(Mr. KOHL) was added as a cosponsor of S. 18, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations and for other purposes.

S. 19

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 20

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job—killing Federal employer mandate.

S. 27

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 27, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 72

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 72, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 81

At the request of Mr. ISAKSON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 139

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 139, a bill to provide that certain tax planning strategies are not patentable, and for other purposes.

S. 163

At the request of Mr. TOOMEY, the names of the Senator from Idaho (Mr. RISCH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 163, a bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 242

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 242, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. RES. 20

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States—Korea Free Trade Agreement, the United States—Colombia Trade Promotion Agreement, and the United States—Panama Trade Promotion Agreement.

S. RES. 23

At the request of Mr. INHOFE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 23, a resolution to prohibit unauthorized earmarks.

S. RES. 32

At the request of Mr. CRAPO, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. Res. 32, a resolution designating the month of February 2011 as ''National Teen Dating Violence Awareness and Prevention Month''.

AMENDMENT NO. 3

At the request of Mr. JOHANNS, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 3 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself, Mrs. MCCASKILL, Mr. BURR, Mr. MCCAIN, Mr. ALEXANDER, Mr. ISAKSON, Mr. CHAMBLISS, Mr. INHOFE, and Mr. KIRK):

S. 245. A bill to reduce Federal spending in a responsible manner; to the Committee on the Budget.

Mr. CORKER. Mr. President, I am glad to be here today with the Senator from Missouri, my friend CLAIRE MCCASKILL. We are introducing a bill called the Commitment to American Prosperity Act, the CAP Act. It is a 10-page bill designed to limit spending in Washington and set our country back on a sustainable fiscal path.

We have cosponsors in Senators ALEXANDER, BURR, MCCAIN, ISAKSON, CHAMBLISS, INHOFE, and KIRK. I thank them for joining us in this effort. I hope many more will do the same.

I spent a lifetime in business, and I came to the Senate not to score political points, not to be involved in messaging, but to solve our country's problems. Everyone in this body understands we have tremendous fiscal and financial issues with which to deal. This morning I was happy to see 33 Senators meet over at the visitor center from both sides of the aisle to listen to people involved in the financial industry talking about the path we are on and what that is going to lead to as far as the ruination of our fiscal situation and our ability to borrow money at low rates as we are today. All of us know what that will mean to our citizens.

There is no one who doesn't understand how problematic our financial situation is. I know the Congressional Budget Office just said that this year alone we will have a $1.5 trillion budget deficit. I think everyone in this body is very aware that we cannot continue on that path. For that reason, Senator MCCASKILL and I have crafted a 10-page bill, a very simple bill. It does a lot, but there are not a lot of whereases. One of its purposes is to cap spending relative to economy.

Most people understand that when we look at economies in other countries of the world, people look at the amount of spending their government does relative to their economic output. Senator MCCASKILL's husband is a businessman. When he looks at the amount of debt he has in his company, he looks at that in relation to revenues and the amount of income he has and his ability to pay the debt. That is the way the world looks at the health of countries.

For the last 4 years—this is the post-entitlement period—our country has been spending 20.6 percent of our GDP or economic output at the Federal level. Everybody knows that right now we are way above that number, at over 24 percent. So again, not to try to create some messaging tool but to solve this problem, Senator MCCASKILL and I have joined to say we need to get back to the norm over a 10-year period, on a glide path that takes us back to fiscal health and to that 20.6 percent of our economy being spent at the Federal level.

The legislation calls for multiyear averaging so we can make sure that economic differentials don't create volatility, so we know exactly what those targets are in advance, so we can go about our work in appropriations in a methodical and thoughtful way. In addition, it creates something called sequestration. That means if Congress does not have the courage, which we recently have not shown, to do the things it needs to do to make those cuts to live within this glide path we have laid out, then sequestration will take place. The Office of Management and Budget, 45 days after the end of the year, if we have not done those things

we need to do to make sure we are on this glide path, will, on a pro rata basis, take money out of the accounts of both mandatory and nonmandatory spending. In addition, if there is an emergency that comes up, it would take a two-thirds vote by both Houses of Congress to overcome those spending limits.

To my knowledge, this is the first time in the entitlement era that we have ever tried to put in place a total spending limit on government. Many of us talk about discretionary spending. All of us know that discretionary spending is less than a third of all Federal spending. All of us know that if we don't redesign the entitlement programs that are about two-thirds of our spending at the Federal level, then there is no way for us to deal appropriately with this issue. So for this reason, this bill would kick in, if it is implemented, in 2013, giving us time to redesign the entitlement programs, especially Medicare and Social Security, so that we know they are here for future generations, so we know that seniors have the benefits they need.

This is the first time we would be putting everything on the table in a comprehensive way as we look at the Federal budget. Simply, this bill will cause us to live within our means.

The problem we find ourselves in today is not a Republican problem or a Democratic problem. Both parties have contributed to the situation. What this bill would require us to do is to set priorities. It would mean that we would have to ensure that programs are being run as effectively and efficiently as possible. I know our main cosponsor, Senator MCCASKILL, has spent a lot of time looking at waste and abuse within the Federal Government. One of the best things about this bill is, if we want to limit spending relative to the country's economic output, it is obviously easier to do so if the economy is growing. So what that would mean is that both parties would be joined at the hip to put in place policies that promote economic growth.

I thank Senator MCCASKILL for her courage in stepping forth with me and others on this bill. It is my hope that we will have people from both sides of the aisle who will join us in this effort. Again, this is being put forth as a serious bill. It is a bill that has no ideology base, simply a bill to solve a problem. We are going to a 40-year average of spending relative to our country's gross domestic product. We are not trying to do things differently than in the past. Both of us know we have not had the courage in recent times to live within our means, to set priorities as they need to be set. This bill is something that will take us toward that end.

We have a very monumental vote that will be taking place a little bit later in the year regarding the debt ceiling. All of us know it would be irresponsible not to be responsible prior to that debt ceiling vote. We offer this bill as a responsible way to put us on a glide path toward a place that is reasonable for this country, giving us time to redesign the programs that need to be redesigned. It is my hope this bill or something of its nature will pass prior to the debt ceiling vote. It is also my hope that we will go ahead and vote on actual cuts to the Federal budget prior to that time so we can show markets around the world and the American people that we have the ability to work together to solve what I think is our most pressing domestic issue and that is getting our fiscal house in order.

I again thank Senator MCCASKILL. She has been a leader on fiscal issues since she has been here.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, like my colleague, I appreciate the work he has done on this issue. We have been talking about this for a number of weeks. Our staffs have been hammering out the details.

I will be candid. As I left my office, some members of my staff said: OK, good luck walking that plank. We will see how it works out for you. Because this is politically risky, what the Senator and I are trying to do. As I was riding over here on the tram to make this speech, I got a text message from one of my kids. All of a sudden it became clear to me what this is like. This is like saying no when you are a parent. It is so easy to say yes to your kids. When they want something, when they want to do something we think is risky, the easiest thing in the world to do is to say yes.

When they want money, when they want to have a new car, when they want to borrow your car, when they want to go spend the night at a friend's you do not know very well, when they want to stay out later, when they want this, that, when they want to go to the mall, it is so easy to say yes. It does not take a lot of time. It makes them happy. You feel good. But there is always that voice in your head that says: If I am going to be a good parent, sometimes it is more important to say no.

Well, we have a bunch of people in Congress who have made a lifetime career of saying yes. I understand it. We run for office around here. We want everyone to be happy with us. We want everyone to love us. We do not want to disappoint anyone. We do not want there to be controversy about the decisions we make. So how do we avoid the controversy? We say yes. We say yes. And we have said yes and yes and yes until we find ourselves at this point in our history where our unwillingness to say no, our unwillingness to embrace controversy and political risk, has led us to an economic brink, a place where if we do not do something that is going to make some people angry, that is going to cause some negative ads to be run against us, then we are not doing our job as stewards. That is all we are here. We are passing through. We are not entitled to these jobs. We borrowed these jobs. They belong to the American people, and we have a responsibility as stewards to say no now, to say no.

I remember when I used to tell my kids: It is so much easier for me to tell you yes. And they would say: Well, it is easier for you. It was easier for me. I would say: The right thing to do is for me to say no. And they would say: Well, that is not easier for us.

That is beginning to be what is happening around here. I have noticed some of my colleagues on the other side of the aisle saying: We are going to cut, cut, cut, cut. Now it is all bubbling up, with all the people saying: No, you can't cut our subsidy; No, you can't cut the oil company subsidy; you can't cut a farm program; you can't cut this; you can't cut that. Everyone is coming out of the woodwork to protect the spending that is embraced by our bad habit of saying yes.

So that is why this bill is necessary. This is like telling Congress: You have to be better parents, and if you cannot muster the courage to say no, these cuts are going to happen anyway. It is like a discipline for us. And I do not go here lightly. I do not go here without understanding the political risks involved. But I go here because I deeply believe it is necessary for our country. We cannot get control of the deficit if we do not control spending.

Let me talk for a minute about debt and deficit because as I go out and talk to people, there are a lot of people who use those two terms interchangeably. They do not understand. There is a big difference between the debt and the deficit. The deficit is like your monthly budget and not having enough money to come in to meet your monthly expenses. We talk about the deficit on an annual basis: How much money is the government bringing in and how much money is going out. When more is going out than coming in, we have a deficit.

What happens to that deficit every year? It goes on our debt. It is like a family's mortgage. But instead of us paying down the mortgage every year, we keep adding to the mortgage every year. That is why we now have a $1.4, $1.5 trillion deficit this year. We are going to spend that much more than we take in this year. We have $14 trillion in debt. That is the long-term mortgage our country has right now that we owe someone that we have to pay. So we have to get hold of this debt.

I want to compliment the President of the United States because the short-term spending stuff is important. And I want to compliment Senator SESSIONS. He and I have worked on short-term spending caps for over a year. But now it is time for us to look at long-term discipline and what we can do to get our country on a glide path where we no longer are precariously on the edge of not being the strongest economic power in the world.

Our deficits are unsustainable and our debt is out of control. This bill takes a very measured approach, gives us time to figure things out. It is not like the ridiculous proposal over in the House where we are going to cut $2.5 trillion this year. Anybody who thinks that is going to happen, I have a tutu you need to wear down the hall tomorrow. That is a ridiculous proposal. That is impossible to do. But this bill is possible and responsible. This puts us on a glide path to say to the American people that our spending is going to be capped at a certain percentage of our economic activity in this country. That is possible, and it is responsible, and we should do it.

Who is to blame? Let's be honest about how we got here. The biggest factor in our deficits the last 2 years is our poor economy. I know, I know; you would think it is the stimulus. You would think it is TARP. It is not. Political cheap shots but not true. The biggest fiscal hole we are facing is because of the poor economy.

The biggest increase in spending in the last 2 years? You would think it was the auto bailouts or you would think it was the bank bailout or you would think it was the stimulus. It was not. Do you know what the biggest increase in spending was over the last 2 years? Unemployment benefits because of our bad economy. That was the biggest increase in spending over the last 2 years. Our fiscal hole has grown primarily because of a bad economy over the last 2 years.

But there also have been bad decisions by both parties over the last decade. When Clinton left office, our debt—he may have been running a surplus in terms of the deficit, but our debt was $5.7 trillion. When Bush left office, he had doubled it from $5.7 trillion to $10.6 trillion. And today it is $14 trillion.

Over the past decade, we have had two wars we did not bother to pay for, a brandnew Medicare entitlement—brand spanking new—that was not means tested. We are buying Warren Buffett's prescription drugs. Go figure. Like we are busted and we are buying multihundred-million-dollar billionaires prescription drugs, and we did not bother to pay for it. We have had increases in discretionary spending by both parties that increased our deficit and exceeded inflation.

I want to talk a minute about the boogie man of the TARP and the stimulus. I am so sick of that being blamed. It is so wrong and factually incorrect. We have tax cuts that go on forever that have contributed to this. We have wars that we are fighting that have contributed to this. We have entitlement programs that are not paid for. But the stimulus was a one-time expenditure. It is not something that goes on. It has no tail.

Anyone who understands economics and understands the balance sheet of the U.S. Government knows this problem was not the stimulus. One-third of the stimulus was tax cuts. The last time I looked, unpaid-for tax cuts were the way of the world. One-third of the stimulus was tax cuts. Another third of it, almost, was unemployment benefits. That is not the problem. And TARP? Let's be honest. It was a genius decision in many ways because it stabilized our financial sector, and it has cost us a mere fraction of the money that was used on a temporary basis to make sure our economy did not twist down the drain, as it was likely to do had President Bush not intervened with his economic team to ask us on a bipartisan basis to do something that was in the best interest of our Nation.

We can move on as to who is to blame because now we have to talk about tomorrow's problems. I am proud the President is dealing with short-term spending by his freeze. I am proud he is working on earmarks and all of the other things that are a symptom of the disease around here. But our challenge is long-term spending. In the long term, spending is going to drive the debt up even higher. Medicare and Medicaid cuts are going to double by 2021. Social Security is going to increase by 70 percent by 2021.

We have to look at those issues and make sure on a bipartisan basis we do what is responsible. We have to make sure these programs—Medicare, Medicaid, and Social Security—are stable and secure for my children and their children. If we cannot agree even on the modest measures such as the 3-year discretionary spending cap Senator SESSIONS and I have been pushing for over a year, I question whether we have the discipline to do the hard work. Getting control of spending is very hard, but we have to do it, and we have to do it now.

First and foremost, we need to focus on eliminating the waste and mismanagement. That is what drives Americans crazy. It drives people crazy that we are spending money on duplicative programs and we are not even checking to see if they work. It drives them crazy when the Federal Government runs huge deficits and we are paying out $55 billion in improper payments at Health and Human Services and $12 billion of improper payments by Treasury to people who do not even qualify.

It drives Americans crazy when we do not make the reforms our auditors recommend. The Defense Department has 1,200 suggestions that have been made by our government auditors about how it can manage its money and its programs better, and they have not acted on almost 1,200 of them. It drives people crazy we are running deficits when we have Departments such as the Agriculture Department and Homeland Security that get failing management grades for 8 straight years. And it drives people crazy when we are running deficits and we are passing appropriations bills with $15 billion worth of earmarks.

I have been working hard to try to clean up all this waste. We have been working on contract management. I have never requested an earmark. I voted against every omnibus appropriations bill that has come to the floor since I have been a Senator, and I have worked hard for the last year with Senator SESSIONS to cap spending. Now I look forward to working hard with Senator CORKER and many of my friends in the Republican Party to work on the Corker-McCaskill bill to put a cap long term on spending in the Federal Government.

As I say, this is a bold step. It has risks. And if this bill is distorted and twisted, it could cost me my Senate seat. I will say that again. If this bill is distorted and twisted, it could cost me my Senate seat. But it is a price I am willing to pay. It is a price I am willing to pay for my country and, more importantly, it is a price I am willing to pay for my grandchildren.

By Mr. CARDIN (for himself, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. GILLIBRAND):

S. 247. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today, on the first day of Black History Month, I am proud to reintroduce The Harriet Tubman National Historical Park and The Harriet Tubman Underground Railroad National Historical Park Act. I am joined by Mr. SCHUMER, Ms. MIKULSKI, and Ms. GILLIBRAND as original co-sponsors.

The woman, who is known to us as Harriet Tubman, was born in approximately 1822 in Dorchester County, Maryland and given the name Araminta, Minty, Ross. She spent nearly 30 years of her life in slavery on Maryland's Eastern Shore. As an adult she took the first name Harriet, and when she was 25 she married John Tubman.

Harriet Tubman escaped from slavery in 1849. She did so in the dead of night, navigating the maze of tidal streams and wetlands that, to this day, comprise the Maryland Eastern Shore landscape. She did so alone, demonstrating courage, strength and fortitude that became her hallmarks. Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline counties where, under the most adverse conditions, she led away many family members and other slaves to freedom in the Northeastern United States. Tubman became known as ''Moses'' by African-Americans and white abolitionists. She is the most famous and most important conductor of the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout and

a nurse. She served in Virginia, Florida and South Carolina. She is credited with leading slaves from those slave states to freedom during those years.

Following the Civil War, Tubman settled in Auburn, NY. There she was active in the women's suffrage movement, and she also established one of the first incorporated African-American homes for aged. In 1903 she bequeathed the home to the African Methodist Episcopal Zion Church in Auburn. Harriet Tubman died in Auburn in 1913 and she is buried there in the Fort Hill Cemetery.

Slaves were forced to live in primitive buildings even though many were skilled tradesmen who constructed the substantial homes of their owners. Not surprisingly, few of the structures associated with the early years of Tubman's life still stand. The landscapes of the Eastern Shore of Maryland, however, remain evocative of the time that Tubman lived there. Farm fields and forests dot the landscape, which is also notable for its extensive network of tidal rivers and wetlands. In particular, a number of properties including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Farm, where she worked as a slave, and others are within the master plan boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the plantation from which she escaped to freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are today protected by various conservation easements. Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led black men, women and children to their freedom.

In New York, on the other hand, many of the buildings associated with Tubman's life remain intact. Her personal home, as well as the Tubman Home for the Aged, the church and rectory of the Thompson Memorial AME Zion Episcopal Church, and the Fort Hill Cemetery are all extant.

In 1999, the Congress approved legislation authorizing a Special Resource Study to determine the appropriateness of establishing a unit of the National Park Service to honor Harriet Tubman. The Study has taken an exceptionally long time to complete, in part because of the lack of remaining structures on Maryland's Eastern Shore. There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, has been exceedingly difficult. Eventually, the National Park Service determined that designating a Historical Park that would include two geographically separate units would be an appropriate tribute to the life of this extraordinary American. The New York unit would include the tightly clustered Tubman buildings in the town of Auburn. The Maryland portion would include large sections of landscapes that are evocative of Tubman's time and are historically relevant. The Special Resource Study, completed by the National Park Service in the Fall of 2008, confirmed these findings and on July 15, 2009, the National Park Service endorsed S. 227 as introduced in the 111th Congress during a legislative hearing in the Senate Energy and Natural Resources Committee.

During the process of preparing S. 227 for markup in the Senate Energy and Natural Resources Committee, the Chairman of the Committee, Mr. BINGAMAN, drafted a substitute amendment of the bill. The contents of the Bingaman substitute are the result of his work to accommodate concerns that the Ranking Member on the Senate Energy and Natural Resources Committee had with S. 227 as introduced. An agreement was reached on the contents of the substitute amendment. An opportunity to mark up S. 227, consider the Bingaman substitute, and hold a vote in Committee never happened in the final months of the 111th Congress.

The legislation I am introducing today incorporates the proposed changes from the Bingaman substitute to S. 227. The bill establishes two parks.

The Harriet Tubman National Historical Park is comprised of important historical structures in Auburn, NY. They include Tubman's home, the Home for the Aged that she established, the African Methodist Episcopal AME Zion Church, and the Fort Hill Cemetery where she is buried.

The Harriet Tubman Underground Railroad National Historical Park includes historically important landscapes in Dorchester, Caroline and Talbot counties, Maryland, that are evocative of the life of Harriet Tubman.

In Dorchester County, the parcels would not be contiguous, but would include about 2,775 acres. All of these parcels are located within the established master plan boundaries of the Blackwater National Wildlife Refuge but are not currently owned by the U.S. Fish and Wildlife Service. The four parcels located within the Blackwater National Wildlife Refuge Boundary, are sites significant to the life of Harriet Tubman. These parcels include the Anthony Thompson plantation parcel where Harriet Tubman likely was born, The Brodess Plantation parcel where Tubman worked as a young girl, the Cook Plantation parcel where as a teenager Harriet Tubman worked as a seamstress, and the Jacob Jackson parcel which is believed to be the location of one of the first safe houses along the Underground Railroad. The Park would be established upon the fee simple acquisition, by the National Park Service, of any of these parcels located within the current boundary of the Blackwater National Wildlife Refuge.

Additional areas that would comprise the Harriet Tubman historic area include about 2,200 acres in Caroline County that comprise the Poplar Neck plantation that Tubman escaped from in 1849. The 725 acres of viewshed across the Choptank River in Talbot County would also be included in the Park. These parcels are authorized to come under protection through conservation easements held by the private property owners.

The bill authorizes such sums as necessary to meet the goals and objectives of the bill. Funds can be used for the construction of the Harriet Tubman Park Visitors Center, through a cost sharing requirement, for easements, or acquisition of the designated parcels eligible for fee simple acquisition.

Harriet Tubman was a true American patriot. She was someone for whom liberty and freedom were not just concepts. She lived those principles and shared that freedom with hundreds of others. In doing so, she has earned a nation's respect and honor.

Harriet Tubman is one of many great Americans that we honor and celebrate every February during Black History Month. In schools across the country, American History curriculums teach our children about Tubman's courage, conviction, her fight for freedom and her contributions to the greatness of our nation during a contentious time in U.S. history. Now it is time to add to Tubman's legacy by preserving, protecting and commemorating the places evocative of Harriet Tubman's extraordinary life.

I am so proud to introduce this legislation, establishing the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park. I look forward to working with my colleagues to establish this important and fitting tribute to Harriet Tubman, a life worthy of recognition.

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. 247

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 ''Harriet Tubman National Historical Parks Act''.

SEC. 2. HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term ''historical park'' means the Harriet Tubman Underground Railroad National Historical Park established by subsection (b)(1)(A).

(2) MAP.—The term ''map'' means the map entitled ''Authorized Acquisition Area for the Proposed Harriet Tubman Underground Railroad National Historical Park'', numbered T20/80,001, and dated July 2010.

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

(4) STATE.—The term ''State'' means the State of Maryland.

(b) HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park, including an official boundary map for the historical park.

(D) AVAILABILITY OF MAP.—The official boundary map published under subparagraph (C) shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the historical, cultural, and natural resources associated with the life of Harriet Tubman and the Underground Railroad.

(3) LAND ACQUISITION.—

(A) IN GENERAL.—The Secretary may acquire land and interests in land within the areas depicted on the map as ''Authorized Acquisition Areas'' by purchase from willing sellers, donation, or exchange.

(B) BOUNDARY ADJUSTMENT.—On acquisition of land or an interest in land under subparagraph (A), the boundary of the historical park shall be adjusted to reflect the acquisition.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERAGENCY AGREEMENT.—Not later than 1 year after the date on which the historical park is established, the Director of the National Park Service and the Director of the United States Fish and Wildlife Service shall enter into an agreement to allow the National Park Service to provide for public interpretation of historic resources located within the boundary of the Blackwater National Wildlife Refuge that are associated with the life of Harriet Tubman, consistent with the management requirements of the Refuge.

(3) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life of Harriet Tubman and the Underground Railroad.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, colleges and universities, non-profit organizations, and individuals—

(i) to mark, interpret, and restore nationally significant historic or cultural resources relating to the life of Harriet Tubman or the Underground Railroad within the boundaries of the historical park, if the agreement provides for reasonable public access; or

(ii) to conduct research relating to the life of Harriet Tubman and the Underground Railroad.

(B) VISITOR CENTER.—The Secretary may enter into a cooperative agreement with the State to design, construct, operate, and maintain a joint visitor center on land owned by the State—

(i) to provide for National Park Service visitor and interpretive facilities for the historical park; and

(ii) to provide to the Secretary, at no additional cost, sufficient office space to administer the historical park.

(C) COST-SHARING REQUIREMENT.—

(i) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity under this paragraph may be in the form of in-kind contributions or goods or services fairly valued.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of Public Law 91–383 (commonly known as the ''National Park Service General Authorities Act'') (16 U.S.C. 1a–7(b)).

(2) CONSULTATION.—The general management plan shall be prepared in consultation with the State (including political subdivisions of the State).

(3) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Blackwater National Wildlife Refuge;

(B) the Harriet Tubman National Historical Park established by section 3(b)(1)(A); and

(C) the National Underground Railroad Network to Freedom.

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

SEC. 3. HARRIET TUBMAN NATIONAL HISTORICAL PARK, AUBURN, NEW YORK.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term ''historical park'' means the Harriet Tubman National Historical Park established by subsection (b)(1)(A).

(2) HOME.—The term ''Home'' means The Harriet Tubman Home, Inc., located in Auburn, New York.

(3) MAP.—The term ''map'' means the map entitled ''Harriet Tubman National Historical Park'', numbered T18/80,000, and dated March 2009.

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

(5) STATE.—The term ''State'' means the State of New York.

(b) HARRIET TUBMAN NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman National Historical Park in Auburn, New York, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park.

(D) MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) BOUNDARY.—The historical park shall include the Harriet Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church and Rectory, and associated land, as identified in the area entitled ''National Historical Park Proposed Boundary'' on the map.

(3) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the historical, cultural, and natural resources associated with the life of Harriet Tubman.

(4) LAND ACQUISITION.—The Secretary may acquire land and interests in land within the areas depicted on the map by purchase from a willing seller, donation, or exchange.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Auburn, New York, relating to the life of Harriet Tubman.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the owner of any land within the historical park to mark, interpret, or restore nationally significant historic or cultural resources relating to the life of Harriet Tubman, if the agreement provides that—

(i) the Secretary shall have the right of access to any public portions of the land covered by the agreement to allow for—

(I) access at reasonable times by historical park visitors to the land; and

(II) interpretation of the land for the public; and

(ii) no changes or alterations shall be made to the land except by mutual agreement of the Secretary and the owner of the land.

(B) RESEARCH.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, institutions of higher education, the Home and other nonprofit organizations, and individuals to conduct research relating to the life of Harriet Tubman.

(C) COST-SHARING REQUIREMENT.—

(i) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions or goods or services fairly valued.

(D) ATTORNEY GENERAL.—

(i) IN GENERAL.—The Secretary shall submit to the Attorney General for review any cooperative agreement under this paragraph involving religious property or property owned by a religious institution.

(ii) FINDING.—No cooperative agreement subject to review under this subparagraph shall take effect until the date on which the Attorney General issues a finding that the proposed agreement does not violate the Establishment Clause of the first amendment to the Constitution.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of Public Law 91–383 (commonly

known as the ''National Park Service General Authorities Act'')(16 U.S.C. 1a–7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Harriet Tubman Underground Railroad National Historical Park established by section 2(b)(1); and

(B) the National Underground Railroad Network to Freedom.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act, except that not more than $7,500,000 shall be available to provide financial assistance under subsection (c)(3).

By Mr. WYDEN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 248. A bill to allow an earlier start fof State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, I rise today to reintroduce the Empowering States to Innovate Act with my colleagues, Senators SCOTT BROWN and MARY LANDRIEU.

At a time when we are looking for ways to bring this country together to deal with the most contentious issues of our time, we ought to be supporting innovation. We ought to be supporting unleashing creative kinds of approaches to deal with domestic issues. That is the foundation of this legislation.

What Senators BROWN, LANDRIEU and I are seeking to do is to show it is possible on a significant issue—I think we all understand health care is about as important as it gets—that we can come together, and facilitate this kind of innovation. It is pretty clear that what works in Springfield, OR, may not be exactly ideal for Springfield, MA. But what we can do is come up with a way to provide more flexibility and particularly more choice and more competition for our States and other States around the country.

If we can just move away from a Federal cookie-cutter approach and encourage the kind of creative thinking we have seen in Oregon and in Massachusetts and other parts of the country, I think we will be well served and will be in a position to better contain health care costs. I think we all understand that how to rein in these medical costs that are gobbling up everything in sight is first and foremost on the minds of our constituents.

The Empowering States to Innovate Act encourages additional innovative approaches in States, approaches that are tailored to the needs of States' own residents, that will help us, in my view, to promote choice and competition in the American health care system. As long as they meet certain requirements as far as coverage and affordability are met, the States are free to do whatever they choose. I just offer up my own judgment that right now, at a time when most Americans still don't get much choice in their health care coverage, this is an ideal opportunity that both Democrats and Republicans can support. As States seek to go forward with this approach, they can make their own choices.

In particular, what I have been concerned about, after talking to health policymakers over the last few months, is if, in the State of New York, for example, you go out and set up a process to comply with the legislation for purposes of 2014 and you see that the waiver, as now constituted under 1332, starts in 2017, you say: How am I going to reconcile those two? Am I going to set up one approach for 2014 and then do another approach in 2017? It is going to put us through a lot of bureaucratic water torture to try to figure out how to synchronize those two dates. So it only makes sense to speed it all up and make it possible for everybody to get started in 2014.

We have outlined the two key changes in the legislation that is law today. The first change is to make the waivers effective in 2014 rather than in 2017 so States only have to change their systems once. The second thing the Empowering States to Innovate Act does is it requires the Department of Health and Human Services to begin to review State waiver applications within 6 months of enactment of the legislation. This would allow States early notification of whether their State waivers have been approved and would give them adequate time to roll out their State-specific plans. I think this, too, will help us create more competition, more choice, and more affordability in American health care because it will give the States adequate time to gear up. That is the philosophy behind the Empowering States to Innovate Act, whether one likes one particular approach or another. Clearly, there will be great diversity of approaches tried at the State level.

This legislation offers an opportunity for States to engage in a ''race to the top'' for what will deliver the best health care choices and options to their constituents. This provides a chance for States to do it better. I look forward to working with colleagues on both sides of the aisle to give States that chance.

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. 248

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 ''Empowering States to Innovate Act''.

SEC. 2. EARLIER START FOR STATE HEALTH CARE COVERAGE INNOVATION WAIVERS.

Section 1332(a) of the Patient Protection and Affordable Care Act is amended—

(1) by striking ''January 1, 2017'' in paragraph (1) and inserting ''January 1, 2014''; and

(2) by inserting ''beginning not later than 180 days after the date of the enactment of the Empowering States to Innovate Act'' after ''application'' in paragraph (4)(B)(ii).

Mr. BROWN of Massachusetts. Mr. President, I rise today to join my colleague, Mr. WYDEN, to introduce legislation that will protect Massachusetts by allowing it to waive out of specific requirements under the Patient Protection and Affordable Care Act.

As my colleagues know, my single priority is and has always been to ensure that what we do here in Washington does not harm my State of Massachusetts, or the people of Massachusetts, and that we are responsible stewards with every tax dollar.

This has been true when it comes to voting against raising taxes on families and businesses. It has been true when it comes to fighting for commonsense, progrowth policies that will create jobs in Massachusetts. And it has been true in my efforts to be sure that the Federal health care reform bill does not diminish or harm the health care innovations that have occurred in Massachusetts.

Today we get to make a correction to the Federal health care reform bill to be sure that we are doing the right thing, not just for the State of Massachusetts but for other States who seek to waive out of certain requirements of the Federal health care reform law.

In many ways, Massachusetts has been on the forefront of implementing health care reform—expanding access, designing systems to increase market participation and choice, and increasing transparency for consumers and providers. We continue to learn lessons every day in Massachusetts about what works and doesn't work in health care reform.

And this is an important point because it speaks directly to the purpose of the legislation that I am introducing today with my colleague, Mr. WYDEN from Oregon.

As difficult as it is for me to admit this, not every State wants to be like Massachusetts. Massachusetts is a great State, with the best hospitals, physicians, researchers and health care providers in the country and the world.

But I recognize that my colleague from Oregon is interested in protecting the reform efforts of Oregon. He doesn't want to be like Massachusetts because Oregon is different from Massachusetts. Oregon's insurance market is different, its provider network is different, its beneficiaries and population are different from Massachusetts. Oregon might want to implement reforms or create a coverage mechanism that I do not like or that would not work in a State like Massachusetts. The same is true for the other 49 States—each State is different, unique—and each State should be able to find solutions that work for their citizens and their State budgets.

Which is why the legislation that I am introducing today with Mr. WYDEN—the Empowering States to Innovate Act—is so important.

Right now, as provided under section 1332—''The Waivers for State Innovation''—of the Patient Protection and Affordable Care Act, States can waive out of provisions of the Federal reform law. That's the good news. The bad news is that this waiver authority is not scheduled to take effect until 2017, a full 3 years after PPACA is scheduled to be fully implemented.

That makes no sense, so we are going to fix it.

The first thing our bill does is to allow States to waive out of specific parts of PPACA in 2014 rather than 2017. This makes sense not just from an operational standpoint—because PPACA takes effect in 2014—but also from an economic and fiscal standpoint. Why should Massachusetts be delayed in obtaining a waiver from the Federal reform bill when it may have already met and or exceeded specific provisions of PPACA? Holding Massachusetts back—limiting my State's ability to innovate, remain flexible and responsive to the health care market—costs money; it costs taxpayer money.

That doesn't make sense. So our legislation fixes that.

The second piece our bill does is to provide States with certainty with the waiver process. Not every State will be eligible for a waiver and not every waiver will be granted. But our bill provides some certainty for those States who apply for a waiver by requiring the Secretary of Health and Human Services to begin reviewing applications within 6 months of enactment of this bill. The earlier a State knows whether it has received a waiver, the earlier it can begin implementing its specific plans and proposals.

Taken together, these two changes are good for Massachusetts. They are good for other States who are trying to innovate and advance in the areas of health care reform, cost containment, and coverage.

During Wednesday's Finance Committee hearing, Dr. Berwick, who is from the State of Massachusetts, I might add, said this about State innovation and flexibility.

And I quote:

> The cliché about states as laboratories of democracy is not just a cliché, it's true. The diversity of approaches that we're seeing emerge state by state has been there for a long time. I think we should be doing everything we can to encourage it.

I couldn't agree more. I am a strong supporter of state rights and for allowing States to solve problems without the Federal Government's interference.

We should be encouraging State innovation, not hampering it.

And that is what the Empowering States to Innovate Act does—it helps ensure that States aren't held back from innovating and seeking solutions that work for their citizens, their taxpayers, their providers, and their communities.

Finally, Mr. President, I want to associate myself with Mr. WYDEN's comments about how our bill fits into the Federal health care reform debate. Enacting this legislation is the right thing to do because it is good for States like Massachusetts. It is good for States like Oregon and Utah, who have begun to make changes and reforms at the State level.

The legislation provides flexibility and says that a one-size-fits-all health care system doesn't fit the needs of every State. I know a Federal standard isn't in the best interest of my State of Massachusetts, which is why passing this bill is the right thing to do.

I thank my colleague, Mr. WYDEN, for his thoughtful remarks and urge my colleagues to join us in supporting this legislation that I think both parties can and should agree on.

By Mr. LEAHY (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. HARKIN):

S. 250. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the Justice for All Reauthorization Act of 2011. The Justice for All Act, passed in 2004, was unprecedented, bipartisan criminal justice legislation. It was Congress's most significant step forward in many years to improve the quality of justice in this country and to improve public confidence in the integrity of the American justice system.

After several hearings and much work, with this legislation we continue the process of building on that foundation to go still further in making sure our criminal justice system works fairly and effectively for all Americans. Senator KLOBUCHAR, Senator FRANKEN, and Senator HARKIN join me today as original cosponsors of this important bill, and I thank them for their ongoing support.

I also appreciate the involvement of Senators on the other side of the political aisle, including Senators SESSIONS and GRASSLEY, who have participated in the development of this bill and provided valuable input. I am confident that this bill will pass with bipartisan support, as the original Justice for All Act did, and I look forward to working with Senators from both parties to reach that goal.

In 2000, I introduced the Innocence Protection Act, which aimed to improve the administration of justice by ensuring that defendants in the most serious cases receive competent representation and, where appropriate, access to post conviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong.

The Innocence Protection Act became a key component of the Justice for All Act. The act also included vital provisions to ensure that crime victims have the rights and protections they need and deserve and that States and communities take major steps to reduce the backlog of untested rape kits and ensure prompt justice for victims of sexual assault. These and other important criminal justice provisions made the Justice for All Act a groundbreaking achievement in criminal justice reform.

The programs created by the Justice for All Act have had an enormous impact, and it is crucial that we reauthorize them. Unfortunately, the Judiciary Committee's hearings and recent headlines have made clear that simply reauthorizing the existing law is not enough. Significant problems remain, and we must work together to address them.

In too many communities around the country, large numbers of untested rape kits have been found, many of which have not even made their way to crime labs. It is unacceptable that rape victims must still live in fear and wait for justice. We must act to fix this continuing problem.

The original Justice for All Act included the Debbie Smith DNA Backlog Reduction Program, which authorized significant funding to reduce the backlog of untested rape kits so that victims need not live in fear while kits languish in storage. That program is named after Debbie Smith, who lived in fear for years after being attacked before her rape kit was tested and the perpetrator was caught. She and her husband Rob have worked tirelessly to ensure that others need not experience the ordeal she went through. I thank Debbie and Rob for their continuing help on this extremely important cause.

Since we passed this important law in 2004, the Debbie Smith Act has resulted in hundreds of millions of dollars going to States for the testing of DNA samples to reduce backlogs. I have worked with Senators of both parties to ensure full funding for the Debbie Smith Act each year.

As I have researched this problem of untested rape kits, there is one thing that I have heard again and again: the Debbie Smith program has been working and is making a major difference. I have heard from the Justice Department, States including my home State of Vermont, law enforcement, and victims' advocates that Debbie Smith grants have led to significant and meaningful backlog reduction, and to justice for victims, in jurisdictions across the country.

Unfortunately, despite the good strides we have made and the significant Federal funding for backlog reduction, we have seen alarming reports of continuing backlogs. A study in 2008 found 12,500 untested rape kits in the Los Angeles area alone, and while Los Angeles has since made progress in addressing the problem, other cities have now reported backlogs almost as severe. In 2009, the Justice Department released a report finding that in 18 percent of open, unsolved rape cases, evidence had not even been submitted to a crime lab.

That Justice Department study gets to a key component of this problem that has not yet been addressed. No matter how much money we send to crime labs for testing, if samples that could help make cases instead sit on the shelf in police evidence rooms and never make it to the lab, that money will do no good. Police officers must understand the importance of testing this vital evidence and must learn when testing is appropriate and necessary. In too many jurisdictions rape kits taken from victims who put themselves through further hardship to take these samples—rape kits that could help law enforcement to get criminals off the street—are sitting untested.

The bill we introduce today will finally address this part of the problem by mandating that the Department of Justice develop practices and protocols for the processing of DNA evidence and provide technical assistance to State and local governments to implement those protocols. The bill authorizes funding to States and communities to reduce their rape kit backlogs at the law enforcement stage by training officers, improving practices, developing evidence tracking systems, and taking other key steps to make sure that this crucial evidence gets to the labs to be tested.

The bill will also help us get to the bottom of this problem by calling for the development of a standardized definition of ''backlog'' covering both the law enforcement and lab stages and by implementing public reporting requirements to help us to identify where the backlogs are. It also takes steps to ensure that labs test DNA samples in the best order so that those samples which can help secure justice for rape victims are tested most quickly. It will also put into place new accountability requirements to make sure that Debbie Smith Act money is being spent effectively and appropriately.

The bill makes important changes to existing law to ensure that no rape victims are ever required to pay for testing of their rape kits and that these costs are covered with no strings attached. Senator FRANKEN has been a strong advocate of this important provision, and I thank him for his help.

In the years since the Justice for All Act passed, we have also seen too many cases of people found to be innocent after spending years in jail, and we have faced the harrowing possibility that the unthinkable may have happened: the State of Texas may have executed an innocent man. We must act to ensure that our criminal justice system works as it should so that relevant evidence is tested and considered and all defendants receive quality representation.

The Justice for All Reauthorization Act takes important new steps to ensure that defendants in serious cases receive adequate representation and, where appropriate, testing of relevant DNA samples. As a former prosecutor, I have great faith in the men and women of law enforcement, and I know that the vast majority of the time our criminal justice system does work fairly and effectively. I also know though that the system only works as it should when each side is well represented by competent and well-trained counsel, and when all relevant evidence is retained and tested.

Sadly, we learn regularly of defendants released after new evidence exonerates them. We must do better. It is an outrage when an innocent person is punished, and it is doubly an outrage that, in those cases, the guilty person remains on the streets, able to commit more crimes, which makes all of us less safe.

This legislation takes important new steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive constitutionally adequate representation. It requires the Department of Justice to assist States that want help developing an effective and efficient system of indigent defense, and it establishes a cause of action for the Federal Government to step in when States are systematically failing to provide the representation called for in the constitution.

This is a reasonable measure that gives the States assistance and time needed to make necessary changes and seeks to provide an incentive for States to do so. Prosecutors and defense attorneys recognize the importance of quality defense counsel. It was persuasive to me when Houston District Attorney Patricia Lykos testified before the Judiciary Committee that it helps her do her job as a prosecutor when there are competent defense attorneys. I have also learned through this process that the most effective systems of indigent defense are not always the most expensive. In some cases, making the necessary changes may also save States money.

This legislation will also help ensure that the innocent are not punished while the guilty remain free by strengthening Kirk Bloodsworth Post Conviction DNA Testing Grant Program, one of the key programs created in the Innocence Protection Act. Kirk Bloodsworth was a young man just out of the Marines when he was arrested, convicted, and sentenced to death for a heinous crime that he did not commit. He was the first person in the United States to be exonerated from a death row crime through the use of DNA evidence.

This program provides grants to States for testing in cases like Kirk's where someone has been convicted, but where significant DNA evidence was not tested. The last administration resisted implementing the program for several years, but we worked hard to see the program put into place. Now, money has gone out to a number of States, and the Committee has heard strong testimony that the program is making an impact. The legislation we introduce today expands the very modest authorization of funds to this important program and clarifies the conditions set for this program so that participating States are required to preserve key evidence, which is crucial, but are required to do so in a way that is attainable and will allow more States to participate.

The bill also asks States to produce comprehensive plans for their criminal justice systems, which will help to ensure that criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need. The bill reauthorizes and improves key grant programs in a variety of areas throughout the criminal justice system. Importantly, it increases authorized funding for the Paul Coverdell Forensic Science Improvement Grant program, which is a vital program to assist forensic laboratories in performing the many forensic tests that are essential to solving crimes and prosecuting perpetrators. I appreciate Senator SESSIONS' longstanding support for this important program.

Finally, the legislation strengthens rights for victims of crime. It gives crime victims an affirmative right to be informed of all of their rights under the Crime Victims' Rights Act and other key laws, and it takes several steps to make it easier for crime victims to assert their legal rights in court. I thank Senators FEINSTEIN and KYL for their leadership in this area and their assistance in developing these provisions.

In these times of tight budgets, it is important to note that this bill would make all of these improvements without increasing total authorized funding under the Justice For All Act and that many of these changes will help States, communities, and the Federal Government save money in the long term.

I thank the many law enforcement and criminal justice organizations that have helped to pinpoint the needed improvements that this law attempts to solve. Numerous organizations including the Fraternal Order of Police, the National Sheriffs' Association, and the National District Attorneys' Association have expressed strong support for this bill.

Today, we rededicate ourselves to building a criminal justice system in which the innocent remain free, the guilty are punished, and all sides have the tools, resources, and knowledge

they need to advance the cause of justice. Americans need and deserve a criminal justice system which keeps us safe, ensures fairness and accuracy, and fulfills the promise of our constitution. This bill will take important steps to bring us closer to that goal.

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

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

S. 250

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 All Reauthorization Act of 2011''.

SEC. 2. CRIME VICTIMS' RIGHTS.

Section 3771 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(9) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.'';

(2) in subsection (d)(3), in the fifth sentence, by inserting '', unless the litigants, with the approval of the court, have stipulated to a different time period for consideration'' before the period; and

(3) in subsection (e)—

(A) by striking ''this chapter, the term'' and inserting the following: ''this chapter:

''(1) COURT OF APPEALS.—The term 'court of appeals' means—

''(A) for a violation of the United States Code, the United States court of appeals for the judicial district in which a defendant is being prosecuted; and

''(B) for a violation of the District of Columbia Code, the District of Columbia Court of Appeals.

''(2) CRIME VICTIM.—

''(A) IN GENERAL.—The term'';

(B) by striking ''In the case'' and inserting the following:

''(B) MINORS AND CERTAIN OTHER VICTIMS.—In the case''; and

(C) by adding at the end the following:

''(3) DISTRICT COURT; COURT.—The terms 'district court' and 'court' include the Superior Court of the District of Columbia.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking ''$2,000,000'' and all that follows through ''2009'' and inserting ''$5,000,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016'';

(2) in paragraph (2), by striking ''$2,000,000'' and all that follows through ''2009,'' and inserting ''$5,000,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016'';

(3) in paragraph (3), by striking ''$300,000'' and all that follows through ''2009,'' and inserting ''$500,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016'';

(4) in paragraph (4), by striking ''$7,000,000'' and all that follows through ''2009,'' and inserting ''$11,000,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016''; and

(5) in paragraph (5), by striking ''$5,000,000'' and all that follows through ''2009,'' and inserting ''$7,000,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016''.

(b) CRIME VICTIMS NOTIFICATION GRANTS.—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking ''this section—'' and all that follows and inserting ''this section $5,000,000 for each of the fiscal years 2012, 2013, 2014, 2015, and 2016.''.

SEC. 4. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) IN GENERAL.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended to read as follows:

''SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'backlog for DNA case work' has the meaning given that term by the Director, in accordance with subsection (b)(3);

''(2) the term 'Combined DNA Index System' means the Combined DNA Index System of the Federal Bureau of Investigation;

''(3) the term 'Director' means the Director of the National Institute of Justice;

''(4) the term 'emergency response provider' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

''(5) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

''(b) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS OF EVIDENCE BACKLOG FOR DNA CASE WORK.—

''(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the Justice for All Reauthorization Act of 2011, the Director shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

''(A) how to determine—

''(i) which evidence is to be collected by law enforcement personnel and forwarded for testing;

''(ii) the preferred order in which evidence from the same case is to be tested; and

''(iii) the preferred order in which evidence from different cases is to be tested;

''(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

''(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed; and

''(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.

''(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

''(3) DEFINITION OF BACKLOG FOR DNA CASE WORK.—The Director shall develop and publish a definition of the term 'backlog for DNA case work' for purposes of this section—

''(A) taking into consideration the different stages at which a backlog may develop, including the investigation and prosecution of a crime by law enforcement personnel, prosecutors, and others, and the laboratory analysis of crime scene samples; and

''(B) which may include different criteria or thresholds for the different stages.

''(c) AUTHORIZATION OF GRANTS FOR THE COLLECTION AND PROCESSING OF DNA EVIDENCE BY LAW ENFORCEMENT.—

''(1) PURPOSE.—The Attorney General may make grants to States or units of local government which may be used to—

''(A) ensure that the collection and processing of DNA evidence from crimes, including sexual assault and other serious violent crimes, is carried out in an appropriate and timely manner;

''(B) eliminate existing backlogs for DNA case work, including backlogs from sexual assault cases; and

''(C) ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.

''(2) APPLICATION.—A State or unit of local government desiring a grant under this subsection shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require, which shall include—

''(A) providing assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of the application, a comprehensive plan for the expeditious collection and processing of DNA evidence in accordance with this section; and

''(B) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for the purpose specified in each of subparagraphs (A), (B), and (C) of paragraph (1).

''(3) COLLECTION AND PROCESSING OF SAMPLES.—A plan described in paragraph (2)(A)—

''(A) shall require a State or unit of local government to—

''(i) adopt the appropriate protocols and practices developed under subsection (b)(1); and

''(ii) ensure that emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel within the jurisdiction of the State or unit of local government receive training on the content and appropriate use of the protocols and practices; and

''(B) may include the development and implementation within the State or unit of local government of an evidence tracking system to ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, defense counsel, courts, crime laboratory personnel, and crime victims regarding the status of crime scene evidence subject to DNA analysis.

''(4) REPORTING AND PUBLICATION OF DNA BACKLOGS.—

''(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require a State or unit of local government to submit to the Attorney General an annual report reflecting the current backlog for DNA case work within the jurisdiction in which the funds are used, which shall include—

''(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

''(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is pending; and

''(iii) any other information the Attorney General determines appropriate.

''(B) COMPILATION.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

''(d) AUTHORIZATION OF GRANTS FOR DNA TESTING AND ANALYSIS BY LABORATORIES.—

''(1) PURPOSE.—The Attorney General may make grants to States or units of local government to—

''(A) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples collected under applicable legal authority;

''(B) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect;

''(C) increase the capacity of laboratories owned by the State or unit of local government to carry out DNA analyses of samples specified in subparagraph (A) or (B);

''(D) collect DNA samples specified in subparagraph (A); and

''(E) ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

''(2) APPLICATION.—A State or unit of local government desiring a grant under this subsection shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require, which shall include—

''(A) providing assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of the application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

''(B) certifying that each DNA analysis carried out under the plan shall be maintained in accordance with the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

''(C) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use to carry out DNA analyses of samples described in paragraph (1)(A) and the percentage of the amounts the State or unit of local government shall use to carry out DNA analyses of samples described in paragraph (1)(B);

''(D) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for a purpose described in paragraph (1)(C);

''(E) if submitted by a unit of local government, certifying that the unit of local government has taken, or is taking, all necessary steps to ensure that the unit of local government is eligible to include in the Combined DNA Index System, directly or through a State law enforcement agency, all analyses of samples for which the unit of local government has requested funding; and

''(F) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for the purpose described in paragraph (1)(D).

''(3) ANALYSIS OF SAMPLES.—

''(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require that, except as provided in subparagraph (C), each DNA analysis be carried out in a laboratory that—

''(i) satisfies quality assurance standards; and

''(ii) is—

''(I) operated by the State or a unit of local government; or

''(II) operated by a private entity pursuant to a contract with the State or a unit of local government.

''(B) QUALITY ASSURANCE STANDARDS.—

''(i) IN GENERAL.—The Director of the Federal Bureau of Investigation shall maintain and make available to States and units of local government a description of quality assurance protocols and practices that the Director of the Federal Bureau of Investigation considers adequate to assure the quality of a forensic laboratory.

''(ii) EXISTING STANDARDS.—For purposes of this paragraph, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

''(4) USE OF VOUCHERS OR CONTRACTS FOR CERTAIN PURPOSES.—

''(A) IN GENERAL.—A grant for a purpose specified in subparagraph (A), (B), (E), or (F) of paragraph (1) may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

''(B) REDEMPTION.—A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

''(C) PAYMENTS.—The Attorney General may use amounts appropriated to carry out this section to make payments to a laboratory described under subparagraph (B).

''(5) REPORTING AND PUBLICATION OF DNA BACKLOGS.—

''(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require the State or unit of local government to submit to the Attorney General an annual report reflecting the backlog for DNA case work within the jurisdiction in which the funds will be used, which shall include—

''(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

''(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is pending; and

''(iii) any other information the Attorney General determines appropriate.

''(B) COMPILATION.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

''(e) FORMULA FOR DISTRIBUTION OF GRANTS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among States and units of local government applying for grants under this section that—

''(A) maximizes the effective use of DNA technology to solve crimes and protect public safety; and

''(B) allocates grants among States and units of local government fairly and efficiently, across rural and urban jurisdictions, to address States and units of local government in which significant backlogs for DNA case work exist, by considering—

''(i) the number of offender and casework samples awaiting DNA analysis in a State or unit of local government;

''(ii) the population in the State or unit of local government;

''(iii) the number of part 1 violent crimes in the State or unit of local government; and

''(iv) the availability of resources to train emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel on the effectiveness of appropriate and timely DNA collection, processing, and analysis.

''(2) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total amount appropriated in a fiscal year for grants under this section.

''(3) LIMITATION.—In distributing grant amounts under paragraph (1), the Attorney General shall ensure that for each of fiscal years 2012 through 2016, not less than 40 percent of the grant amounts are awarded for purposes described in subsection (d)(1)(B).

''(f) RESTRICTIONS ON USE OF FUND.—

''(1) NONSUPPLANTING.—Funds made available under this section shall not be used to supplant funds of a State or unit of local government, and shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from the State or unit of local government for the purposes described in this Act.

''(2) ADMINISTRATIVE COSTS.—A State or unit of local government may not use more than 3 percent of the amounts made available under a grant under this section for administrative expenses relating to the grant.

''(g) REPORTS TO THE ATTORNEY GENERAL.—Each State or unit of local government that receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section are expended, a report at such time and in such manner as the Attorney General may reasonably require, that contains—

''(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

''(2) such other information as the Attorney General may require.

''(h) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to Congress a report that includes—

''(1) the aggregate amount of grants made under this section to each State or unit of local government for the fiscal year;

''(2) a summary of the information provided by States or units of local government receiving grants under this section; and

''(3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how the plan will ensure the effective use of DNA technology to solve crimes and protect public safety.

''(i) EXPENDITURE RECORDS.—

''(1) IN GENERAL.—Each State or unit of local government that receives a grant under this section shall keep such records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

''(2) ACCESS.—Each State or unit of local government that receives a grant under this section shall make available, for the purpose of audit and examination, any records relating to the receipt or use of the grant.

''(j) USE OF FUNDS FOR ACCREDITATION AND AUDITS.—The Attorney General may distribute not more than 1 percent of the amounts made available for grants under this section for a fiscal year—

''(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local

government in preparing for accreditation or reaccreditation;

''(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community to—

''(A) defray the costs of external audits of laboratories operated by the State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

''(B) assess compliance with any plans submitted to the Director that detail the use of funds received by States or units of local government under this section; and

''(C) support capacity building efforts; and

''(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

''(k) USE OF FUNDS FOR OTHER FORENSIC SCIENCES.—The Attorney General may make a grant under this section to a State or unit of local government to alleviate a backlog of cases with respect to a forensic science other than DNA analysis if the State or unit of local government—

''(1) certifies to the Attorney General that in such State or unit—

''(A) all of the purposes set forth in subsections (c) and (d) have been met;

''(B) there is not a backlog for DNA case work, as defined by the Director in accordance with subsection (b)(3); and

''(C) there is no need for significant laboratory equipment, supplies, or additional personnel for timely processing of DNA case work or offender samples; and

''(2) demonstrates to the Attorney General that the State or unit of local government requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.

''(l) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—If a laboratory operated by a State or unit of local government which has received funds under this section has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of the audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with the standards, the State or unit of local government shall implement any such remediation as soon as practicable.

''(m) PENALTY FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—The Attorney General shall annually compile a list of the States and units of local government receiving a grant under this section that have failed to provide the information required under subsection (c)(4)(A), (d)(5)(A), or (g). The Attorney General shall publish each list complied under this paragraph on the website of the Department of Justice.

''(2) REDUCTION IN GRANT FUNDS.—For any State or local government that the Attorney General determines has failed to provide the information required under subsection (c)(4)(A), (d)(5)(A), or (g), the Attorney General may not award a grant under this section for the fiscal year after the fiscal year to which the determination relates in an amount that is more than 50 percent of the amount the State or local government would have otherwise received.

''(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsections (c) and (d) $151,000,000 for each of fiscal years 2012 through 2016.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall evaluate the policies, standards, and protocols relating to the use of private laboratories in the analysis of DNA evidence, including the mandatory technical review of all outsourced DNA evidence by public laboratories prior to uploading DNA profiles into the Combined DNA Index System of the Federal Bureau of Investigation. The evaluation shall take into consideration the need to reduce DNA evidence backlogs while guaranteeing the integrity of the Combined DNA Index System.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Director of the Federal Bureau of Investigation completes the evaluation under paragraph (1), the Director shall submit to Congress a report of the findings of the evaluation and any proposed policy changes.

(c) TRANSITION PROVISION.—

(1) DEFINITION.—In this subsection, the term ''transition date'' means the day after the latter of—

(A) the date on which the Director of the National Institute of Justice publishes a definition of the term ''backlog for DNA case work'' in accordance with section 2(b)(3) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a); and

(B) the date on which the Director of the National Institute of Justice publishes a description of protocols and practices in accordance with section 2(b)(1) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a).

(2) GRANT AUTHORITY.—Notwithstanding the amendments made by subsection (a)—

(A) the Attorney General may make grants under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135), as in effect on the day before the date of enactment of this Act, until the transition date; and

(B) the Attorney General may not make a grant under section 2 of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a), until the transition date.

SEC. 5. RAPE EXAM PAYMENTS.

Section 2010 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended—

(1) in subsection (a)(1)—

(A) by striking ''entity incurs the full'' and inserting the following: ''entity—

''(A) incurs the full'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) coordinates with regional health care providers to notify victims of sexual assault of the availability of rape exams at no cost to the victims.'';

(2) in subsection (b)—

(A) in paragraph (1), by adding ''or'' at the end;

(B) in paragraph (2), by striking ''; or'' and inserting a period; and

(C) by striking paragraph (3); and

(3) in subsection (d), by striking ''(d) RULE OF CONSTRUCTION.—'' and all that follows through the end of paragraph (1) and inserting the following:

''(d) NONCOOPERATION.—

''(1) IN GENERAL.—To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.''.

SEC. 6. ADDITIONAL REAUTHORIZATIONS.

(a) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2012 through 2016''.

(b) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2275) is amended by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2012 through 2016''.

(c) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2012 through 2016''.

SEC. 7. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

Section 1001(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(K) $35,000,000 for each of fiscal years 2012 through 2016.''.

SEC. 8. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking ''$75,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$50,000,000 for each of fiscal years 2012 through 2016''; and

(2) in subsection (b), by inserting before the period at the end the following: '', or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422.''.

SEC. 9. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking ''death''; and

(B) in paragraph (3)(A), by striking ''and the applicant did not—'' and all that follows through ''knowingly fail to request'' and inserting ''and the applicant did not knowingly fail to request''; and

(2) in subsection (g)(2)—

(A) in the matter preceding subparagraph (A), by striking ''establish by compelling evidence'' and inserting ''establish by a preponderance of the evidence''; and

(B) in subparagraph (B), by striking ''death''.

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A(c) of title 18, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 10. INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2012 through 2016''; and

(2) by striking paragraph (2) and inserting the following:

''(2) provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

''(A) provides DNA testing of specified evidence under a State statute to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence consistent with section 3600(a) of title 18, United States Code (which may include making post-conviction DNA testing available in cases in which the testing would not be required under that section) and, if the results of the testing exclude the applicant as the perpetrator of the offense, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

''(B) preserves biological evidence under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of a State felony offense (including, at a minimum murder, nonnegligent manslaughter and sexual offenses) in a manner consistent with section 3600A of title 18, United States (which may require preservation of biological evidence for longer than the period of time that the evidence would be required to be preserved under that section).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended—

(1) by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2012 through 2016''; and

(2) by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 11. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2278) is amended by adding at the end the following:

''SEC. 414. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

''(a) IN GENERAL.—The Director of the National Institute of Justice shall—

''(1) establish best practices for evidence retention; and

''(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

''(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

''Sec. 414. Establishment of national standards promulgated by NIJ.''.

SEC. 12. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the ''Effective Administration of Criminal Justice Act of 2011''.

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To request a grant''; and

(2) by adding at the end the following:

''(6) A comprehensive State-wide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

''(A) be designed in consultation with local governments, and all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

''(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions; and

''(D) be updated every 5 years, with annual progress reports that—

''(i) address changing circumstances in the State, if any;

''(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(iii) provide an ongoing assessment of need;

''(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

''(v) reflect how the plan influenced funding decisions in the previous year.

''(b) TECHNICAL ASSISTANCE.—

''(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

''(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

''(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

''(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2012 through 2016 to carry out this subsection.''.

(c) PROTECTION OF CONSTITUTIONAL RIGHTS.—

(1) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by officials or employees of any governmental agency with responsibility for the administration of justice, including the administration of programs or services that provide appointed counsel to indigent defendants, that deprives persons of their rights to assistance of counsel as protected under the Sixth Amendment and Fourteenth Amendment to the Constitution of the United States.

(2) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may, in a civil action, obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(3) EFFECTIVE DATE.—This subsection shall take effect 2 years after the date of enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mrs. MCCASKILL, Mr. THUNE, and Mr. BLUNT):

S. 253. A bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I; to the Committee on the Judiciary.

Mr. ROCKEFELLER. Mr. President, today—February 1—is the 110th birthday of Frank Buckles, the longest surviving veteran of World War I.

It is also the day that I am proud to introduce a bipartisan bill to recognize the extraordinary efforts of 4 million men and women who served in World War I. I am joined by my colleagues Senators WEBB, MCCASKILL, THUNE and BLUNT. We are united in our effort to prepare for the upcoming centennial of World War I. Our goal is to rededicate the DC memorial on the Mall as the District of Columbia and National World War I Memorial, and rededicate the Liberty Memorial of Kansas City as the National World War I Museum and Memorial. Our legislation also creates a commission to plan the national observance of the centennial.

Having the appropriate tributes for our World War I veterans has been a cause for Frank Buckles. Over the years, he has become a representative of his generation of veterans. His personal story is similar to many young men of his era. As an eager 16-year-old, Frank Buckles tried to enlist in the Army several times and finally succeeded. He then pestered his officers to be sent to France. Mr. Buckles drove motorcycles, cars, and ambulances in England and France, and during the Occupation, he guarded German prisoners. Following the war, he went to work for the White Star steamship line. In December 1941, while on business in Manila, the Japanese attacked the Philippines. Frank Buckles spent over 3 years as a prisoner at the city's Los Baños prison camp. On February 23, 1945, a unit from the 11th Airborne Division freed him and 2,147 other prisoners in a daring raid on the Los Baños prison camp. Mr. Buckles was affected by and has memories of both World War I and World War II.

I had the privilege of listening to Frank Buckles' compelling stories in his home in West Virginia while sitting with his daughter. He generously shares his memories of working to enlist and get to France, as well as meeting French soldiers and guarding German prisoners. Everyone can hear his reflections by visiting the Library of Congress's special Web site for its Veterans History Project. It has personal interviews of Mr. Buckles and thousands of other veterans that have served our Nation both during times of war and peace. Visiting this Web site is an incredible resource for scholars, students and every American, and it reminds us of the compelling personal stories of bravery, commitment, and

sacrifice made by our country's veterans and how they shaped our world.

Our bipartisan bill is designed to honor and remember over 4.35 million Americans, like Frank Buckles, who answered the call of duty and served from 1914–1918 in World War I. What became known as the Great War claimed the lives of 126,000 Americans, wounded 234,300, and left 4,526 as prisoners of war or missing in action.

At the end of World War I, numerous cities and States erected local and state memorials to honor their citizens who answered the call and proudly served the United States of America. On Armistice Day in 1931, President Hoover dedicated the DC World War I Memorial to honor the 499 District of Columbia residents who gave their lives in the service of our country. Since then, national monuments to commemorate the sacrifice and heroism of those who served in World War II, the Korean War, and the Vietnam War have all been built on the National Mall. I believe that the DC Memorial should be rededicated in time for the centennial as well as the Kansas City Museum and Liberty Tower.

By Mr. SHELBY (for himself, Mr. ROBERTS, Mr. BOOZMAN, and Mr. UDALL of Colorado):

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not to exceed 20 per cent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

Mr. SHELBY. Mr. President, I rise to introduce a piece of legislation that I have introduced in every Congress since 1987—a proposed constitutional amendment requiring Congress to balance our Nation's budget. This bill has bipartisan support and will allow us to finally begin to get our fiscal house in order.

A balanced budget amendment to the Constitution, I believe, is the only certain mechanism that will break the cycle of deficit spending.

I believe we must ensure that the government does not continue to saddle our children and grandchildren with the current generation's debts. Essentially, this amendment that I propose requires the United States not spend more money than it receives in revenue, except in times of war, or when suspended by a vote of three-fifths of both Houses of Congress.

This bill that we propose will provide financial stability to our Nation. Bailouts, stimulus programs, government takeovers of private industry, and costly new programs have consumed and overwhelmed the Federal budget.

Over the past 30 years, annual deficits have become routine and the Federal Government has incurred massive debt—nearly $14 trillion and rising quickly.

For a moment, let me share this chart with you. It says, ''The Case for a Balanced Budget Amendment to the Constitution.'' If we go back to 1980—just 30 years ago—we owed, as a nation, $909 billion—not yet a trillion dollars. That was after nearly 200 years of government, including the First World War debt, the Depression, the Second World War, the Korean war, and the Vietnamese war, and many deficits. But from 1980 to 1990, this jumped to $3 trillion. From 1990 to 2000—a 10-year span—it jumped from $3 trillion to $5.6 trillion. That was pretty bad. But from the year 2000 to 2010, which ended a few weeks ago, it went from $5 trillion to $13 trillion—in 10 years. It is slated now, in the next 11 years, to go to $25 trillion. That is unsustainable.

In fact, for the record, the United States has only had 2 years in its entire history where it has been debt free. Look back a while. It was 1834 and 1835. I repeat, only 2 years free from debt. It seems to me that the most powerful Nation in the world has had its weaknesses exposed. Foreign markets cannot stand on our wobbly financial legs. The reverberations of our fiscal ineptitude have not only cost American jobs, which we badly need, but have weakened how other nations perceive us. Something must be done.

Unfortunately, we don't have to look back far in history to see an example of a once great empire sitting on the curb with its hand held out. Greece's excessive public spending, coupled with a massive borrowing campaign, has put its fiscal insolvency woes on the entire European Union. Greece's bond rating was downgraded to ''junk'' by Standard and Poor's in April. Bondholders were warned they could recover as little as 30 percent of their initial investment. The euro weakened and the European stock markets plunged. The question is, will the dollar soon be seen as ''junk'' to the rest of the world? I hope not.

American taxpayers are rightly infuriated by the Federal Government's disregard for the same economic principles that govern every household and business budget. Unfortunately, until the Federal Government is required to spend only the amount of money it takes in, I fear we will continue to write checks the Treasury cannot cash.

In fiscal year 2010, the total interest alone on the Treasury debt securities was $413 billion. I believe this money could be better spent on improving education, supporting our law enforcement or, even better, by returning it to the people who earned it, the taxpayers.

We hear on a daily basis the rhetoric about tough choices, sacrifice, and austerity. What we need to hear more about is basic mathematics when we are talking about the budget. A balanced budget amendment to the Constitution is the solution, I believe, to a perpetual problem that we do not have the political will to fix. It will finally put our Nation on a path to paying off our national debt. The adoption of an amendment that would require the Federal Government to do what every American already has to do—balance its checkbook—is what this country needs to prove that Washington is serious about accomplishing this feat.

A balanced budget amendment is simply a promise to the American people that the government will spend their hard-earned tax dollars responsibly. Some opponents of a balanced budget amendment state that it is a drastic measure not necessary at this time. They are also correct that it is bold. But I believe it is also necessary.

I have introduced this legislation, as I said, in every Congress since 1987. If not now, when?

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I am proud to join my colleague, the Senator from Alabama, in introducing legislation today that would amend the Constitution to require a balanced budget.

The idea of requiring a balanced Federal budget seems like common sense to most American families, who have to balance their own checkbooks. And in these hard times, they wonder why the Federal Government doesn't have to do the same. In fact, the United States has only balanced its budget 5 times in the last 50 years. We heard the Senator from Alabama point out the Federal budget balanced only twice in our history.

The budgets of nations are not the same as family budgets. Since the Great Depression of the 1930s, we have known that national emergencies sometimes require deficit spending. But we are fast approaching a tipping point where our debt threatens this economic orthodoxy. We are approaching a tipping point where an unprecedented level of debt—and our institutional failure to address it—risks our national security. We need to take action now to turn around our fiscal situation.

By restoring responsible spending through a reasonable balanced budget amendment, we can begin climbing out of our economic hole, and, perhaps just as important, this amendment would send a strong signal to the financial markets, U.S. businesses, and the American people that we are serious about stabilizing our economy for the long term. That is a signal I believe we need to send now.

Before going further, I want to recognize the obvious—that there is a wide range of strong opinions about the wisdom of adding a balanced budget amendment to our U.S. Constitution. Tinkering with the Constitution is not something any of us takes lightly, and this amendment is certainly no exception.

I myself have had doubts in the past about similar legislation. During the

Clinton years, our government ran a surplus, and there was no pressing need for such a requirement. When we started running deficits again, part of me hoped we could use other tools at our disposal to get our Nation back on a financially sound path.

Additionally, Members of my party raised—and continue to raise—credible arguments about why a balanced budget amendment could actually hurt our economy in some circumstances. Some of them believe it is nothing more than a rhetorical tool designed only to make a political statement and move us inevitably toward smaller government.

The recent history of the balanced budget amendment is a partisan one. Of the five proposals that were introduced last Congress, none had a Democratic cosponsor—largely because of, in my opinion, extraneous provisions that manipulated the budget in one way or another to protect favored tax breaks or certain spending.

However, if you take a longer view into the past, it was actually progressive Democratic Senator Paul Simon—along with Senator HATCH of Utah—who led the balanced budget amendment effort that came closest to passage in 1995. They knew that if we balanced our Federal budget, we would be better able to make more intelligent choices about spending, rather than spending billions on debt service, and we would actually see family incomes rise.

Today, the dilemma we face as a result of our debt is even more extreme. That is why I am cosponsoring this legislation.

Our government debt, as Senator SHELBY pointed out, is now over $14 trillion. That is $45,300 for every person in this country. If we don't put limits on how we spend money, the question we face isn't whether we can make intelligent choices; it is whether we will be able to afford any of the programs that we value at all—programs we need to help propel the middle class and small business over the longer term.

What is at stake isn't just family income; it is our Nation's ability to continue to lead in the global economic race. The cochairman of President Obama's bipartisan commission on reducing the debt called our debt a ''cancer'' that is eating away at our economic health. That is a point I wish President Obama had made in his State of the Union Address last week when he spoke about some of the investments America needs to make to spur innovation and economic growth—education, clean energy, and infrastructure, to name a few.

He is right that without targeted investments to help hard-working Americans and businesses, the United States will be relegated to second-class status. We won't be able to compete with countries around the world or to grow jobs in America. We won't be able to unleash our innovative spirit and give our children and grandchildren their shot at the American dream.

I have also come to the conclusion that unless we put constraints on spending, Congress simply lacks the political will to make the extremely difficult decisions that will lead us out of the dire fiscal situation in which we find our Nation.

I have been fighting for many years for smart budgeting tools—the Presiding Officer has as well—including pay-as-you-go budgeting, a line-item veto, and a ban on earmarks, which would help reduce waste and rein in Federal spending. I am also working with a group of bipartisan Senators trying to make sure the recommendations by the President's fiscal commission can get an up-or-down vote in Congress. A balanced budget amendment is one more important tool we need.

Let me say a few words about the legislation itself. Senator SHELBY, to his credit, first introduced this legislation—I think I can say that it was when he was a Democrat, some 25 years ago, and he continues to reintroduce it every Congress since he became a Republican. I thank him and acknowledge his leadership.

The Shelby-Udall balanced budget amendment would create a requirement that Federal spending cannot exceed revenue and that total expenditures of the government cannot exceed 20 percent of the previous year's gross domestic product.

As Senator SHELBY pointed out, this requirement wouldn't apply when the United States is at war, and it can be suspended by a supermajority, or three-fifths, vote of each House of Congress in the event certain spending is necessary to address a national emergency.

To my friends who worry that this balanced budget amendment puts our economy into an inflexible straitjacket, I say it is not true. It allows commonsense safety valves to be used for exceptional circumstances—to give the flexibility that is sometimes needed in situations that can't be predicted or planned for.

All in all, I am confident our proposed amendment provides a responsible approach to putting us on a path toward a balanced budget.

We talked a lot last week during and after the State of the Union Address about the need to work together to address our biggest challenges, not just sitting together. Today, I hope I am putting my money where my mouth is by joining my good friend from Alabama. I hope our partnership will send a signal that collaboration can help us address our most pressing national issues. The American people are demanding that of us. As usual, they are a few steps ahead of us. It is time for us to catch up.

I ask my colleagues of both parties in both Chambers to work with Senator SHELBY and me on this idea. We may not have it perfect. Nothing is ever perfect. But it is a good start. Let's at least have an honest and spirited dialog about this legislation and ways to dig ourselves out of our economic hole. Our children's future depends on it.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 5—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO HONOR FRANK W. BUCKLES, THE LONGEST SURVIVING UNITED STATES VETERAN OF THE FIRST WORLD WAR

Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. MCCAIN, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. KERRY, Ms. LANDRIEU, Mr. BEGICH, Mr. WYDEN, Mr. BURR, and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 5

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK W. BUCKLES.

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time during the 112th Congress at a time to be determined jointly by the Majority Leader of the Senate, the Minority Leader of the Senate, and the Speaker of the House of Representatives, in consultation with the Architect of the Capitol, for a ceremony to honor the longest surviving veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION.—Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Mr. ROCKEFELLER. Mr. President, today is the 110th birthday of Frank Buckles, the longest surviving American veteran of the First World War. Frank Buckles is a wonderful man who still lives on his farm in West Virginia thanks to the extraordinary care provided by his daughter Susannah Flanagan. I am sure that my colleagues will join me in wishing Frank, ''Happy Birthday.''

I also believe it is important that we as a nation express our deep conviction for the sacrifices that Mr. Buckles and all the World War I veterans endured for our country. Frank is a representative of the extraordinary men who fought in numerous battles of the Great War in the defense of our nation. They have made sure that we as Americans are able to enjoy the quality of life that we so cherish.

Mr. Buckles has witnessed the world change drastically throughout his lifetime and has experiences that most of us can only dream about. He has seen the metamorphosis that has defined the American social and cultural revolutions of the last century. As a young man, he served in the Army's ambulance corps in France and Germany, where he evacuated wounded soldiers from the battlefield. During the Second World War, he spent over three years confined to a Japanese prison camp in the Philippines as a civilian.