S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 968

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 988

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 988, a bill to ensure that local educational agencies and units of local governments are compensated for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian.

S. 1002

At the request of Mr. KYL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. PORTMAN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1059

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1059, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 1096

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1219

At the request of Mr. BARRASSO, the names of the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from New Hampshire (Ms. AYOTTE), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1219, a bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes.

S. 1293

At the request of Ms. MURKOWSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1293, a bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes.

S. 1297

At the request of Mr. BURR, the names of the Senator from Florida (Mr. RUBIO), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. BLUNT), the Senator from Idaho (Mr. RISCH), and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S. 1297, a bill to preserve State and institutional authority relating to State authorization and the definition of credit hour.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 170

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. Res. 170, a resolution honoring Admiral Thad Allen of the United States Coast Guard (Ret.) for his lifetime of selfless commitment and exemplary service to the United States.

S. RES. 175

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 221

At the request of Mr. WICKER, the name of the Senator from Alaska (Ms. MURKOWSKI) was withdrawn as a cosponsor of S. Res. 221, a resolution congratulating Kappa Alpha Psi Fraternity, Inc., on reaching the historic milestone of 100 years of serving local and international communities, maintaining a commitment to the betterment of mankind, and enriching the lives of collegiate men throughout the United States.

At the request of Mr. WICKER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 221, supra.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1305. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the No Firearms for Foreign Felons Act of 2011. This bill would close a loophole in current law, by ensuring that people convicted of foreign felonies and crimes involving domestic violence cannot possess firearms. We must close this gap in our laws before it is exploited by terrorists, drug gangs, and other dangerous criminals who threaten our communities.

Under current Federal law, people who are convicted in the United Sates of violent felonies like rape, murder and terrorism are prohibited from possessing firearms. But, shockingly, Federal law does not bar criminals convicted of these same violent crimes in foreign courts from possessing guns. This outrageous loophole for foreign convicts is the result of a 2005 U.S. Supreme Court decision in the case of Small v. United States.

In that case, the Court analyzed the 1968 Gun Control Act, which states that anyone who has been convicted of a felony ''in any court'' cannot possess firearms. The Court concluded that the phrase only applied to American courts, despite the fact that the Gun Control Act had been applied to foreign felonies since 1968, the year it took effect.

At the time, the Supreme Court was very much aware that its ruling could have serious consequences. As Justice Clarence Thomas noted in his dissent, ''the majority's interpretation permits those convicted overseas of murder, rape, assault, kidnapping, terrorism and other dangerous crimes to possess firearms freely in the United States.'' But whatever one may think of the Court's ruling, it is now the law of the land.

We must make every effort to close this dangerous loophole and the bill I am introducing today would do just that.

Under this bill, section 921 of Title 18 would be amended to state that ''[t]he term 'any court' includes any Federal, State, or foreign court.'' Similar changes would be made in other sections of the Gun Control Act. Where there are references to ''state offenses'' or ''offenses under state law,'' the bill would expand these terms to include convictions of offenses under foreign law.

In other words, the bill would make it clear that if someone was convicted in a foreign court of an offense that would have disqualified him from possessing a gun in the U.S., then they

will be disqualified from gun possession under U.S. law. The only exception will be if there is reason to think the conviction entered by the foreign jurisdiction is somehow invalid.

Under the bill, a foreign conviction will not constitute a ''conviction'' under the Gun Control Act, if either: the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States, or the conduct on which the foreign conviction was based would be legal if committed in the United States.

I expect that these circumstances will be fairly rare, but the bill does take them into account and will provide a complete defense to anyone with an invalid foreign conviction. In any event, it is clear that we should not keep in place a dangerous policy which essentially treats every foreign conviction as invalid.

Particularly in these times, America cannot continue to give foreign-convicted murderers, rapists and even terrorists the right to buy firearms in the United States.

With each passing day, we run a risk that foreign felons are exploiting this loophole in our law. This is unacceptable.

Criminals convicted in foreign courts should not be able to have guns when U.S. law forbids those convicted of the same crimes on U.S. soil from possessing guns. We should not wait for lives to be lost before we act to close this loophole.

I urge my colleagues to support this legislation.

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

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

S. 1305

*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 ''No Firearms for Foreign Felons Act of 2011''.

**SEC. 2. NO FIREARMS FOR FOREIGN FELONS.**

(a) DEFINITIONS.—

(1) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'any court' includes any Federal, State, or foreign court.''.

(2) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking ''any Federal or State offenses'' and inserting ''any Federal, State, or foreign offenses'';

(B) in subparagraph (B), by striking ''any State offense classified by the laws of the State'' and inserting ''any State or foreign offense classified by the laws of that jurisdiction''; and

(C) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

(b) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)(ii), by striking ''if the conviction has'' and inserting the following: ''if the conviction—

''(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

''(II) has''.

(c) PENALTIES.—Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking ''an offense under State law'' and inserting ''an offense under State or foreign law''; and

(2) by inserting before the semicolon the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

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By Mr. HATCH (for himself, Ms. KLOBUCHAR, and Mr. RUBIO):

S. 1308. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, today I am introducing legislation to help protect children from Internet predators and pornographers. I am joined by the distinguished senior Senator from Minnesota, Senator KLOBUCHAR, with whom I serve on the Judiciary Committee and who is herself a former prosecutor. The same bill has been introduced in the House by Judiciary Committee Chairman Rep. LAMAR SMITH and Rep. DEBBIE WASSERMAN SCHULTZ.

Technology can do so much for us today, but it also has a dark side. Students and Senators can use it, but so can predators and pornographers. Sadly, in some ways children are more at risk than ever and we must do whatever we can to protect them. This means equipping law enforcement with the tools they need to combat the sexual exploitation of children wherever it occurs.

This bill does several things. First, it makes it a crime to financially facilitate access to child pornography. Second, this bill requires companies such as Internet service providers to retain information such as subscriber network addresses for at least 18 months. Third, it expands existing authority to issue administrative subpoenas while investigating federal offenses involving the sexual exploitation or abuse of children. Fourth, it provides for protecting from intimidation or harassment child witnesses and victims in criminal investigations and prosecutions. Finally, it provides for enhancing criminal penalties or sentences for crimes such as the sex trafficking of children or child pornography.

Several of these provisions may look familiar. The provisions relating to subpoena authority, protection of child witnesses, child sex trafficking, and sentencing come directly from S. 2925, the Trafficking Deterrence and Victims Support Act of 2009, which Senator WYDEN introduced in the 111 Congress.

In preparing this bill for introduction today, Senator KLOBUCHAR and I met or spoke with law enforcement groups, financial institutions, communications companies, and child advocates. Many of them are stepping up their own voluntary efforts through coalitions such as the Financial Coalition Against Child Pornography and the Family Online Safety Institute. I have worked with many of these organizations and companies for years and look forward to doing so again on this important legislation.

This is a strong bill, a balanced bill, which will provide effective tools for addressing these threats to our children. I know that many divisions exist today, in the country and in the Congress, on many issues. But I trust that those divisions will disappear when it comes to protecting children from sexual exploitation. That must be an ongoing commitment and I hope that all of my colleagues, on both sides of the aisle and across the political spectrum, will join me and Senator KLOBUCHAR in supporting this legislation and helping us get it enacted into law.

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By Mr. DURBIN:

S. 1310. A bill to improve the safety of dietary supplements by amending the Federal Food, Drug, and Cosmetic Act to require manufacturers of dietary supplements to register dietary supplement products with the Food and Drug Administration and to amend labeling requirements with respect to dietary supplements; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 1310

*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 ''Dietary Supplement Labeling Act of 2011''.

**SEC. 2. REGULATION OF DIETARY SUPPLEMENTS.**

(a) REGISTRATION.—

(1) IN GENERAL.—Section 415(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d(a)) is amended by adding at the end the following:

''(6) REQUIREMENTS WITH RESPECT TO DIETARY SUPPLEMENTS.—

''(A) IN GENERAL.—A facility engaged in manufacturing dietary supplements that is required to register under this section shall comply with the requirements of this paragraph, in addition to the other requirements of this section.

''(B) ADDITIONAL INFORMATION.—A facility described in subparagraph (A) shall submit a registration under paragraph (1) that includes, in addition to the information required under paragraph (2)—

''(i) a description of each dietary supplement product manufactured by such facility;

''(ii) a list of all ingredients in each such dietary supplement product; and

''(iii) a copy of the label and labeling for each such product.

''(C) REGISTRATION WITH RESPECT TO NEW, REFORMULATED, AND DISCONTINUED DIETARY SUPPLEMENT PRODUCTS.—

''(i) IN GENERAL.—Not later than the date described in clause (ii), if a facility described in subparagraph (A)—

''(I) manufactures a dietary supplement product that the facility previously did not manufacture and for which the facility did not submit the information required under clauses (i) through (iii) of subparagraph (B);

''(II) reformulates a dietary supplement product for which the facility previously submitted the information required under clauses (i) through (iii) of subparagraph (B); or

''(III) no longer manufactures a dietary supplement for which the facility previously submitted the information required under clauses (i) through (iii) of subparagraph (B), such facility shall submit to the Secretary an updated registration describing the change described in subclause (I), (II), or (III) and, in the case of a facility described in subclause (I) or (II), containing the information required under clauses (i) through (iii) of subparagraph (B).

''(ii) DATE DESCRIBED.—The date described in this clause is—

''(I) in the case of a facility described in subclause (I) of clause (i), 30 days after the date on which such facility first markets the dietary supplement product described in such subclause;

''(II) in the case of a facility described in subclause (II) of clause (i), 30 days after the date on which such facility first markets the reformulated dietary supplement product described in such subclause; or

''(III) in the case of a facility described in subclause (III) of clause (i), 30 days after the date on which such facility removes the dietary supplement product described in such subclause from the market.''.

(2) ENFORCEMENT.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If it is a dietary supplement for which a facility is required to submit the registration information required under section 415(a)(6) and such facility has not complied with the requirements of such section 415(a)(6) with respect to such dietary supplement.''.

(b) LABELING.—

(1) ESTABLISHMENT OF LABELING REQUIREMENTS.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by inserting after section 411 the following:

**''SEC. 411A. DIETARY SUPPLEMENTS.**

''(a) DIETARY SUPPLEMENT INGREDIENTS.—Not later than 1 year after the date of enactment of the Dietary Supplement Labeling Act of 2011, the Secretary shall compile a list of dietary supplement ingredients and proprietary blends of ingredients that the Secretary determines could cause potentially serious adverse events, drug interactions, contraindications, or potential risks to subgroups such as children and pregnant or breastfeeding women.

''(b) IOM STUDY.—The Secretary shall seek to enter into a contract with the Institute of Medicine under which the Institute of Medicine shall evaluate dietary supplement ingredients and proprietary blends of ingredients, including those on the list compiled by the Secretary under subsection (a), and scientific literature on dietary supplement ingredients and, not later than 18 months after the date of enactment of the Dietary Supplement Labeling Act of 2011, submit to the Secretary a report evaluating the safety of dietary supplement ingredients and proprietary blends of ingredients the Institute of Medicine determines could cause potentially serious adverse events, drug interactions, contraindications, or potential risks to subgroups such as children and pregnant or breastfeeding women.

''(c) ESTABLISHMENT OF REQUIREMENTS.—Not later than 2 years after the date on which the Institute of Medicine issues the report under subsection (b), the Secretary, after providing for public notice and comment and taking into consideration such report, shall—

''(1) establish mandatory warning label requirements for dietary supplement ingredients that the Secretary determines to cause potentially serious adverse events, drug interactions, contraindications, or potential risks to subgroups; and

''(2) identify proprietary blends of ingredients for which, because of potentially serious adverse events, drug interactions, contraindications, or potential risks to subgroups such as children and pregnant or breastfeeding women, the weight per serving of the ingredient in the proprietary blend shall be provided on the label.

''(d) UPDATES.—As appropriate, the Secretary, after providing for public notice and comment, shall update—

''(1) the list compiled under subsection (a);

''(2) the mandatory warning label requirements established under paragraph (1) of subsection (c); and

''(3) the requirements under paragraph (2) of subsection (c).''.

(2) ENFORCEMENT.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended—

(A) in subsection (q)(5)(F)(ii), by inserting '', and for each proprietary blend identified by the Secretary under section 411A(c)(1)(B), the weight of such proprietary blend,'' after ''ingredients)''; and

(B) in subsection (s)(2)—

(i) in subparagraph (A)(ii)(II), by inserting '', and for each proprietary blend identified by the Secretary under section 411A(c)(1)(B), the weight of each such proprietary blend per serving'' before the semicolon at the end;

(ii) in subparagraph (D)(iii), by striking ''or'' at the end;

(iii) in subparagraph (E)(ii)(II), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(F) the label or labeling does not include information with respect to potentially serious adverse events, drug interactions, contraindications, or potential risks to subgroups such as children and pregnant or breastfeeding women, as required under section 411A(c); or

''(G) the label does not include the batch number.''.

(c) CONVENTIONAL FOODS.—The Secretary of Health and Human Services, not later than 1 year after the date of enactment of this Act and after providing for public notice and comment, shall establish a definition for the term ''conventional food'' for purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Such definition shall take into account conventional foods marketed as dietary supplements, including products marketed as dietary supplements that simulate conventional foods.

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By Mr. BROWN of Massachusetts:

S. 1312. A bill to strengthen and improve monitoring in the fisheries across the United States and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BROWN of Massachusetts. Mr. President, I rise to speak about overregulation—something that is really putting a wet blanket on many businesses throughout our country, and especially in Massachusetts. That is why I am introducing a bill to reform the National Oceanic and Atmospheric Administration's—or NOAA's—asset forfeiture fund.

The fund, as you may know, is authorized by the Magnuson-Stevens Fishery and Conservation Act and allows NOAA to retain fines and penalties collected as a result of enforcement actions for legitimate enforcement purposes.

As the Department of Commerce inspector general's excellent work revealed, NOAA has mismanaged that fund for many years, wasting taxpayer funds on exorbitant foreign travel and unauthorized purchases of vehicles. As a matter of fact, they purchase more vehicles than they actually have employees. So that speaks for itself. They also purchased a $300,000 luxury boat with the funds collected in that forfeiture fund.

The reason I am standing on the floor of the Senate today is because the way the fund has been implemented has actually corrupted the relationship between the fishermen and the regulators. Fishermen have complained for years about the arbitrary fines, overzealous enforcement, and violations of their due process rights when it comes to dealing with NOAA. After decades of such complaints, mostly in the Northeast, the Department of Commerce appointed a distinguished retired judge to serve as a special master and investigate enforcement actions and abuses by NOAA.

In one case, a New Bedford, MA, fisherman lost his livelihood and a farm that had been in the family since the 1640s. He was forced to sell due to punitive NOAA penalties. Incredibly, the Commerce Department's own special master concluded that the perverse incentive to fill the asset forfeiture fund with funds was a motivating factor in how NOAA handled that case. Larry Yacubian got not only a check but an apology from Washington because of those abuses, but he will never get his home back.

That is why in my role as ranking member of the Federal Financial Management Subcommittee, I, along with my dear friend, Senator TOM CARPER of Delaware, held a field hearing in Boston on June 20 to identify a lot of these longstanding problems and identify the problems with the asset forfeiture fund itself.

Unfortunately, the hearing revealed that while NOAA has instituted some reforms to its management of the asset forfeiture fund, including auditing the funds for the first time in nearly four

decades, it still intends to utilize the seized assets of fishermen to pay for foreign travel, which is inappropriate.

The years of NOAA's mismanagement and abuse of the asset forfeiture fund have bred mistrust among fishermen and Federal officials, and it can only be broken by removing the fund from NOAA.

It is for these reasons that today I am introducing the Asset Forfeiture Responsibility Act of 2011, which will hopefully end this sad chapter in Federal financial management by this agency by replacing the existing funds with a new fisheries investment fund. Funds will be kept—like most every other fund—at the Treasury Department for the benefit of regional councils and NOAA, and the fund will be audited for the next 3 years to make sure they are getting their act together.

The fishing investment fund will direct monies from those fishermen who break the rules toward assisting fishermen with the ever-growing costs of regulatory compliance and to reimburse the legal fees incurred by fishermen whose fines were remitted by the recommendation of the Special Master.

Currently, appropriated funds assist fishermen with the costs of compliance, but in these difficult fiscal times this funding is actually at risk. This legislation would provide a more reliable source of funds to offset the increasing cost of compliance, while allowing the fishing councils the flexibility to address other priorities, such as preparing fishing impact statements and addressing other priorities to rebuild or maintain the fishery and the fishing stocks.

As I have always said, since I was elected and got involved in this issue, all the fishermen want is to have a level playing field and an assurance that those who break the rules will be caught and they will be fined appropriately. That is why I have maintained funding for NOAA's legitimate law enforcement responsibilities.

However, in the end, we should be focused, quite frankly, in this Chamber on bettering the economic security and ability of the American people to make an honest living. This bill will bring back jobs to the hard-working men and women of the American fishing industry while restoring their trust in government. It is the right thing to do.

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By Ms. MURKOWSKI (for herself and Ms. LANDRIEU):

S. 1320. A bill to require the Secretary of Energy to offer to enter into temporary used fuel storage facility agreements; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, I rise to introduce legislation to help address one of the glaring issues our domestic nuclear industry faces—what to do with the used nuclear fuel being stored at over 100 sites across the country. I am pleased to be joined by Senator MARY LANDRIEU in introducing this bill.

Typically, a nuclear power plant stores its used fuel in a spent fuel pool located within the reactor site's exclusion zone. When there is no more room in the pool, and the used fuel is sufficiently cooled, the fuel can be moved to dry cask storage nearby the plant in what are called independent spent fuel storage installations.

Although there are 104 nuclear reactors producing power across the United States, not all have been in operation long enough to fill their spent fuel pools and require dry cask storage. So at present, the are 63 independent spent fuel storage installations at 56 sites in 33 States. Of those, 7 sites are from decommissioned plants. Two decommissioned plant sites still have fuel in their spent fuel pool. That means there are 9 sites, from 10 decommissioned reactors, with 2,800 metric tons of used fuel that is being stored and guarded, whether in dry cask or fuel pools, but no operating power plant nearby. These are orphan sites, and but for the remaining spent fuel the land could be used for other purposes.

Under the Nuclear Waste Policy Act of 1982, the Federal Government is contractually obligated to take title to spent nuclear fuel from commercial nuclear power plants starting in 1998. Our Government has not fulfilled that requirement and as a result we face continuous lawsuits from the utilities operating those commercial power plants to cover the costs of storing the spent fuel on-site.

According to the Department of Justice, as of June 24, 2011, $1.12 billion has been paid out in settlement of these lawsuits, with an additional $220 million paid in judgments. Another $157 million is authorized, but has not yet been paid in settlement. And $937 million in outstanding judgments remains on appeal or remand. So, the total authorized payment level, so far, is roughly $1.5 billion, with close to another $1 billion dollars in payment going through the legal process. These are not lawsuits that go away once they are settled. Every year that the Government is in breach of its contractual obligation, the same company can bring a similar lawsuit as had been previously settled. As more nuclear power plants fill up their spent fuel pools and turn to dry cask storage, more lawsuits for breach of contract will be filed. The Department of Energy estimates that even if the Government starts to accept the spent fuel by 2021, the total cost of the lawsuits will be $13.1 billion.

While the Government anticipates a liability of $13.1 billion, utilities estimate the final tally could exceed $50 billion. But both the DOE and private sector estimates were developed before the Administration took steps to withdraw the Yucca Mountain application. More recent estimates suggest a cost of $100 billion.

I take special note of what our future liability could be. The Department of Energy expects the Federal Government's liability to increase by $500 million annually if waste is not accepted by 2021—10 years from now. It took us 30 years to get this far on Yucca Mountain. If we are to begin the search for a permanent repository anew, as it appears the Administration would like us to do, it seems increasingly likely the Government's liability costs will greatly exceed the earlier $50 billion estimate. At a time when we are already racking up trillions of dollars in debt for future generations, the administration has freely chosen to incur additional future taxpayer liability in terms of tens of billions of dollars by withdrawing the Yucca Mountain repository license application.

Fortunately for the administration, I have a solution. The Nuclear Fuel Storage Improvement Act of 2011 that I am introducing seeks to establish up to two interim used nuclear fuel storage facilities to centralize the used fuel spread across this nation, end the lawsuits against the Federal Government, and help the domestic nuclear industry, and the communities that host nuclear power plants, partially resolve the long-standing problem of what to do with the used nuclear fuel stored onsite.

The bill would provide financial incentives to a local unit of government, as well as the state in which that unit of government is located, to serve as a host of an interim used nuclear fuel storage facility. The facility itself would be privately owned and operated, and licensed by the Nuclear Regulatory Commission, but the host entity would be entitled to financial payments from the Federal Government for its willingness to locate the storage facility within its jurisdiction. Up to two locations would be eligible for the financial agreement, funds for which would come from the Nuclear Waste Fund set up by the Nuclear Waste Policy Act of 1982.

Importantly for the Federal Government, under the legislation the Secretary of Energy can contract with the private entity operating an interim storage facility to store used fuel from civilian nuclear power plants. Priority of acceptance is given to the used fuel being stored at plants that have been permanently shut down and decommissioned—the orphan sites. The Secretary is then authorized to enter into an agreement with those which it has contractual obligations to under the Nuclear Waste Policy Act, to settle all claims and liabilities for the Government's failure to take title of the used nuclear fuel, thus saving the Government, and future taxpayers, billions of dollars.

I want to be clear. In no way shape or form does this legislation diminish or replace the need for a permanent repository. I have been, and continue to be, supportive of using Yucca Mountain for that purpose. Until such a repository can be opened, however, we have a responsibility to put a plan into action

that will consolidate the used fuel sitting at all of these sites across the nation, as well as settle the Federal Government's liability for its failure to take title to that spent fuel, costing the American taxpayer millions of dollars each year. I believe this legislation moves us in that direction.

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. 1320

*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 ''Nuclear Fuel Storage Improvement Act of 2011''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

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

**SEC. 3. INCENTIVES FOR SITING OF TEMPORARY USED FUEL STORAGE FACILITIES.**

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term ''agreement'' means a temporary used fuel storage facility agreement entered into under subsection (e).

(2) FIRST USED FUEL RECEIPT.—The term ''first used fuel receipt'' means the receipt of used fuel by a temporary used fuel storage facility at a site within the jurisdiction of a unit of local government that is a party to an agreement.

(3) NUCLEAR WASTE FUND.—The term ''Nuclear Waste Fund'' means the Nuclear Waste Fund established under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222).

(4) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State, or association of 2 or more political subdivisions of a State.

(5) USED FUEL.—The term ''used fuel'' means nuclear fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(b) AUTHORIZATION.—The Secretary shall offer to enter into temporary used fuel storage facility agreements in accordance with this section.

(c) NOTICE FROM UNITS OF LOCAL GOVERNMENT TO SECRETARY.—Not later than January 1, 2013, representatives of a unit of local government, with the written approval of the Governor of the State in which the jurisdiction of the local government is located, may submit to the Secretary written notice that the unit of local government is willing to have a privately owned and operated temporary used fuel storage facility located at an identified site within the jurisdiction of the unit of local government.

(d) PRELIMINARY COMPENSATION.—

(1) IN GENERAL.—The Secretary shall make payments of $1,000,000 each year to not more than 3 units of local government that have submitted notices under subsection (c).

(2) MULTIPLE NOTICES.—If more than 3 notices are received under subsection (c), the Secretary shall make payments to the first 3 units of local government, based on the order in which the notices are received.

(3) TIMING.—The payments shall be made annually for a 3-year period, on the anniversary date of the filing of the notice under subsection (c).

(e) AGREEMENT.—

(1) IN GENERAL.—On the docketing of an application for a license for a temporary used fuel storage facility, in accordance with part 72 of title 10, Code of Federal Regulations, at a site within the jurisdiction of a unit of local government by the Commission, the Secretary shall offer to enter into a temporary used fuel storage facility economic impact agreement with the unit of local government.

(2) TERMS AND CONDITIONS.—An agreement between the Secretary and a unit of local government under this subsection shall contain such terms and conditions (including such financial and institutional arrangements) as the Secretary and the unit of local government determine to be reasonable and appropriate.

(3) AMENDMENT.—An agreement may be—

(A) amended only with the mutual consent of the parties to the agreement; and

(B) terminated only in accordance with paragraph (4).

(4) TERMINATION.—The Secretary shall terminate an agreement if the Secretary determines that any major element of the temporary used fuel storage facility required under the agreement will not be completed.

(5) NUMBER OF AGREEMENTS.—Not more than 2 agreements may be in effect at any time.

(6) PAYMENT SCHEDULE.—

(A) IN GENERAL.—If the Secretary enters into an agreement under this subsection, the Secretary shall make to the unit of local government and the State in which the unit of local government is located—

(i) payments of—

(I) on the date of entering into the agreement under this subsection, $6,000,000;

(II) during the period beginning on the date of entering into an agreement and ending on the date of first used fuel receipt or denial of the license application for a temporary used fuel storage facility by the Commission, whichever is later, $10,000,000 for each year; and

(III) during the period beginning on the date of first used fuel receipt and ending on the date of closure of the facility, a total of the higher of—

(aa) $15,000,000 for each year; or

(bb) $15,000 per metric ton of used fuel received at the facility for each year, up to a maximum of $25,000,000 for each year; and

(ii) a payment of $20,000,000 on closure of the facility.

(B) TIMING OF ANNUAL PAYMENTS.—The Secretary shall make annual payments under subparagraph (A)(i)—

(i) in the case of annual payments described in subparagraph (A)(i)(II), on the anniversary of the date of the docketing of the license application by the Commission; and

(ii) in the case of annual payments described in subparagraph (A)(i)(III), on the date of the first used fuel receipt and thereafter on the anniversary date of the first used fuel receipt, in lieu of annual payments described in subparagraph (A)(i)(II).

(C) TERMINATION OF AUTHORITY.—Subject to subparagraph (A)(ii), the authority to make payments under this paragraph terminates on the date of closure of the facility.

(f) FUNDING.—Funding for compensation and payments provided for, and made under, this section shall be made available from amounts available in the Nuclear Waste Fund.

**SEC. 4. ACCEPTANCE, STORAGE, AND SETTLEMENT OF CLAIMS.**

(a) IN GENERAL.—The Secretary shall offer to enter into a long-term contract for the storage of used fuel from civilian nuclear power plants with a private entity that owns or operates an independent used fuel storage facility licensed by the Commission that is located within the jurisdiction of a unit of local government to which payments are made pursuant to section 3(e).

(b) SETTLEMENT AND ACCEPTANCE OF USED FUEL.—

(1) IN GENERAL.—At the request of a party to a contract under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)), the Secretary may enter into an agreement for the settlement of all claims against the Secretary under a contract for failure to dispose of high-level radioactive waste or used nuclear fuel not later than January 31, 1998.

(2) TERMS AND CONDITIONS.—A settlement agreement described in paragraph (1)—

(A) shall contain such terms and conditions (including such financial and institutional arrangements) as the Secretary and the party to the contract determine to be reasonable and appropriate; and

(B) may include the acceptance of used fuel from the party to the contract for storage at a facility with respect to which the Secretary has a long-term contract under subsection (a).

(c) PRIORITY FOR ACCEPTANCE FOR CLOSED FACILITIES.—

(1) IN GENERAL.—If a request for fuel acceptance is made under this section by a facility that has produced used nuclear fuel and that is shut down permanently and the facility has been decommissioned, the Secretary shall provide priority for the acceptance of the fuel produced by the facility.

(2) SCHEDULE.—Spent nuclear fuel and high-level radioactive waste generated by a facility in existence as of the date of enactment of this Act shall be offered a schedule in accordance with the priority established pursuant to Article IV.b.5 of the contract entitled ''Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste'', as specified in section 961.11 of title 10, Code of Federal Regulations.

(d) TRANSPORTATION OF USED FUEL.—

(1) IN GENERAL.—The Secretary shall provide for the transportation of used fuel accepted by the Secretary under this section.

(2) SYSTEMS AND COMPONENTS.—

(A) IN GENERAL.—The Secretary shall procure all systems and components necessary to transport used fuel from facilities designated by contract holders to 1 or more storage facilities under this section.

(B) CASKS.—The Secretary shall—

(i) use transportation and storage casks that are approved by the Commission in use at facilities designated by contract holders; and

(ii) compensate the owner and operator of each facility for the use of the casks.

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By Mr. REID:

S. 1323. A bill to express the sense of the Senate on shared sacrifice in resolving the budget deficit; placed on the calendar.

Mr. REID. 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. 1323

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

**SECTION 1. SENSE OF THE SENATE ON SHARED SACRIFICE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Wall Street Journal reports that median pay for chief financial officers of S&P 500 companies increased 19 percent to $2,900,000 last year.

(2) Over the past 10 years, the median family income has declined by more than $2,500.

(3) Twenty percent of all income earned in the United States is earned by the top 1 percent of individuals.

(4) Over the past quarter century, four-fifths of the income gains accrued to the top 1 percent of individuals.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any agreement to reduce the budget deficit should require that those earning $1,000,000 or more per year make a more meaningful contribution to the deficit reduction effort.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 223—DESIGNATING JULY 1, 2011, AS ''NATIONAL CARETAKERS DAY''

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 223

Whereas caretakers provide necessary support to a variety of individuals, including children, the elderly, and the mentally or physically disabled;

Whereas an estimated 80 percent of caretakers who work with adults provide assistance to those adults every day of the week;

Whereas childcare providers offer a safe environment for the development of children that might not otherwise be available;

Whereas individuals who received dependable childcare as children are more likely to have greater success in school, lower rates of juvenile crime, and a reduced risk of teen pregnancy; and

Whereas childcare providers enable the physical, emotional, intellectual, and spiritual growth of children: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 1, 2011, as ''National Caretakers Day''; and

(2) recognizes the contributions of caretakers to their communities in the United States.

### SENATE RESOLUTION 224—CONGRATULATING THE SOIL SCIENCE SOCIETY OF AMERICA ON ITS 75TH ANNIVERSARY

Mr. MORAN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 224

Whereas the Soil Science Society of America was founded on November 18, 1936;

Whereas Richard Bradfield served as the first President of the Soil Science Society of America;

Whereas the Soil Science Society of America was established during the dust bowl era, a time of extreme soil degradation;

Whereas since the dust bowl era, the Soil Science Society of America has continued to provide an understanding of the sustainable use of soil and the role soil plays in society;

Whereas soil is an essential natural resource, and soil professionals serve a critical role in managing that resource;

Whereas the core purpose of the Soil Science Society of America is to advance soils as fundamental to life;

Whereas the Soil Science Society of America is 1 of the premier scientific societies and is comprised of more than 6,000 members in the United States and internationally, including scientists, practicing professionals, and students;

Whereas soil is a dynamic system that performs many functions and services vital to human activities and ecosystems;

Whereas soil, plant, animal, and human health are intricately linked, and the sustainable use of soil affects climate, water, and air quality, human health, biodiversity, food safety and security, and bioenergy;

Whereas soil faces increasing human-linked threats from contamination, unplanned urban development, desertification, salinization, mismanagement, and erosion;

Whereas the Soil Science Society of America provides the knowledge and tools to ensure sustainable use of soils in support of societal needs, including food and energy security and ecosystem services;

Whereas the Soil Science Society of America promotes the awareness and education of soils to elementary and secondary students, undergraduate and graduate students, practicing professionals, and the public; and

Whereas the Soil Science Society of America promotes effective research, disseminating scientific information, facilitating technology transfer, fostering high standards of education, maintaining high standards of ethics, promoting advancements in the soils profession, and cooperating with other organizations with similar objectives: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Soil Science Society of America on its 75th anniversary;

(2) commends the Soil Science Society of America for its dedicated service to advance the science and management of soil; and

(3) supports the promise of the Soil Science Society of America to continue to enrich the lives of all people of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for the future.

### SENATE RESOLUTION 225—CONGRATULATING THE UNIVERSITY OF SOUTH CAROLINA BASEBALL TEAM FOR ITS GRITTY AND RECORD-BREAKING PURSUIT OF BACK-TO-BACK NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I BASEBALL NATIONAL CHAMPIONSHIPS

Mr. GRAHAM (for himself and Mr. DEMINT) submitted the following resolution; which was considered and agreed to:

S. RES. 225

Whereas, on June 28, 2011, the University of South Carolina Gamecocks won the 2011 National Collegiate Athletic Association College World Series with a 5–2 victory over the University of Florida Gators at TD Ameritrade Park in Omaha, Nebraska;

Whereas the University of South Carolina baseball team has secured the University's second national championship in men's athletics since the founding of the University in 1801;

Whereas the University of South Carolina baseball team became just the sixth team in college baseball history to win back-to-back national championships;

Whereas the University of South Carolina baseball team won a record 11 consecutive games at the College World Series;

Whereas the University of South Carolina baseball team won a record 16 consecutive games at the National Collegiate Athletic Association baseball tournament;

Whereas the University of South Carolina baseball team, in its 10th appearance at the College World Series, became the first team to go 10–0 in the National Collegiate Athletic Association tournament;

Whereas head coach Ray Tanner won his second national title as Head Coach in his 15th season at the University of South Carolina;

Whereas second baseman Scott Wingo was named Most Outstanding Player of the 2011 College World Series;

Whereas first baseman Christian Walker, catcher Robert Berry, second baseman Scott Wingo, shortstop Peter Mooney, pitchers Michael Roth and Matt Price, and designated hitter Brady Thomas were named to the 2011 College World Series All-Tournament Team;

Whereas the State of South Carolina was proud to send the University of South Carolina baseball team to the College World Series for the second consecutive season; and

Whereas the University of South Carolina baseball team is the 2011 National Collegiate Athletic Association Division I Baseball Champion: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the University of South Carolina Gamecocks for winning the 2011 National Collegiate Athletic Association College World Series;

(2) recognizes the achievement and dedication of all players, coaches, and support staff who battled and made winning 2 consecutive national championships possible;

(3) congratulates the people of South Carolina, the University of South Carolina, and Carolina Gamecocks fans everywhere; and

(4) requests that the Secretary of the Senate submit an enrolled copy of this resolution to—

(A) Dr. Harris Pastides, President of the University of South Carolina;

(B) Eric Hyman, Director of Athletics at the University of South Carolina; and

(C) Ray Tanner, Head Coach of the University of South Carolina baseball team.

## NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 12, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 1160, the Department of Energy Administrative Improvement Act of 2011; S. 1108, the 10 Million Solar Roofs Act of 2011; and S. 1142, the Geothermal Exploration and Technology Act of 2011.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to AbigailCampbell@energy.senate.gov.

For further information, please contact Jonathan Epstein or Abby Campbell.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee