

the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1694

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1694, a bill to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

S. RES. 291

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 291, a resolution recognizing the religious and historical significance of the festival of Diwali.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. NELSON of Florida, Mr. BEGICH, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. CARDIN).

S. 1701. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011. This bill would enhance the research programs established in the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 and reauthorized in 2004, which have greatly enhanced our ability to predict outbreaks of harmful algal blooms, HABs, and the extent of hypoxic zones. But knowing when outbreaks will occur is only half the battle. This bill addresses not only the mitigation and prevention of HABs and hypoxia, but also prioritizes the effective transition of research products into implementable actions that state and local governments can take to minimize adverse impacts.

I am proud to continue my leadership on this important issue and I particularly want to thank my counterpart on this key piece of legislation, Senator BILL NELSON. I also want to thank the bill's additional co-sponsors, Senators BEGICH, ROCKEFELLER, WHITEHOUSE, GILLIBRAND and CARDIN for their support.

In New England blooms of Alexandrium algae, more commonly known as "red tide" can cause shellfish to accumulate toxins that when consumed by humans lead to paralytic shellfish poisoning, PSP, a potentially fatal neurological disorder. Therefore, when levels of Alexandrium reach dangerous levels, our fishery managers are forced to close shellfish beds that provide hundreds of jobs and add millions

of dollars to our regional economy. Red tide outbreaks—which occur in various forms not just in the northeast, but along thousands of miles of U.S. coastline—have increased dramatically in the Gulf of Maine in the last 20 years, with major blooms occurring almost every year.

In 2009, Maine's shellfish industry experienced a severe economic crisis as result of extensive rainfall and subsequent outbreak of red tide. The resulting closure of 97 percent of the State's shellfish beds and 100 percent of the offshore beds in federal waters for several months during the peak harvesting season was even more damaging to the shellfish industry and coastal economy than previous outbreaks in 2005 and 2008. In December 2010, Department of Commerce Secretary Locke found that the 2009 red tide bloom had caused a commercial fishery failure. Despite the recognition of their losses, fishermen have never received any economic assistance or compensation for the 2009 fishery disaster.

The HABs and hypoxia programs are critical to Maine's \$50 million shellfish industry and the 3000 jobs that depend on it. Luckily, we have not experienced strong blooms in 2010 and 2011, and recent years have seen an increase in testing capabilities that allow for finer scale monitoring so that localized areas may remain open during an event. These critical procedures are a direct result of programs established by the Harmful Algal Blooms and Hypoxia Research and Control Acts of 1998 and 2004.

While we have made great strides in bloom prediction and monitoring, it is clear that these problems are continuing to increase in magnitude and demand our ongoing commitment and attention. Harmful algal blooms remain prevalent nationwide, and areas of hypoxia, also known as "dead zones" are now occurring with increasing frequency. Within a dead zone, oxygen levels plummet to the point at which they can no longer sustain life, driving out animals that can move, and killing those that cannot. The most infamous dead zone occurs annually in the Gulf of Mexico, off the shores of Louisiana. This area, averaging 6700 square miles in size over the last 5 years, is exacerbating the already difficult recovery of the Gulf region from last year's devastating oil spill. Dead zones are also occurring in more areas than ever before, including off the coasts of Oregon and Texas, and in the Chesapeake Bay.

The amendments contained in this legislation would enhance the Nation's ability to predict, monitor, and ultimately control harmful algal blooms and hypoxia. Understanding when these blooms will occur is vital, but the time has come to take this program to the next level—to determine not just when an outbreak will occur, but how to reduce its intensity or prevent its occurrence all together. This bill would build on NOAA's successes in research and forecasting by creating a

program to mitigate and control HAB outbreaks.

This bill also recognizes the need to enhance coordination among state and local resource managers—those on the front lines who must make the decisions to close beaches or shellfish beds. Their decisions are critical to protecting human health, but can also impose significant economic impacts. The bill would require development of Regional Research and Action Plans to identify baseline research, possible State and local government actions to prepare for and mitigate the impacts of HABs, and establish outreach strategies to ensure the public is informed of the dangers these events can present. A regional focus on these issues will ensure a more effective and efficient response to future events. Finally, this bill would provide for research, response and mitigation of harmful algal blooms annyoxia in fresh water systems.

If enacted, this critical reauthorization would greatly enhance our Nation's ability to predict, monitor, mitigate, and control outbreaks of HABs and hypoxia. Over half the U.S. population resides in coastal regions, and we must do all in our power to safeguard not only their health and the health of the marine environment, but we must also protect the jobs that depend on it. The existing Harmful Algal Bloom and Hypoxia Program has achieved a great deal already, and this authorization will allow it to continue providing such a vital service to the nation. I thank Senator BILL NELSON, and all of my cosponsors again for their efforts in developing this important 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. 1701

*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 "Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011".

#### SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

#### SEC. 3. FINDINGS.

Section 602 is amended to read as follows: "**§ 602. Findings**

"Congress finds the following:

"(1) Harmful algal blooms and hypoxia—

"(A) are increasing in frequency and intensity in the Nation's coastal waters and Great Lakes;

"(B) pose a threat to the health of coastal and Great Lakes ecosystems;

"(C) are costly to coastal economies; and

“(D) threaten the safety of seafood and human health.

“(2) Excessive nutrients in coastal waters have been linked to the increased intensity and frequency of hypoxia and some harmful algal blooms. There is a need to identify more workable and effective actions to reduce the negative impacts of harmful algal blooms and hypoxia on coastal waters.

“(3) The National Oceanic and Atmospheric Administration, through its ongoing research, monitoring, observing, education, grant, and coastal resource management programs and in collaboration with the other Federal agencies on the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia, along with States, Indian tribes, and local governments, possesses the capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control the human and environmental costs of harmful algal blooms and hypoxia.

“(4) Increases in nutrient loading from point and nonpoint sources can trigger and exacerbate harmful algal blooms and hypoxia. Since much of the increases originate in upland areas and are delivered to marine and freshwater bodies via river discharge, integrated and landscape-level research and control strategies are required.

“(5) Harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries. According to a recent report produced by the National Oceanic and Atmospheric Administration, the United States seafood, restaurant, and tourism industries suffer estimated annual losses of at least \$82,000,000 due to the economic impacts of harmful algal blooms.

“(6) The proliferation of harmful and nuisance algae can occur in all United States waters, including coastal areas (such as estuaries), the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts.

“(7) Federally funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that—

“(A) provide data for forecast models;

“(B) improve the monitoring and prediction of these events; and

“(C) provide essential decision making tools for managers and stakeholders.”.

#### SEC. 4. PURPOSES.

The Act is amended by inserting after section 602 the following:

##### “§ 602A. Purposes

“The purposes of this title are—

“(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms and hypoxia through baseline research, monitoring, prevention, mitigation, and control;

“(2) to provide for the assessment of environmental, socioeconomic, and human health impacts of harmful algal blooms and hypoxia on a regional and national scale, and to integrate this assessment into marine and freshwater resource decisions; and

“(3) to facilitate regional, State, tribal, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia response plans, strategies, and tools, including outreach programs and information dissemination mechanisms.”.

#### SEC. 5. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—

(1) by striking “the following representatives from” and inserting “a representative from”;

(2) in paragraph (11), by striking “and”;

(3) by redesignating paragraph (12) as paragraph (13);

(4) by inserting after paragraph (11) the following:

“(12) The Centers for Disease Control; and”;

(5) in paragraph (13), as redesignated, by striking “such”.

#### SEC. 6. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

##### “§ 603A. National harmful algal bloom and hypoxia program

“(a) ESTABLISHMENT.—Except as provided in subsection (d), the Under Secretary, acting through the Task Force established under section 603, shall establish and maintain a national harmful algal bloom and hypoxia program.

“(b) ACTION STRATEGY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, the Task Force shall develop a national harmful algal blooms and hypoxia action strategy that—

“(A) is consistent with the purposes under section 602A;

“(B) includes a statement of goals and objectives; and

“(C) includes an implementation plan.

“(2) PUBLICATION.—Not later than 30 days after the date that the action strategy is developed, the Task Force shall—

“(A) submit the action strategy to Congress; and

“(B) publish the action strategy in the Federal Register.

“(3) PERIODIC REVISION.—The Task Force shall periodically review and revise the action strategy, as necessary.

“(c) TASK FORCE FUNCTIONS.—The Task Force shall—

“(1) coordinate interagency review of plans and policies of the Program;

“(2) assess interagency work and spending plans for implementing the activities of the Program;

“(3) review the Program’s distribution of Federal grants and funding to address research priorities;

“(4) support the implementation of the actions and strategies identified in the regional research and action plans under section 603B;

“(5) support the development of institutional mechanisms and financial instruments to further the goals of the Program;

“(6) coordinate and integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

“(7) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

“(8) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions; and

“(9) establish such interagency working groups as it considers necessary.

“(d) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

“(e) PROGRAM DUTIES.—In administering the Program, the Under Secretary shall—

“(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

“(2) prepare work and spending plans for implementing the activities of the Program and developing and implementing the regional research and action plans;

“(3) administer merit-based, competitive grant funding—

“(A) to support the projects maintained and established by the Program; and

“(B) to address the research and management needs and priorities identified in the regional research and action plans;

“(4) coordinate and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

“(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, mitigation, control, and response activities;

“(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;

“(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

“(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

“(9) support regional efforts to control and mitigate outbreaks through—

“(A) communication of the contents of the regional research and action plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders within the region for which each plan is developed; and

“(B) overseeing the development, review, and periodic updating of regional research and action plans;

“(10) convene at least 1 meeting of the Task Force each year; and

“(11) perform such other tasks as may be delegated by the Task Force.

“(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—The Under Secretary shall—

“(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater harmful algal blooms and hypoxia;

“(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

“(3) establish new programs and infrastructure, as necessary, to develop and enhance the critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts required to meet the purposes under section 602A;

“(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities; and

“(5) increase the availability to appropriate public and private entities of—

“(A) analytical facilities and technologies;

“(B) operational forecasts; and

“(C) reference and research materials.

“(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices,

centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal blooms and hypoxia (and related) activities and research.

“(h) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, except for those aspects occurring in the Great Lakes, the Administrator of the Environmental Protection Agency, in consultation with the Under Secretary, through the Task Force, shall—

“(1) carry out the duties assigned to the Under Secretary under this section and section 603B, including the activities under subsection (g);

“(2) research the ecology of freshwater harmful algal blooms;

“(3) monitor and respond to freshwater harmful algal blooms events in lakes (except for the Great Lakes), rivers, and reservoirs;

“(4) mitigate and control freshwater harmful algal blooms; and

“(5) recommend the amount of funding required to carry out subsection (g) for inclusion in the President’s annual budget request to Congress.

“(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.”

#### SEC. 7. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 6 of this Act, is further amended by inserting after section 603A the following:

##### “§ 603B. Regional research and action plans

“(a) IN GENERAL.—In administering the Program, the Under Secretary shall—

“(1) identify appropriate regions and subregions to be addressed by each regional research and action plan; and

“(2) oversee the development and implementation of the regional research and action plans.

“(b) PLAN DEVELOPMENT.—The Under Secretary shall—

“(1) develop and submit to the Task Force for approval a regional research and action plan for each region, that builds upon any existing State or regional plans the Under Secretary considers appropriate; and

“(2) identify appropriate elements for each region, including—

“(A) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

“(B) regional priorities for ecological and socio-economic research on issues related to and impacts of harmful algal blooms and hypoxia;

“(C) research, development, and demonstration activities needed to develop and advance technologies and techniques—

“(i) for minimizing the occurrence of harmful algal blooms and hypoxia; and

“(ii) for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

“(D) State, tribal, and local government actions that may be implemented—

“(i) to support long-term monitoring efforts and emergency monitoring as needed;

“(ii) to minimize the occurrence of harmful algal blooms and hypoxia;

“(iii) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

“(iv) to address human health dimensions of harmful algal blooms and hypoxia; and

“(v) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

“(E) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and research entities;

“(F) communication, outreach and information dissemination efforts that State, tribal, and local governments and stakeholder organizations can take to educate and inform the public about harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

“(G) the roles that Federal agencies can play to facilitate implementation of the regional research and action plan for that region.

“(c) CONSULTATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

“(1) coordinate with State coastal management and planning officials;

“(2) coordinate with tribal resource management officials;

“(3) coordinate with water management and watershed officials from coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

“(4) coordinate with the Administrator and other Federal agencies as the Under Secretary considers appropriate; and

“(5) consult with—

“(A) public health officials;

“(B) emergency management officials;

“(C) science and technology development institutions;

“(D) economists;

“(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

“(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

“(G) other stakeholders.

“(d) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

“(1) utilize and build on existing research, assessments, reports, including those carried out under existing law, and other relevant sources; and

“(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, estuaries, and tributaries.

“(e) SCHEDULE.—The Under Secretary shall—

“(1) begin developing the regional research and action plans for at least a third of the regions not later than 9 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011;

“(2) begin developing the regional research and action plans for at least another third of the regions not later than 21 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011;

“(3) begin developing the regional research and action plans for the remaining regions not later than 33 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011; and

“(4) ensure that each regional research and action plan developed under this section is—

“(A) completed and approved by the Task Force not later than 12 months after the date that development of the regional research and action plan begins; and

“(B) updated not less than once every 5 years after the completion of the regional research and action plan.

“(f) FUNDING.—

“(1) IN GENERAL.—Subject to available appropriations, the Under Secretary shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved regional research and action plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant regional research and action plan.

“(2) APPLICATION; ASSURANCES.—An organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require each eligible organization receiving funds under this subsection to utilize the mechanisms under subsection (b)(2)(E) to ensure the transfer of data and products developed under the regional research and action plan.

“(3) ELIGIBLE ORGANIZATION.—In this subsection, the term “eligible organization” means—

“(A) an institution of higher education, other non-profit organization, State, tribal, or local government, commercial organization, or Federal agency that meets the requirements of this section and such other requirements as may be established by the Under Secretary; and

“(B) with respect to nongovernmental organizations, an organization that is subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.”

#### SEC. 8. REPORTING.

Section 603 is amended by adding at the end the following:

“(j) REPORT.—Not later than 2 years after the submission of the action strategy under section 603A, the Under Secretary shall submit a report to the appropriate congressional committees that describes—

“(1) the proceedings of the annual Task Force meetings;

“(2) the activities carried out under the Program and the regional research and action plans, and the budget related to the activities;

“(3) the progress made on implementing the action strategy; and

“(4) any need to revise or terminate activities or projects under the Program.

“(k) PROGRAM REPORT.—Not later than 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, the Task Force shall submit a report on harmful algal blooms and hypoxia in marine and freshwater systems to Congress that—

“(1) evaluates the state of scientific knowledge of harmful algal blooms and hypoxia in marine and freshwater systems, including their causes and ecological consequences;

“(2) evaluates the social and economic impacts of harmful algal blooms and hypoxia, including their impacts on coastal communities, and reviews those communities’ efforts and associated economic costs related to event forecasting, planning, mitigation, response, public outreach, and education;

“(3) examines and evaluates the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

“(4) describes advances in capabilities for monitoring, forecasting, modeling, control,

mitigation, and prevention of harmful algal blooms and hypoxia, including techniques for integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies at Federal and regional levels;

“(5) evaluates progress made by, and the needs of, Federal, regional, State, tribal, and local policies and strategies for forecasting, planning, mitigating, preventing, and responding to harmful algal blooms and hypoxia, including the economic costs and benefits of the policies and strategies;

“(6) includes recommendations for integrating, improving, and funding future Federal, regional, State, tribal, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia;

“(7) describes communication, outreach, and education efforts to raise public awareness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention;

“(8) describes extramural research activities carried out under section 605(b); and

“(9) specifies how resources were allocated between intramural and extramural research and management activities, including a justification for each allocation.”.

#### SEC. 9. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows: “**SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.**

“(a) **TASK FORCE INITIAL PROGRESS REPORTS.**—Beginning not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2011, and every 2 years thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by Task Force-directed activities carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

“(b) **CONTENTS.**—Each report required under this section shall—

“(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;

“(2) evaluate lessons learned; and

“(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.”.

#### SEC. 10. INTERAGENCY FINANCING.

The Act, as amended by section 9 of this Act, is further amended by inserting after section 604 the following:

##### “SEC. 604A. INTERAGENCY FINANCING.

“The departments and agencies represented on the Task Force may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this title, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the goods, services, and space. The amount of funds transferrable under this section for any fiscal year may not exceed 5 percent of

the account from which such transfer was made.”.

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 605 is amended to read as follows:

##### “§ 605. Authorization of appropriations

“(a) **IN GENERAL.**—There are authorized to be appropriated, for each of the fiscal years 2011 through 2015 to the Under Secretary to carry out sections 603A and 603B, \$30,000,000, of which—

“(1) \$2,000,000 may be used for the development of regional research and action plans and the reports required under section 603B;

“(2) \$3,000,000 may be used for the research and assessment activities related to marine and freshwater harmful algal blooms at the National Oceanic and Atmospheric Administration research laboratories;

“(3) \$7,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms Program (ECOHAB);

“(4) \$4,500,000 may be used to carry out the Monitoring and Event Response for Harmful Algal Blooms Program (MERHAB);

“(5) \$1,500,000 may be used to carry out the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program (NGOMEX);

“(6) \$4,000,000 may be used to carry out the Coastal Hypoxia Research Program (CHRP);

“(7) \$4,000,000 may be used to carry out the Prevention, Control, and Mitigation of Harmful Algal Blooms Program (PCM);

“(8) \$1,000,000 may be used to carry out the Event Response Program; and

“(9) \$3,000,000 may be used to carry out the Infrastructure Program.

“(b) **EXTRAMURAL RESEARCH ACTIVITIES.**—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.”.

#### SEC. 12. DEFINITIONS; CONFORMING AMENDMENT.

(a) **IN GENERAL.**—The Act is amended by inserting after section 605 the following:

##### “§ 605A. Definitions

“In this title:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

“(2) **HARMFUL ALGAL BLOOM.**—The term ‘harmful algal bloom’ means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

“(3) **HYPOXIA.**—The term ‘hypoxia’ means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

“(4) **PROGRAM.**—The term ‘Program’ means the National Harmful Algal Bloom and Hypoxia Program established under section 603A.

“(5) **REGIONAL RESEARCH AND ACTION PLAN.**—The term ‘regional research and action plan’ means a plan established under section 603B.

“(6) **STATE.**—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

“(7) **TASK FORCE.**—The term ‘Task Force’ means the Inter-Agency Task Force established by section 603(a).

“(8) **UNDER SECRETARY.**—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere.”.

“(9) **UNITED STATES COASTAL WATERS.**—The term ‘United States coastal waters’ includes the Great Lakes.”.

(b) **CONFORMING AMENDMENT.**—Section 603(a) is amended by striking “(hereinafter referred to as the ‘Task Force’)”.

#### SEC. 13. APPLICATION WITH OTHER LAWS.

The Act is amended by adding after section 606 the following:

##### “SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

“Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.”.

By Mr. PRYOR (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BEGICH, Mr. COONS, Mr. BURR, and Mr. TESTER):

S. 1703. A bill to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PRYOR. Mr. President, I rise today along with Senators BINGAMAN, MURKOWSKI, BEGICH, COONS, TESTER and BURR to introduce the Quadrennial Energy Review Act of 2011.

One of the big gaps in federal energy policy is the lack of an overarching vision and coordination among federal agencies to define how the United States produces and uses energy. Every president since Richard Nixon has called for America’s independence from oil. We also need to make sure that our nation has a 21st century electric grid that matches supply with demand. If we want to create a more secure energy future for America then we need to develop a national energy plan that coordinates and integrates the energy policies of the various federal agencies. The development of such a policy would enhance our energy security, create jobs and mitigate environmental harm.

In the fall of 2009, Secretary of Energy Steven Chu asked the President’s Council of Advisors on Science and Technology, PCAST, to review the energy technology innovation system to identify and recommend ways to accelerate the large scale transformation of energy production, delivery, and use to a low carbon energy system. In response, PCAST formed a working group and in 2010 issued its “Report to the President on Accelerating the Pace of Change in Energy Technologies through an Integrated Federal Energy Policy”. PCAST’s most important recommendation is that the Administration establish a new process that can forge a more coordinated and robust Federal energy policy, a major piece of which is advancing energy innovation. The report recommends—

The President should establish a Quadrennial Energy Review, QER, process that will provide a multiyear roadmap that lays out an integrated view of short-, intermediate-, and long-term energy objectives; outlines

legislative proposals to Congress; puts forward anticipated Executive actions coordinated across multiple agencies; and identifies resource requirements for the development and implementation of energy technologies.

Last month, the American Energy Innovation Council (AEIC) released a report, *Catalyzing American Ingenuity* (<http://www.americanenergyinnovation.org/2011-report/>), which noted:

The nation needs a robust National Energy Plan to serve as a strategic technology and policy roadmap . . . [to] “provide a clear, integrated road map with short-, intermediate-, and long-term objectives for federal energy policies and technology programs, along with a structured, time-bound plan to get there. We support DOE’s Quadrennial Technology Review, QTR, which we see as an important and meaningful first step toward developing a national energy strategy. The federal government should build on the QTR and move quickly toward a government-wide QER.

AEIC is a group of prominent business leaders who came together last year to call for a more vigorous public and private sector commitment to energy technology innovation. AEIC members include: Norm Augustine, former chairman and chief executive officer of Lockheed Martin; Ursula Burns, chairman and chief executive officer of Xerox; John Doerr, partner at Kleiner Perkins Caufield & Byers; Bill Gates, chairman and former chief executive officer of Microsoft; Charles O. Holliday, chairman of Bank of America and former chairman and chief executive officer of DuPont; Jeff Immelt, chairman and chief executive officer of GE; and Tim Solso, chairman and chief executive officer of Cummins Inc.

A Quadrennial Energy Review could establish government-wide energy goals, coordinate actions across agencies, and lead to the development of a national energy policy.

As the lead agency in support of energy science and technology innovation, the Department of Energy has taken the first step to developing a national energy plan by conducting a Quadrennial Technology Review of the energy technology policies and programs of the Department. The QTR serves as the basis for DOE’s coordination with other agencies and on other programs for which the Department has a key role.

The next step is to build upon DOE’s report and perform a Quadrennial Energy Review that would establish government-wide energy objectives, coordinate actions across Federal agencies, and provide a strong analytical base for Federal energy policy decisions.

Our bill, the Quadrennial Energy Review Act of 2011, would authorize the President to establish an Interagency Working Group to submit a Quadrennial Energy Review to Congress by February 1, 2014, and every 4 years thereafter. The Group would be co-chaired by the Secretary of Energy and the Director of the Office of Science and Technology Policy, OSTP, and consist of level I or II Executive Schedule

members representing the Departments of Commerce, Defense, State, Interior, Agriculture, Treasury, and Transportation, Office of Management and Budget, National Science Foundation, Environmental Protection Agency, and other Federal organizations, departments and agencies that the President considers to be appropriate.

The bill lists what information, at a minimum, shall be reported in the Quadrennial Energy Review and requires the Secretary of Energy to provide the Executive Secretariat and for agency heads to cooperate with the Secretary.

We live in a global world with global demands on energy. The country that best manages its energy resources will lead the 21st century and provide its people a secure energy future. The U.S. needs to win the energy race and this bill will help the United States remain that country.

By Ms. AYOTTE (for herself and Mr. REED);

S. 1704. A bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force; to the Committee on Armed Services.

Ms. AYOTTE. Mr. President, I am pleased to introduce today, along with my colleague Senator REED, the Strategic Airlift Force Structure Reform Act of 2011.

Current Federal law U.S. Code Title 10, 8062(g)(1) sets the Air Force’s minimum number of strategic airlift aircraft at 316. However, based on the Mobility Capabilities and Requirements Study-2016, Department of Defense and Air Force officials have testified approximately 300 aircraft can meet our nation’s strategic airlift capacity requirements.

During a July 13, 2011, Senate Armed Services Subcommittee hearing, Christine Fox, Director of Cost Assessment and Program Evaluation, CAPE, in the Office of Secretary of Defense; General Duncan McNabb, Commander of U.S. Transportation Command, TRANSCOM; and General Raymond Johns, Commander of Air Mobility Command, AMC, testified that reducing the number to around 300 aircraft would allow the Air Force to meet airlift requirements while saving over \$1.2 billion and not increasing operational risk. In fact, General Johns testified that strategic airlift aircraft in excess of 301 were “over capacity” that forces “extra workload on our airmen to keep that capability when we don’t need to utilize it.”

Based on this testimony, the Strategic Airlift Force Structure Act of 2011 would reduce the strategic airlift aircraft floor from 316 to 301.

In this time of fiscal austerity, Congress needs to stop forcing the Pentagon to spend defense dollars maintaining aircraft that our warfighters say they don’t need. Every defense dollar wasted deprives our warfighters of

the resources they have actually requested. Reducing the aircraft floor is a commonsense step that would save taxpayers millions of dollars while ensuring that our military continues to meet strategic airlift requirements.

I encourage my colleagues to carefully review our legislation and I welcome their comments.

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. 1704

*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 “Strategic Airlift Force Structure Reform Act of 2011”.  
**SEC. 2. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE OF THE AIR FORCE.**

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking “Effective October 1, 2009, the Secretary” and inserting “The Secretary”; and

(2) by striking “316 aircraft” and inserting “301 aircraft”.

By Mrs. MURRAY (for herself and Ms. CANTWELL);

S. 1705. A bill to designate the Department of Veterans Affairs Medical Center in Spokane, Washington, as the “Mann-Grandstaff Department of Veterans Affairs Medical Center”; to the Committee on Veterans’ Affairs.

Mrs. MURRAY. Mr. President, today I am proud to introduce legislation to name the Department of Veterans Affairs Medical Center in Spokane, WA, after two Medal of Honor recipients, Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff. My colleague Senator CANTWELL is joining me to introduce this bill in the Senate. This proposal has received widespread support from the Washington state chapters of several key national veterans service organizations, including the Veterans of Foreign Wars, American Legion, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Vietnam Veterans of America.

I would like to share something about these two heroes. Private Mann was born in Reardan, Washington, and served in the 101st Airborne Division during World War II. While attempting to seize the bridge across the Wilhelmina Canal, his platoon was isolated, surrounded, and outnumbered by enemy forces. Despite heavy enemy fire, he bravely advanced to within rocket-launching range of the enemy as the lead scout. Private Mann was wounded four separate times while destroying an enemy artillery position near Best, Holland. Despite his wounds, he volunteered to stay on sentry duty that night with both his arms bandaged to his body. The following day when the final assault came, an enemy grenade was thrown in his vicinity. Unable to throw it to safety due to his

wounds and bandages, Private Mann threw himself on the grenade, sacrificing his life to save the lives of his fellow soldiers.

Sergeant Grandstaff was born in Spokane, Washington, and served in the 4th Infantry Division. While leading a reconnaissance mission near the Cambodian border, Sergeant Grandstaff's platoon was ambushed by heavy automatic weapons and small arms fire from three directions. He ran through enemy fire to rescue his wounded men, but was only able to save one. Twice he crawled outside the safety of his unit's position to mark their location with smoke grenades for aerial fire support, and twice he was wounded. His second marker successfully notified the helicopter gunships of his location, but drew even more enemy fire. Seeing the enemy assault about to overrun his position, Sergeant Grandstaff inspired his remaining men to continue the fight against enemy forces. He called in an artillery barrage on himself to thwart the enemy forces, and continued to fight until he was finally and mortally wounded by an enemy rocket. Although every man in his unit was a casualty, survivors testified that his spirit and courage inspired the unit to inflict heavy casualties on the assaulting enemy even though the odds were stacked against them.

I am especially proud to introduce this bill. Its purpose is to honor not just one American hero, but two native sons of Washington who gave their lives fighting on behalf of our nation. Also, both of these men now rest in peace approximately 10 minutes away from the Spokane VA Medical Center, which serves veterans of all generations, from World War II to Vietnam to our newest generation of American heroes.

Above all else, this bill is intended to honor both Private Mann and Sergeant Grandstaff for their "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty." By renaming the Spokane VA Medical Center as the Mann-Grandstaff VA Medical Center, we will honor the service and ultimate sacrifice provided by these two local heroes. I urge my colleagues to support this legislation and thank them for their continued support of our dedicated men and women in uniform.

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. 1705

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

**SECTION 1. DESIGNATION OF MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.**

(a) DESIGNATION.—The Department of Veterans Affairs Medical Center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the "Mann-Grandstaff Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference to in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Mann-Grandstaff Department of Veterans Affairs Medical Center.

By Mr. REED (for himself, Mr. BROWN of Massachusetts, Mr. KERRY, and Mr. WHITEHOUSE):

S. 1708. A bill to establish the John H. Chafee Blackstone River Valley National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I am introducing legislation for the creation of the John H. Chafee Blackstone River Valley National Historical Park, along with my colleagues from Rhode Island and Massachusetts, Senators WHITEHOUSE, KERRY, and SCOTT BROWN. Our legislation seeks to preserve the industrial heritage and natural and cultural resources of the Blackstone Valley, help provide economic development opportunities for the local economies, and build upon the solid foundation of the John H. Chafee Blackstone River Valley National Heritage Corridor.

Samuel Slater built his mill in 1793 and started the American Industrial Revolution in Rhode Island along the Blackstone River. Today, the John H. Chafee Blackstone River Valley National Heritage Corridor contains an exceptional concentration of surviving mills and villages that illustrate this chapter of American history.

The Blackstone Valley is a national treasure, which also includes thousands of acres of beautiful, undeveloped land and waterways that are home to diverse wildlife.

The extensive work of the National Park Service and the tireless efforts of Federal, State—both Rhode Island and Massachusetts—and local officials, developers, and volunteers have resulted in the recovery of dozens of historic villages, riverways, and rural landscapes throughout the Corridor. These types of economic redevelopment and environmental restoration efforts reflect the ongoing story of the Blackstone River and the valley.

The Ashton Mill in Cumberland is one such example of local redevelopment. With the designation of the National Heritage Corridor, the cleanup of the Blackstone River, the creation of the Blackstone River State Park in Lincoln, Rhode Island, and the construction of the Blackstone River Bikeway, the property was restored for adaptive reuse as rental apartments. Once again the mill and its village are a vital part of the greater Blackstone Valley community.

Great progress has also been made in restoring the environmental resources of the river valley. As a result, people are once again enjoying the river, whether in kayaks or canoes, or through other means. I have been pleased over the years to help support the preservation and renewed development of the Blackstone River Valley.

In 2005, I cosponsored legislation introduced by my then-colleague Senator Lincoln Chafee to conduct a Special Resource Study of the Corridor to determine which areas within the Corridor were nationally significant and whether they were suitable to become part of the National Park Service. When it was released this July, the study recommended the creation of a new national historic park whose boundaries would encompass both Rhode Island and Massachusetts, including the Blackstone River and its tributaries; the Blackstone Canal; the historic districts of Old Slater Mill in Pawtucket; the villages of Slatersville and Ashton in Rhode Island; and the villages of Whitinsville and Hopedale in Massachusetts.

The partnership park described in the Special Resource Study clearly stated the importance of the rural and urban areas, the landscape, and the river in telling the story of the Blackstone River Valley.

It will build upon the solid foundation of the John H. Chafee Blackstone River Valley National Heritage Corridor and the workers and volunteers in all the surrounding communities, in restoring the Corridor.

Designating these areas as a national historical park has important economic, environmental, historical, and educational benefits for the region. This is a two state initiative, and truly a national initiative, that will embrace both Rhode Island and Massachusetts, and ensure the preservation of the industrial and natural heritage of the Blackstone River Valley for future generations to enjoy.

Establishing a national park will provide opportunities for work, opportunities for recreation, and opportunities to boost economic development, while memorializing the history of this place and its role in the American Industrial Revolution.

The partnerships between the federal, state, local, and private organizations have a proven track record of success with the Corridor, and I expect that the communities in Rhode Island and Massachusetts that have been engaged on this endeavor for many years will continue to partner with the National Park Service going forward.

Creating a national historic park sets a clear path to preserve our cultural heritage, improve the use and enjoyment of these resources, including offering outdoor education for young people, and increase the level of protection for our most important and nationally significant cultural and natural resources.

I have been proud to introduce this bipartisan legislation in honor of my late-colleague John H. Chafee, who years ago had a great vision, shared with many others in Rhode Island and Massachusetts, to preserve and protect the Blackstone Valley.

I look forward to working with all of my colleagues to create the John H.

Chafee Blackstone River Valley National Historical Park.

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. 1708

*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 “John H. Chafee Blackstone River Valley National Historical Park Establishment Act”.

#### SEC. 2. PURPOSE.

The purpose of this Act is to establish the John H. Chafee Blackstone River Valley National Historical Park—

(1) to help preserve, protect, and interpret the nationally significant resources in the Blackstone River Valley that exemplify the industrial heritage of the John H. Chafee Blackstone River Valley National Heritage Corridor for the benefit and inspiration of future generations;

(2) to support the preservation, protection, and interpretation of the urban, rural, and agricultural landscape features (including the Blackstone River and Canal) of the region that provide an overarching context for the industrial heritage of the National Heritage Corridor;

(3) to educate the public about—

(A) the industrial history of the National Heritage Corridor; and

(B) the significance of the National Heritage Corridor to the past and present; and

(4) to support and enhance the network of partners who will continue to engage in the protection, improvement, management, and operation of key resources and facilities throughout the National Heritage Corridor.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **MAP.**—The term “map” means the map entitled “John H. Chafee Blackstone River Valley National Historical Park”, numbered NEFA962/111015, and dated October 2011.

(2) **NATIONAL HERITAGE CORRIDOR.**—The term “National Heritage Corridor” means the John H. Chafee Blackstone River Valley National Heritage Corridor.

(3) **PARK.**—The term “Park” means the John H. Chafee Blackstone River Valley National Historical Park established under section 4.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(5) **STATE.**—The term “State” means each of the States of Massachusetts and Rhode Island.

#### SEC. 4. ESTABLISHMENT OF JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HISTORICAL PARK.

(a) **ESTABLISHMENT.**—There is established in the States a unit of the National Park System, to be known as the “John H. Chafee Blackstone River Valley National Historical Park”.

(b) **BOUNDARIES.**—The Park shall be comprised of the following sites and districts, as generally depicted on the map:

(1) Old Slater Mill National Historic Landmark District.

(2) Slatersville Historic District.

(3) Ashton Historic District.

(4) Whitinsville Historic District.

(5) Hopedale Village Historic District.

(6) Blackstone River and the tributaries of Blackstone River.

(7) Blackstone Canal.

(c) **AVAILABILITY OF MAP.**—The map shall be available for public inspection in the appropriate offices of the National Park Service.

(d) **ACQUISITION OF LAND.**—The Secretary may acquire land or interests in land within the boundaries of the Park by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(e) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the Park in accordance with—

(A) this Act;

(B) the laws generally applicable to units of the National Park System, including—

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

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

(C) any cooperative agreements entered into under subsection (f).

(2) **GENERAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a general management plan for the Park—

(i) in consultation with the States; and

(ii) in accordance with—

(I) any cooperative agreements entered into under subsection (f); and

(II) section 12(b) of the National Park System General Authorities Act (16 U.S.C. 1a-7(b)).

(B) **REQUIREMENTS.**—To the maximum extent practicable, the plan prepared under subparagraph (A) shall consider ways to use preexisting or planned visitor facilities and recreational opportunities developed in the National Heritage Corridor, including—

(i) the Blackstone Valley Visitor Center in Pawtucket, Rhode Island;

(ii) the Captain Wilbur Kelly House at Blackstone River State Park in Lincoln, Rhode Island;

(iii) the Museum of Work and Culture in Woonsocket, Rhode Island;

(iv) the River Bend Farm/Blackstone River and Canal Heritage State Park in Uxbridge, Massachusetts; and

(v) the Worcester Blackstone Visitor Center, located at the former Washburn & Moen wire mill facility in Worcester, Massachusetts.

(f) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the States, political subdivisions of the States, nonprofit organizations (including the Blackstone River Valley National Heritage Corridor, Inc.), and private property owners to provide technical assistance and interpretation in the Park and the National Heritage Corridor.

(g) **FINANCIAL ASSISTANCE.**—Subject to the availability of appropriations, the Secretary may provide financial assistance, on a matching basis, for the conduct of resource protection activities in the National Heritage Corridor.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 1710. A bill to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse; to the Committee on Environment and Public Works.

Mr. BEGICH. Mr. President, I come to the floor today to introduce a piece of legislation honoring a great Alaskan. James Martin Fitzgerald was a giant of my State’s judicial community for 5 decades—almost as long as Alaska has been a State. This legislation, naming the Anchorage federal courthouse facility in Judge

Fitzgerald’s honor, is a fitting tribute to his legacy.

James Fitzgerald first came to Alaska in the 1950s. He was a decorated World War II Marine veteran, an accomplished lawyer, an Assistant U.S. Attorney, and became Alaska’s first Commissioner of Public Safety. From November 1959 until his retirement until 2006, he served with distinction as a State and Federal judge unanimously praised for his fairness, brilliance and humility.

Judge Fitzgerald served as a judge on the Alaska Superior Court, Third District, from 1959 through 1972. He was the presiding judge on that court from 1969 through 1972. At that time, he became an Alaska Supreme Court Justice, where he would serve until 1975.

President Gerald Ford nominated Judge Fitzgerald to be a Judge of the United States District Court for the District of Alaska in December of 1974. He was quickly confirmed by the U.S. Senate and received his commission to the Federal bench. Judge Fitzgerald served on this Federal court until his retirement in 2006 and also spent 5 years as the chief judge of the court.

In addition to his impressive record of accomplishments and his years of public service, Judge Fitzgerald was also known for his integrity and character. His colleagues on the bench, the lawyers who testified in his courtroom and his friends and neighbors all knew him to be a humble, kind, thoughtful and generous man. For decades he was praised for his legal brilliance and his respect for all those who sought justice in his court. His contributions to the State of Alaska will not be forgotten.

Naming the Anchorage federal courthouse in Judge Fitzgerald’s honor is broadly supported by Alaskans. In fact, I assembled a small committee of outstanding Alaska leaders to review this proposal and they strongly endorsed extending this honor to Judge Fitzgerald. I would like to thank the committee members for their public service: Anchorage attorney Lloyd Miller, Judge John D. Roberts, Juneau Mayor Bruce Botelho, and Liz Medicine Crow of the First Alaskans Institute.

For all these reasons, today I am proud to introduce this legislation to designate the United States Courthouse in Anchorage as the James M. Fitzgerald United States Courthouse. He was a great man and this is a fine way to remember all he did for my State.

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. 1710

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

#### SECTION 1. JAMES M. FITZGERALD UNITED STATES COURTHOUSE.

(a) **DESIGNATION.**—The United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, shall be known and designated as the “James M. Fitzgerald United States Courthouse”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “James M. Fitzgerald United States Courthouse”.

By Mr. BROWN of Ohio:

S. 1711. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Finance.

Mr. BROWN of Ohio. Mr. President I rise to talk about our Nation’s flawed approach to trade and its damaging effects on economic growth and job creation. Yesterday, this body approved three trade agreements that will do far too little to create manufacturing jobs here in the United States. In fact, it is clear these more-of-the-same agreements will cost manufacturing jobs in Ohio and across the nation.

In towns and cities across Ohio, workers have the proud tradition of manufacturing products that matter to America.

From steel tubes made in Lorain that equip our energy markets, to car parts made in Moraine that move our auto industry forward, Ohio manufacturers represent the heart of our nation’s economy.

Ohio manufacturers and workers are some of the most industrious and innovative in the United States.

Our companies and the people who fill our factories can compete across the world—but only if your government implements trade policies that create a level playing field.

However, Republican and Democratic administrations alike, along with Congress, have signed and passed trade agreements premised on hollow promises.

Supporters of free market policies promised that past trade pacts like NAFTA would stimulate growth and create jobs.

Some companies and constituents in Ohio would argue these assertions—and the assurances that accompany current trade agreements—could not be further from the truth.

Once successful companies in my state are now collapsing under the weight of misguided trade policies.

Working families in West Chester, Pickerington, Lima, and Akron are holding on for dear life in the face of our government failing to negotiate and enforce trade deals.

A rational trade agreement should open new markets, include standards on labor and safety that are at least as strong as the commercial provisions, and help U.S. companies expand their consumer base around the world.

However, recent trade pacts have slashed tariffs for foreign competitors while doing little to address the tariff and nontariff barriers that U.S. businesses face with our trading partners. Nothing in these newly approved agreements will change this pattern.

All too often, U.S. trade negotiators have been willing to open our markets

to a flood of imports while failing to win the concessions required to make trade work for America.

A quick glance at our Nation’s trade statistics makes it clear that we need a new gameplan when it comes to trade.

The U.S. merchandise trade deficit has surged 46 percent over the last decade, reaching an astronomical \$634 billion in 2010.

Since the implementation of NAFTA in 1994, the U.S. has lost more than three million manufacturing jobs.

Behind these numbers are the faces of middle-class Americans who have lost their job because of ill-advised trade agreements.

Whether it is the worker getting laid off at a manufacturer providing energy appliances, or the person losing their job at a steel plant, the loss of a job due to trade can be a devastating experience for families across America.

Two examples of our nation giving too much, for too little in return can be seen with the U.S.-Korea free trade agreement.

South Korea has the lowest level of import penetration for auto sales—at just 4.4 percent—of any developed country.

In 2009, the U.S. exported fewer than 6,000 cars to Korea. In the same year, Korea exported 476,000 cars to the U.S.

While a marginal improvement, the U.S.-Korea free trade agreement would allow each American-based automaker to export 25,000 cars to South Korea free of burdensome regulations.

However, it is clear that this “concession” does not do enough to shift the imbalanced trade in the auto sector in our direction.

In addition—much like China—South Korea would still be able to manipulate its currency—thwarting the ability of American companies to compete and hire workers.

Instead, South Korea will be able to exploit this trade agreement and make the limited market access we would have meaningless.

It is time that our free trade agreements increase market access to U.S. goods so that we’re exporting goods—not jobs.

The American people are demanding a plan to make trade work.

It is time for Congress to meet the demands of the American people and take action to ensure a level playing field for our businesses and workers.

That is why I’m introducing the Reciprocal Market Access Act.

The Reciprocal Market Access Act would require the reduction or elimination of U.S. duties to be reciprocated by the nation with which we are entering into a trade pact.

In the event that a trading partner does not adhere to this requirement, the U.S. Trade Representative would be authorized to withdraw tariff concessions if a trading partner has failed to eliminate relevant tariff and non-tariff barriers.

This requirement will make sure that any type of barrier doesn’t put Amer-

ican products at a disadvantage before we open our doors to American goods.

The U.S. should no longer acquiesce to demands to further open our market—already the most open market in the global economy—without gaining meaningful market access for American manufacturers in exchange.

In addition, this bill would instruct the International Trade Commission to assess the impact of a potential trade agreement on opportunities and barriers for U.S. products that will be affected by the trade agreement.

If Congress is committed to creating jobs and reducing the trade deficit, we’ve got to make sure we have the policies that put us on a level playing field with our trading partners.

If we are serious about standing up for workers, small business and manufacturers who continue to play by the rules, we need to pass this legislation.

It is time to take action to help rebuild the economic foundation of the middle class.

It is time we negotiate trade agreements that put American workers and American businesses first.

It is time to pass 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. 1711

*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 “Reciprocal Market Access Act of 2011”.

**SEC. 2. PURPOSE.**

The purpose of this Act is to require that United States trade negotiations achieve measurable results for United States businesses by ensuring that trade agreements result in expanded market access for United States exports and not solely the elimination of tariffs on goods imported into the United States.

**SEC. 3. LIMITATION ON AUTHORITY TO REDUCE OR ELIMINATE RATES OF DUTY PURSUANT TO CERTAIN TRADE AGREEMENTS.**

(a) LIMITATION.—Notwithstanding any other provision of law, on or after the date of the enactment of this Act, the President may not agree to a modification of an existing duty that would reduce or eliminate the bound or applied rate of such duty on any product in order to carry out a trade agreement entered into between the United States and a foreign country until the President transmits to Congress a certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification by the President that—

(1) the United States has obtained the reduction or elimination of tariff and nontariff barriers and policies and practices of the government of a foreign country described in subsection (a) with respect to United States exports of any product identified by United States domestic producers as having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in subsection (a); and

(2) a violation of any provision of the trade agreement described in subsection (a) relating to the matters described in paragraph (1)



is immediately enforceable in accordance with the provisions of section 4.

#### SEC. 4. ENFORCEMENT PROVISIONS.

(a) WITHDRAWAL OF TARIFF CONCESSIONS.—If the President does agree to a modification described in section 3(a), and the United States Trade Representative determines pursuant to subsection (c) that—

(1) a tariff or nontariff barrier or policy or practice of the government of a foreign country described in section 3(a) has not been reduced or eliminated, or

(2) a tariff or nontariff barrier or policy or practice of such government has been imposed or discovered,

the modification shall be withdrawn until such time as the United States Trade Representative submits to Congress a certification described in section 3(b)(1).

(b) INVESTIGATION.—

(1) IN GENERAL.—The United States Trade Representative shall initiate an investigation if an interested party files a petition with the United States Trade Representative which alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a), and which is accompanied by information reasonably available to the petitioner supporting such allegations.

(2) INTERESTED PARTY DEFINED.—For purposes of paragraph (1), the term “interested party” means—

(A) a manufacturer, producer, or wholesaler in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(B) a certified union or recognized union or group of workers engaged in the manufacture, production, or wholesale in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(C) a trade or business association a majority of whose members manufacture, produce, or wholesale in the United States a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought; and

(D) a member of the Committee on Ways and Means of the House of Representatives or a member of the Committee on Finance of the Senate.

(c) DETERMINATION BY USTR.—Not later than 45 days after the date on which a petition is filed under subsection (b), the United States Trade Representative shall—

(1) determine whether the petition alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a); and

(2) notify the petitioner of the determination under paragraph (1) and the reasons for the determination.

#### SEC. 5. MARKET ACCESS ASSESSMENT BY INTERNATIONAL TRADE COMMISSION.

(a) IN GENERAL.—The International Trade Commission shall conduct an assessment of the impact of each proposed trade agreement between the United States and a foreign country on tariff and nontariff barriers and policies and practices of the government of the foreign country with respect to United States exports of any product identified by United States domestic producers as having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(b) IDENTIFICATION.—In conducting the assessment under subsection (a), the International Trade Commission shall identify the tariff and nontariff barriers and policies and practices for such products that exist in

the foreign country and the expected opportunities for exports from the United States to the foreign country if existing tariff and nontariff barriers and policies and practices are eliminated.

(c) CONSULTATION.—In conducting the assessment under subsection (a), the International Trade Commission shall, as appropriate, consult with and seek to obtain relevant documentation from United States domestic producers of products having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(d) REPORT.—Not later than 45 days before the date on which negotiations for a proposed trade agreement described in subsection (a) are initiated, the International Trade Commission shall submit to the United States Trade Representative, the Secretary of Commerce, and Congress a report on the proposed trade agreement that contains the assessment under subsection (a) conducted with respect to such proposed trade agreement. The report shall be submitted in unclassified form, but may contain a classified annex if necessary.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 293—CELEBRATING THE 10-YEAR COMMEMORATION OF THE UNDERGROUND RAILROAD MEMORIAL, COMPRISED OF THE GATEWAY TO FREEDOM MONUMENT IN DETROIT, MICHIGAN AND THE TOWER OF FREEDOM MONUMENT IN WINDSOR, ONTARIO, CANADA

Mr. LEVIN (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. CASEY, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 293

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were unspeakably debased, humiliated, dehumanized, brutally torn from their families and loved ones, and subjected to the indignity of being stripped of their names and heritage;

Whereas tens of thousands of people of African descent silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas, in October 2001, the City of Detroit, Michigan joined with Windsor and Essex County in Ontario, Canada to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprising the Tower of Freedom Monument in Windsor and the Gateway to Freedom Monument in Detroit;

Whereas the deep roots that slaves, refugees, and immigrants who reached Canada from the United States created in Canadian society remain as tributes to the determination of their descendants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 10-year commemoration of the Underground Railroad Memorial will be celebrated from October 19 through October 22, 2011;

Whereas the International Underground Railroad Monument Tenth Anniversary

Planning Committee is pursuing the designation of an International Freedom Corridor and the nomination of the historic Detroit River as an International World Heritage Site;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee recognizes that a National Park Service special resources study may establish the national significance, suitability, and feasibility of an International Freedom Corridor;

Whereas the designation of an International Freedom Corridor would include the States of Michigan, Illinois, Ohio, Wisconsin, Missouri, Indiana, and Kentucky, the Detroit, Mississippi, and Ohio Rivers, which traverse portions of these States, and any other sites associated within this International Freedom Corridor;

Whereas a cooperative international partnership project is dedicated to education and research with the goal of promoting cross-border understanding as well as economic development and cultural heritage tourism;

Whereas, over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African Americans is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

*Resolved*, That the Senate celebrates the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada.

#### SENATE CONCURRENT RESOLUTION 30—SUPPORTING THE GOALS AND IDEALS OF SPINA BIFIDA AWARENESS MONTH

Mr. WICKER submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 30

Whereas according to the Centers for Disease Control and Prevention, there are approximately 166,000 individuals living in the United States with a form of spina bifida, the United States most common permanent birth defect;

Whereas the risk of spina bifida can be reduced by up to 70 percent if women consume 400 micrograms of folic acid daily, before and during pregnancy;

Whereas there are 65,000,000 women of childbearing age in the United States, all of whom are potentially at risk of having a child with spina bifida;

Whereas 1,500 children are born each year with spina bifida;

Whereas, according to the Spina Bifida Association, spina bifida is a complicated condition, adversely impacting virtually every organ system and requiring multiple clinical specialists to provide lifelong comprehensive, quality medical and psychosocial care;

Whereas the National Spina Bifida Program, administered by the Centers for Disease Control and Prevention, exists to improve the health, well-being, and quality of life for the individuals and families affected by spina bifida through numerous programmatic components, including the National Spina Bifida Patient Registry and critical quality of life research in spina bifida.

Whereas the National Spina Bifida Patient Registry helps to improve the quality of care, reduce morbidity and mortality from spina bifida, and increase the efficiency and decrease the cost of care by supporting the