervailing duties collected as a result of those investigations; and

(C) to the extent appropriate, a summary of the efforts of U.S. Customs and Border Protection, other than efforts initiated pursuant section 516B of the Tariff Act of 1930

(as added by section 101 of this Act), to prevent the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) for the 3 fiscal years preceding the submission of the report, an estimate of—

(A) the amount of covered merchandise that entered the customs territory of the United States through evasion; and

(B) the amount of duties that could not be collected on such merchandise because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

SEC. 205. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON RELIQUIDATION AUTHORITY.

Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, and make available to the public, a report estimating the amount of duties that could not be collected on covered merchandise that entered the customs territory of the United States through evasion during fiscal years 2009 and 2010 because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 1135. A bill to provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCONNELL. 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. 1135

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 ''Energy and Revenue Enrichment Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) ENRICHMENT PLANT.—The term ''enrichment plant'' means a uranium enrichment plant owned by the Department of Energy with respect to which the Nuclear Regulatory Commission has made a determination of compliance under section 1701(b)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(b)(2)).

(3) QUALIFIED OPERATOR.—The term ''qualified operator'' means a company that has experience in operating an enrichment plant under Nuclear Regulatory Commission authorization and has the ability and workforce to enrich the depleted uranium that is owned by the Department of Energy.

(4) REENRICHMENT.—The term ''reenrichment'' means increasing the weight percent of U–235 in uranium in order to make the uranium usable.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. REENRICHMENT CONTRACT.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Secretary shall enter into a contract with a qualified operator for a 24 month pilot program for the reenrichment at an enrichment plant of the depleted uranium described in section 2(3) that the Secretary finds economically viable. The Secretary shall seek to maximize the financial return to the Federal Government in negotiating the terms of such contract.

(2) AMOUNT OF ENRICHMENT.—The Secretary shall, during each year of the pilot program under this subsection, conduct uranium reenrichment under such program in an amount (measured in separative work units) equal to approximately 25 percent of the aggregate uranium enrichment conducted in the United States during calendar year 2010.

(3) ECONOMIC VIABILITY.—For purposes of paragraph (1), uranium shall be considered economically viable if the cost to the United States of the reenrichment thereof, including the costs of the contract entered into under paragraph (1), are less than the revenue anticipated from the sale of the reenriched uranium.

(b) COMMENCEMENT OF REENRICHMENT ACTIVITIES.—Reenrichment activities under the contract entered into under subsection (a) shall commence as soon as possible, but no later than June 1, 2012.

(c) SALE OF REENRICHED URANIUM.—The Secretary may from time to time sell the reenriched uranium generated pursuant to the contract entered into under subsection (a).

(d) ALLOCATION AND USE OF PROCEEDS.—Any funds received by the Secretary from the sale of reenriched uranium generated pursuant to the contract entered into under subsection (a) shall be allocated as follows:

(1) First, such funds shall be available to the Secretary, without further appropriation and without fiscal year limitation, to carry out this section, including amounts required to be paid under the contract entered into under subsection (a).

(2) Any amounts not required for the purposes described in paragraph (1) shall be transferred to the Uranium Enrichment Decontamination and Decommissioning Fund established in section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g), to be available for use, without further appropriation and without fiscal year limitation.

SEC. 4. DEPLETED URANIUM.

(a) TITLE AND RESPONSIBILITY FOR DISPOSITION.—The Secretary shall assume title to, and responsibility for the disposition of, all depleted uranium generated pursuant to the contract entered into under section 3(a).

(b) FUNDING FOR REENRICHMENT.—To provide funding for payments under the contract entered into under section 3(a), the Secretary may—

(1) assume title to, and responsibility for the disposition of, depleted uranium in addition to the depleted uranium specified in subsection (a); and

(2) transfer to the qualified operator title to uranium generated as a result of the reenrichment pursuant to the contract entered into under section 3(a).

SEC. 5. LIMITATION ON FEDERAL URANIUM SALES.

(a) INITIAL PERIOD.—Notwithstanding section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h—10(d)), during the 24 month pilot program and the subsequent 24 months after that program is complete, the Secretary may not during any calendar year sell an amount of uranium that exceeds 15 percent of the United States' domestic uranium supply for that year.

(b) SUBSEQUENT PERIOD.—After the expiration of the 48 month period described in subsection (a), the Secretary may not during any calendar year sell an amount of uranium that exceeds 10 percent of the United States' domestic uranium supply for that year, except to the extent that the Secretary determines that such sales will have no significant effect on uranium markets.

By Mr. ROCKEFELLER:

S. 1140. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to reintroduce legislation previously sponsored by a Member of the Commerce Science and Transportation Committee in the 111th Congress that would direct funds from the administrative, civil, and criminal penalties stemming from the Deepwater Horizon oil spill to fund coastal and marine restoration, research and education, as well as promote tourism and economic development in the coastal Gulf states. The bill that I introduce today, the Gulf Coast Restoration Act, is identical to the bill by the same name introduced in the 111th Congress and referred to the Commerce, Science, and Transportation Committee.

To remind my colleagues, under Senate Rule XXV(f), the Commerce Committee possesses broad jurisdiction, including over ''Coast Guard . . . coastal zone management . . . interstate commerce . . . marine and ocean navigation, safety and transportation, including navigational aspects of deepwater ports . . . marine fisheries . . . merchant marine and navigation . . . oceans . . . regulation of consumer products and services including testing related to toxic substances . . . science, engineering, and technology research and development and policy . . . transportation, and the transportation and commerce aspects of Outer Continental Shelf Lands.'' As Chairman of the Committee I am well aware that individual Members of my Committee have strong views on all of these issues.

In the coming weeks, the Commerce Committee will be reviewing and considering a legislative package in a renewed effort to respond the Gulf oil spill. My introduction of the bill today is intended to clearly establish that the Commerce Committee continues to hold strong views about how to direct funding from the assessed penalties back to restoring the Gulf economy and environment. It is also intended to assert the Commerce Committee will conduct its oversight over the promotion of commerce, as well as over ocean and coastal programs, and reserve its rights to review and consider the authorization of programs needed to support the economic recovery of the Gulf, and the long term restoration of Gulf ecosystems. Finally, introduction of this bill is intended to provide Commerce Committee Members with the opportunity to ensure that needed baseline science is put in place, along with emergency response technology and programs, to support improved offshore energy decisions in the future. I look forward to revising this bill following introduction to reflect the views of the Committee.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. MENENDEZ):

S. 1141. A bill to exempt children of certain Filipino World War II veterans

from the numerical limitations on immigrant visas and for other purposes; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today to speak about legislation that would remove the obstacles preventing Filipino veterans of World War II from being united with their children, a situation whose roots reach back almost eight decades.

The Philippine Independence Act of 1934 established the Philippines, a U.S. possession since 1898, as a commonwealth with certain powers over its internal affairs but with sovereign power retained by the United States. The Act also established a ten-year timetable for the commonwealth to achieve independence from the United States.

In early 1941, in the face of Japan's military aggression in Asia, President Franklin D. Roosevelt invoked his authority, based on the retention of U.S. sovereign power over the Philippines to ''call and order into the service of the Armed Forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines.''

In January of 1942, a month after it attacked Pearl Harbor, Japan invaded the Philippines and occupied the commonwealth until August 1945.

Two months later, in March of 1942, Congress and President Roosevelt enacted the Second War Powers Act, which included the Nationality Act of 1940 that authorized the naturalization of all aliens serving in the U.S. armed forces.

The 200,000 Filipinos that served in the U.S. armed forces were critical to the Philippine resistance and to the island's liberation in August 1945. Approximately 7,000 Filipinos who served outside the Philippines were naturalized pursuant to the Nationality Act of 1940 while another 4,000 who served inside the Philippines were naturalized between the liberation of the Philippines in August 1945 and the expiration of the Act on December 31, 1946.

In 1990, my distinguished colleague Senator DANIEL K. INOUYE was instrumental in enacting the Immigration Act of 1990. This law offered Filipino veterans who had not been naturalized pursuant to the Nationality Act of 1940, the opportunity to obtain U.S. citizenship.

Of the Filipino veterans who were naturalized for their service in the U.S. armed forces, many chose to become U.S. residents. Because the offer of naturalization did not extend to their children, these men filed permanent resident status petitions for their children who remained in the Philippines. Sadly, those children, now adults, have languished on the visa waiting list for decades because of backlogs and visa limits.

My bill, the Filipino Veterans Family Reunification Act of 2011, would exempt the children in question from the numerical limitation on visas. Family unification has been the centerpiece of U.S. Immigration policy for more than a half century, and my bill would reunite the Filipino veterans, now in their 80s and 90s, with their children at long last.

The Filipino veterans and their children have been kept apart for far too long, and I urge my colleagues to join me in making their long-awaited reunion possible.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, today, I rise along with my colleagues, Senators FEINSTEIN, MCCAIN and DURBIN, to introduce renewal of sanctions against the military junta in Burma.

The casual observer could be excused for thinking that things have changed for the better in Burma over the past year. After all, elections were held last fall, a ''new'' regime took office earlier this year, Aung San Suu Kyi was freed and the lead Burmese general Than Shwe seemed to retire from political life. However, in Burma as is so often the case, things are not what they seem. And that is certainly the case here.

First, the elections that were held in November took place without the benefit of international election monitors. All reputable observers termed the elections not to be free or fair. This was in large part because the National League for Democracy, NLD, Suu Kyi's party and the overwhelming winner of the last free elections in the country in 1990, was effectively banned by the junta and could not participate in the election. There were restrictions placed on how other political parties could form and campaign. No criticism of the junta could be voiced. And the results were unsurprising: the regime's handpicked candidates won big and the democratic opposition was largely sidelined.

Second, the new regime is essentially the junta with only the thinnest democratic veneer pulled over it. The Constitution, which places great power in the military as it is, cannot be amended without the blessing of the armed forces. Those in parliament are limited in how they can criticize the regime. Moreover, sitting atop these new institutions is rumored to be a shadowy panel known as the State Supreme Council, which is nowhere mentioned in the Constitution, and which is led by, you guessed it, the military.

The only legitimately good news of late was the freeing of Suu Kyi. I was fortunate enough to be able to speak with her for the first time earlier this year. Yet, the extent of her freedom remains open to question. She was, of course, freed only following the sham election. She and her party have also been publicly threatened by the regime; thus, the extent to which she can move about the country or travel overseas remains unclear. Further, more than 2,000 other political prisoners remain behind bars in Burma; they are no better off than before. Neither are the hundreds of thousands of refugees and displaced persons who are without a home due to the repressive policies of the junta.

Finally, it is worth noting that there are growing national security factors that cause one to be even more reluctant than ever to remove sanctions and reward bad behavior. The junta's increasingly close bilateral military relationship with North Korea is a source of much concern in this vein.

For all of these reasons, I believe the sanctions that are in place should remain until true democratic reform has been instituted. That is the position of Suu Kyi herself and of the NLD. It is also the position of the Obama administration. In a State Department letter dated April 27, the State Department states that ''in the absence of meaningful reforms, the U.S. government should maintain its sanctions on Burma.'' As Suu Kyi herself recently stated, ''[s]o far'' there hasn't been ''any meaningful change'' since the November elections.

We should not be fooled by the transparent efforts of the regime. It is merely trying to get out from under the international cloud of sanctions, without making true changes in how it governs itself, treats its people and interacts with the rest of the world.

It is my hope that my colleagues will once again renew this bipartisan measure that in 2010 enjoyed the support of 68 Senate cosponsors and was adopted 99–1. The bill is identical to last year's in that it does the following: continues the ban on imports from Burma into the U.S., including products containing rubies and jadeite; authorizes the freezing of assets against a number of Burmese leaders; prevents the U.S. from supporting loans for Burma in international financial institutions; prohibits the issuance of visas to junta officials; and limits the use of correspondent accounts that may facilitate services for the regime's leaders. These measures would remain in place until the regime undertakes meaningful steps toward democratization and reconciliation.

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

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

S.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 22, 2011.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for your letter of March 29 regarding sanctions and the nomination of a Special Representative and Policy Coordinator for Burma.

On April 14, President Obama nominated Derek Mitchell as the Special Representative and Policy Coordinator for Burma. Currently serving as the Defense Department's Principal Deputy Assistant Secretary for Defense for Asian and Pacific Security Affairs, Derek Mitchell has both the regional expertise and diplomatic acumen to successfully enhance our coordination of Burma policy. We will be submitting his nomination shortly for your advice and consent.

As you note, Burma's elections were neither free nor fair and the regime continues its repressive policies and human rights abuses. We agree with you and the National League for Democracy's conclusions that, in the absence of meaningful reforms, the U.S. government should maintain its sanctions on Burma. We look forward to soon having Mr. Mitchell as the Special Representative in place to coordinate multilateral sanctions as called for by Section 7 of the Tom Lantos Block JADE (Junta's Anti-Democratic Efforts) Act.

We hope this information is helpful. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,

JOSEPH E. MACMANUS,
Acting Assistant Secretary,
Legislative Affairs.

Mrs. FEINSTEIN. Mr. President, I rise again today with my friend and colleague from Kentucky, Senator MCCONNELL, to submit the joint resolution to renew the import ban on Burma for another year.

We are proud to be joined in this effort by two champions for democracy, human rights, and the rule of law in Burma, Senators MCCAIN and DURBIN, and we look forward to swift action by the Congress and the President on this important matter.

Congressman JOSEPH CROWLEY and Congressman PETER KING are introducing this resolution in the House and I appreciate their leadership and support.

Since we last debated the import ban on the Senate floor, we have received one bit of good news, but also, sadly, more confirmation on the urgent need to keep the pressure on the ruling military regime.

On November 13, 2010, Nobel Peace Prize laureate and leader of the democratic opposition, Aung San Suu Kyi, was released from house arrest.

While her latest detention lasted more than 7½ years, she had spent the better part of the past 20 years in prison or under house arrest.

Her release was wonderful news for those of us who have been inspired by her courage, her dedication to peace and her tireless efforts for freedom and democracy for the people of Burma.

Yet our joy was tempered by the fact that her release came just days after fraudulent and illegitimate elections for a new parliament based on a sham constitution.

The regime's intent was clear: keep the voice of the true leader of Burma silent long enough until they could solidify their grip on power using the false veneer of a democratic process.

Neither I, the people of Burma, nor the international community were fooled.

We all know that the last truly free parliamentary elections were overwhelmingly won by Suu Kyi and her National League for Democracy in 1990 but annulled by the military junta.

This new constitution was drafted in secret and without the input of the democratic opposition led by Suu Kyi and her National League for Democracy.

It set aside 25 percent of the seats in the new 440 seat House of Representatives for the military.

This would be in addition to the seats won by the ''Union Solidarity and Development Party'' founded by the military junta's Prime Minister Thein Sein and 22 of his fellow cabinet members who resigned from the army to form the ''civilian'' political party.

It barred Suu Kyi from running in the parliamentary elections.

And it forced the National League for Democracy to shut its doors because it would not kick Suu Kyi out of the party.

It should come as no surprise that the military backed party won nearly 80 percent of the seats in the new parliament.

In addition to preventing Suu Kyi and the National League for Democracy from competing in the elections, the regime ensured that no international monitors would oversee the elections and journalists would be prohibited from covering the election from inside Burma.

President Obama correctly stated that the elections ''were neither free nor fair, and failed to meet any of the internationally accepted standards associated with legitimate elections.''

The National League for Democracy described the elections and the formation of a new government as reducing ''democratization in Burma to a parody.''

Indeed, the new parliament elected Thein Sein, the last prime minister of the junta's State Peace and Development Council, as Burma's new president.

He is reported to be heavily influenced by Burma's senior military leader and former head of state, General Than Shwe.

So, the names change—the State Law and Order Restoration Council, the State Peace and Development Council, the Union Solidarity and Development Party—but the faces, and the lack of democracy, human rights, and the rule of law, remain the same.

So, while we celebrate the release of Aung San Suu Kyi, we recognize that Burma is not yet free and the regime has failed to take the necessary actions which allow for the import ban to be lifted.

As called for in the original Burmese Freedom and Democracy Act, we must stand by the people of Burma and keep the pressure on the military regime to end violations of internationally recognized human rights; release all political prisoners; allow freedom of speech and press; allow freedom of association; permit the peaceful exercise of religion; and bring to a conclusion an agreement between the military regime and the National League for Democracy and Burma's ethnic minorities on the restoration of a democratic government.

Until the regime changes its behavior and embraces positive, democratic change, we have no choice but to press on with the import ban as a part of a strong sanctions regime.

This also includes tough banking sanctions.

I would like to take this opportunity to once again urge the administration to put additional pressure on the ruling military junta by exercising the authority for additional banking sanctions on its leaders and followers as mandated by section 5 of the Tom Lantos Block Burmese Junta's Anti-Democratic Efforts Act.

Some of my colleagues may be concerned about the effectiveness of the import ban and other sanctions on Burma and the impact on the people of Burma.

I understand their concerns. I am disappointed that we have not seen more progress towards freedom and democracy in Burma.

But let us listen to the voice of the democratic opposition in Burma about the sanctions policy of the United States and the international community.

A paper released by Aung San Suu Kyi and the National League for Democracy argues that these sanctions are not targeted at the general population and are not to blame for the economic ills of the country.

Rather, the economy suffers due to mismanagement, cronyism, corruption and the lack of the rule of law.

The best way for the Burmese government to get the sanctions lifted, the paper argues, is to make progress on democracy, human rights, and the rule of law.

It concludes:

> Now more than ever there is an urgent need to call for an all inclusive political process. The participation of a broad spectrum of political forces is essential to the achievement of national reconciliation in Burma. Progress in the democratization process, firmly grounded in national reconciliation, and the release of political prisoners should be central to any consideration of changes in sanctions policies.

I agree.

So, let us once again do our part and stand in solidarity with Aung San Suu Kyi and the people of Burma.

I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 200—RECOGNIZING THE SIGNIFICANCE OF THE DESIGNATION OF THE MONTH OF MAY AS ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA (for himself, Mr. INOUYE, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. REID of Nevada) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 200

Whereas each May, the people of the United States join together to pay tribute to the contributions of the generations of Asian-Americans and Pacific Islanders who have enriched the history of the United States;

Whereas the history of Asian-Americans and Pacific Islanders in the United States is inextricably tied to the history of the United States;

Whereas as of 2011, according to the United States Census Bureau, the Asian-American and Pacific Islander community is 1 of the fastest growing and most diverse populations in the United States and is comprised of more than 45 distinct ethnicities and more than 28 language groups;

Whereas the 2010 United States Census estimates that there are—

(1) 17,300,000 United States residents who identify themselves as Asian alone or in combination with 1 or more other races; and

(2) 1,200,000 United States residents who identify themselves as Native Hawaiian and other Pacific Islander alone or in combination with 1 or more other races;

Whereas the United States Census Bureau projects that by the year 2050—

(1) there will be 40,600,000 United States residents identifying themselves as Asian alone or in combination with 1 or more other races, comprising 9 percent of the total population of the United States; and

(2) there will be 2,600,000 United States residents identifying themselves as Native Hawaiian and other Pacific Islander alone or as Native Hawaiian and other Pacific Islander in combination with 1 or more other races, comprising 0.6 percent of the total population of the United States;

Whereas the month of May was selected for Asian/Pacific American Heritage Month due to the facts that on May 7, 1843, the first Japanese immigrants arrived in the United States, and on May 10, 1869, the first transcontinental railroad was completed, with substantial contributions from Chinese immigrants;

Whereas Asian-Americans and Pacific Islanders have faced injustices throughout the history of the United States, including the Act of May 5, 1892 (27 Stat. 25, chapter 60) (commonly known as the ''Geary Act'' or the ''Chinese Exclusion Act''), the internment of Japanese-Americans during World War II, unpunished hate crimes, such as the murder of Vincent Chin, and other events;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month and requests the President to issue an annual proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities;

Whereas Asian-Americans and Pacific Islanders, such as Yuri Kochiyama, a civil rights activist, Herbert Pililaau, recipient of the Medal of Honor, Dalip Singh Saund, the first Asian-American Congressman, Patsy T. Mink, the first Asian-American Congresswoman, and Norman Y. Mineta, the first Asian-American member of a presidential cabinet, have made significant strides in the political and military realms;

Whereas the Presidential Cabinet of the Obama Administration includes a record 3 Asian-Americans, including Secretary of Energy Steven Chu, Secretary of Commerce Gary Locke, and Secretary of Veterans Affairs Eric Shinseki;

Whereas in 2011, the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian-Americans and Pacific Islanders, includes 30 Members of Congress;

Whereas Asian-Americans and Pacific Islanders have made history by assuming office in a number of new and historically significant positions, including Nikki Haley, the first Asian-American and first female Governor of the State of South Carolina, Edwin M. Lee, the first Asian-American Mayor of San Francisco, California, and Jean Quan, the first Asian-American and first woman to serve as Mayor of Oakland, California;

Whereas as of the date of approval of this resolution, Asian-American and Pacific Islander leaders are serving in State legislatures across the United States in record numbers, including in the States of Alaska, Arizona, California, Connecticut, Georgia, Hawaii, Idaho, Iowa, Maryland, New Jersey, New York, Ohio, Pennsylvania, Texas, Virginia, Utah, and Washington;

Whereas Asian-Americans and Pacific Islanders have risen to some of the highest staff levels in the Obama Administration, including Pete Rouse, who is the first Asian-American to serve as White House Chief of Staff, Tina Tchen, Chief of Staff to First Lady Michelle Obama, Chris Lu, White House Cabinet Secretary, Neal Katyal, Acting Solicitor General of the United States, Rajiv Shah, Administrator of the United States Agency for International Development, L. Tammy Duckworth, Assistant Secretary for Public and Intergovernmental Affairs of the Department of Veterans Affairs, Anthony M. Babauta, Assistant Secretary for Insular Areas of the Department of Interior, and many others;

Whereas the commitment of the United States to judicial diversity has been demonstrated through the nomination of high caliber Asian-Americans and other minority jurists at all levels of the Federal bench;

Whereas significant outreach efforts to the Asian-American and Pacific Islander community have been made through the reestablishment of the White House Initiative on Asian-Americans and Pacific Islanders to coordinate multiagency efforts to ensure more accurate data collection and access to services for the community;

Whereas even with the exceptional milestones achieved by the Asian-American and Pacific Islander community, there remains much to be done to ensure that linguistically and culturally isolated Asian-Americans and Pacific Islanders have access to resources, a voice in the Federal Government, and continue to advance in the political landscape of the United States; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of Asian-Americans and Pacific Islanders and to appreciate the challenges faced by Asian-Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the designation of the month of May as Asian/Pacific American Heritage Month;

(2) encourages the celebration during Asian/Pacific American Heritage Month of the significant contributions Asian-Americans and Pacific Islanders have made to the United States; and

(3) recognizes that the Asian-American and Pacific Islander community strengthens and enhances the rich diversity of the United States.

SENATE RESOLUTION 201—EXPRESSING THE REGRET OF THE SENATE FOR THE PASSAGE OF DISCRIMINATORY LAWS AGAINST THE CHINESE IN AMERICA, INCLUDING THE CHINESE EXCLUSION ACT

Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. MURRAY, Mr. CARDIN, Mr. RUBIO, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 201

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life for themselves and their families;

Whereas the contributions of persons of Chinese descent in the agriculture, mining, manufacturing, construction, fishing, and canning industries were critical to establishing the foundations for economic growth in the Nation, particularly in the western United States;

Whereas United States industrialists recruited thousands of Chinese workers to assist in the construction of the Nation's first major national transportation infrastructure, the Transcontinental Railroad;

Whereas Chinese laborers, who made up the majority of the western portion of the railroad workforce, faced grueling hours and extremely harsh conditions in order to lay hundreds of miles of track and were paid substandard wages;

Whereas without the tremendous efforts and technical contributions of these Chinese immigrants, the completion of this vital national infrastructure would have been seriously impeded;

Whereas from the middle of the 19th century through the early 20th century, Chinese immigrants faced racial ostracism and violent assaults, including—

(1) the 1887 Snake River Massacre in Oregon, at which 31 Chinese miners were killed; and

(2) numerous other incidents, including attacks on Chinese immigrants in Rock Springs, San Francisco, Tacoma, and Los Angeles;

Whereas the United States instigated the negotiation of the Burlingame Treaty, ratified by the Senate on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and accorded to China the status of ''most favored nation'';

Whereas before consenting to the ratification of the Burlingame Treaty, the Senate required that the Treaty would not permit Chinese immigrants in the United States to be naturalized United States citizens;

Whereas on July 14, 1870, Congress approved An Act to Amend the Naturalization Laws and to Punish Crimes against the Same, and for other Purposes, and during consideration of such Act, the Senate expressly rejected an amendment to allow Chinese immigrants to naturalize;

Whereas Chinese immigrants were subject to the overzealous implementation of the Page Act of 1875 (18 Stat. 477), which—