S. 1391

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

S. 1451

At the request of Mr. VITTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1506

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1506, a bill to prevent the Secretary of the Treasury from expanding United States bank reporting requirements with respect to interest on deposits paid to nonresident aliens.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Idaho (Mr. RISCH) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1582

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1582, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 1588

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1588, a bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1616, supra.

S. 1671

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1671, a bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation.

S. 1702

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1702, a bill to provide that the rules of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump.

S. 1707

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1737

At the request of Mr. BENNET, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1737, a bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.

S. 1759

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1759, a bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

S. 1769

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

At the request of Mr. CARPER, his name was added as a cosponsor of S. 1769, supra.

S. 1780

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1780, a bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

S. 1784

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1784, a bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 274

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 274, a resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1801. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I introduce the Small Business Tax Extenders Act of 2011, targeted tax relief legislation to extend, for one year, the essential tax relief provisions that were included in the Small Business Jobs Act of 2010.

When the Small Business Jobs Act was crafted, I worked closely with Finance Committee Chair BAUCUS and then Ranking Member GRASSLEY to ensure the critical small business tax provisions that reflected our shared priorities were included in that legislation. I sincerely appreciate all of their hard work on that legislation.

As the former Chair and now Ranking Member of the Small Business Committee, I am well aware of the urgent imperative of job creation in our country. According to the Bureau of Labor Statistics, the average annual unemployment rate for 2010 was 9.6 percent. For 27 out of the past 32 months the unemployment rate has been at 9 percent or above. About 45 percent of the unemployed have been out of work for at least 6 months—a level previously unseen in the 6 decades since World War II.

At a time when 14 million Americans are still unemployed, and have been so for the longest period since record keeping began in 1948, our government should be taking every possible step to ease the burden on job creators. We

must help create an environment that is conducive to small businesses' job creation. One critical way to do so is through targeted small business tax incentives.

That is why as a senior member of the Senate Finance Committee, I have been urging this administration to champion tax reform and in fact, I led a panel on the issue as part of the Economic Summit at the White House more than 2 years ago.

The individual income tax form has more than tripled in length from 52 pages for 1980 to 174 pages for 2009. American taxpayers spend 7.6 billion hours and shell out $140 billion, or 1 percent of GDP, just struggling to comply with tax filing requirements. This is not surprising as there has been 15,000 changes to the tax code since the last overhaul in 1986.

Alarmingly, the tax code is also needlessly handcuffing our ability to compete in today's integrated global economy, as we strain under the second highest corporate tax burden in the industrialized world. While this administration and the Senate majority are pondering whether we should reform our tax code, small businesses continued to struggle with the current tax regime at the expense of creating more jobs and growing operations.

While I continue to advocate for comprehensive tax reform, there are certain measures that, although not a silver bullet, should be passed right away to help improve the economic environment for small businesses. The Small Business Tax Extenders Act of 2011 is a critical example. This legislation contains provisions I have championed for years to provide small businesses greater cash flow, incentivizing their investments, and increasing tax fairness.

The lifeblood of a small business is its cash flow and this bill contains several provisions to improve it. One of these provisions will address a fundamental injustice of the tax code by extending for another year deduction for health insurance premiums against not only income taxes but also against payroll taxes. At a rate of 15.3 percent, the self-employment, or SECA, tax is imposed on the health benefits of business owners. This is a costly injustice that makes health insurance just that much more expensive at a time when insurance costs are already prohibitively expensive.

In the coming year we will certainly see health premiums rise, making it all the more onerous on small businesses to provide critical benefits to their employees. Allowing the full deduction for health insurance is critical for its affordability. I was thrilled that we were able to address this injustice in the Small Business Jobs Act of 2010, and I sincerely hope that this provision can be extended for another year.

This legislation will also extend for 1 year a provision permitting general business credits to be carried back 5 years and taken against the Alternative Minimum Tax, AMT. Before the enactment of the Small Business Jobs Act, a business's unused general business credit could be carried back to offset taxes paid in the previous year, and the remaining amount could be carried forward for 20 years to offset future tax liabilities.

The 5-year carryback of credits will allow business owners to reach back to prior years when they had taxable income to offset prior tax liability with these credits and get immediate cash infusion. Business owners can use this cash as they choose, but as we have seen with net operating loss relief, they use these funds for anything from meeting payroll to investing in new equipment. The same principle applies with respect to the provision that allows credits to be used against the AMT.

When Congress implements policies through the tax code, it is with intent that businesses will utilize such incentives to do what they do best—grow their operations which in turns leads to hiring additional employees. Unfortunately during a downward business cycle that we have been experiencing for more than two years, businesses do not have income tax liability that can be offset with a credit. It is rather simple: if you do not have enough revenue to claim a credit, that credit is of little use to you.

An incredible benefit of the carryback and the use of general business credits against the AMT is to make the small business health insurance tax credits enacted earlier this year more effective and make health insurance more affordable for business owners to offer to their employees.

This bill would also extend for 1 year the availability of the so-called section 179 expensing to give businesses the option of writing off the cost of qualifying capital expenses in the year of acquisition instead of recovering these costs over time through depreciation, and allow businesses to take advantage of higher limits for the so-called section 179 expensing. Under this provision, up to $250,000 can be expensed for real property and up to $250,000 for equipment, or up to the full $500,000 for just equipment.

Expanding Section 179 expensing has been a significant Small Business Committee bipartisan priority of mine, and former Small Business Committee Chair KERRY and current Chair LANDRIEU, as reflected in no fewer than three separate bills in the previous Congress: the Small Business Stimulus Act of 2009, S. 156, Snowe-Kerry-Landrieu; the Small business Expensing Permanency Act of 2009, S. 2822, Snowe-Landrieu; and the Small Business Job Creation Act of 2010, S. 3103, Snowe.

I want my colleagues to understand that this provision is expected to confer a major economic boost because it certainly speeds up the recovery time on these investments. Extending this provision will help the businesses modernize while aiding construction firms and their employees.

Additionally, the Small Business Jobs Act of 2010 provided for a temporary reduction in the recognition period for S corporation built-in gains tax. When businesses move from being a corporation with two levels of tax to an S corporation, they have generally been required to hold their ''retained earnings'' for up to 10 years. This prevents owners from taking the retained earnings as distributions where only income taxes are owed rather than both corporate income tax at one level and then personal income tax at the second. Recent law changes have shortened this holding period to 7 years, but that is still too long.

By infusing capital, of their own retained earnings, this provision in the Small Business Jobs Act enabled companies to reduce the holding period from 7 years to 5 years so that companies that made the conversion before 2006 can redeploy this capital for use in their business. Extending this provision also underscores how vital retained earnings are for small businesses.

A final provision would extend for one year a complete exclusion on capital gains attributable to small business stock held for 5 years. Extending this measure will help further critical investment in our Nation's small businesses. This is a longstanding priority of mine and of Senator JOHN KERRY, former Chair of the Small Business Committee and my fellow colleague on the Finance Committee. The Kerry-Snowe Invest in Small Business Act of 2009 included this exclusion, which we fought to incorporate into the Small Business Jobs Act.

It is essential that we pass these small business tax extensions. I urge my colleagues to support this legislation so we can ensure that our Nation's small businesses and their employees are provided with much needed tax relief.

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. 1801

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Jobs Tax Extenders Act of 2011''.

(b) AMENDMENT OF 1986 CODE.—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 Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.
Sec. 2. Findings.

TITLE I—EXTENSION OF SMALL BUSINESS TAX RELIEF

Sec. 101. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 102. Extension of 5-year carryback of general business credits of eligible small businesses.
Sec. 103. Extension of alternative minimum tax rules for general business credits of eligible small businesses.
Sec. 104. Extension of temporary reduction in recognition period for built-in gains tax.
Sec. 105. Extension of increased expensing limitations and treatment of certain real property as section 179 property.
Sec. 106. Extension of bonus depreciation.
Sec. 107. Extension of special rule for long-term contract accounting.
Sec. 108. Extension of increased amount allowed as a deduction for start-up expenditures.
Sec. 109. Extension of allowance of deduction for health insurance in computing self-employment taxes.

TITLE II—OFFSETTING PROVISIONS

Sec. 201. Expansion of affordability exception to individual mandate.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Small businesses represent 99.7 percent of all employer firms and generate approximately two-thirds of net new jobs.

(3) Broadening the tax base and lowering statutory rates through comprehensive tax reform is preferable to short term tax rate extensions.

(4) There is no consensus on Congressional passage and implementation of such reform at this time; it is therefore critical that tax relief for small businesses promulgated in the Small Business Jobs Act of 2010 be extended.

TITLE I—EXTENSION OF SMALL BUSINESS TAX RELIEF

SEC. 101. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2012'' and inserting ''January 1, 2013'', and

(2) by striking ''AND 2011'' and inserting ''2011, AND 2012'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2011.

SEC. 102. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by ''or 2011'' after ''2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

SEC. 103. EXTENSION OF ALTERNATIVE MINIMUM TAX RULES FOR GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(5) is amended by ''or 2011'' after ''2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

SEC. 104. EXTENSION OF TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Clause (ii) of section 1374(d)(7)(B) is amended by inserting ''or 2012,'' after ''2011''.

(b) CONFORMING AMENDMENT.—The heading for section 1372(d)(7)(B) is amended by striking ''AND 2011'' and inserting ''2011, AND 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 105. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking ''2010 or 2011'' each place it appears in paragraph (1)(B) and (2)(B) and inserting ''2010, 2011, or 2012'',

(2) by striking ''2012'' each place it appears in paragraph (1)(C) and (2)(C)and inserting ''2013'', and

(3) by striking ''2012'' each place it appears in paragraph (1)(D) and (2)(D) and inserting ''2013''.

(b) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(6) is amended by striking ''2012'' and inserting ''2013''.

(c) COMPUTER SOFTWARE.—Section 179(d)(2)(A)(ii) is amended by striking ''2013'' and inserting ''2014''.

(d) ELECTION.—Section 179(c)(2) is amended by striking ''2013'' and inserting ''2014''.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—Section 179(f)(1) is amended by striking ''2010 or 2011'' and inserting ''2010, 2011, or 2012''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 106. EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A)(iv) and inserting ''January 1, 2015'', and

(2) by striking ''January 1, 2013'' each place it appears and inserting ''January 1, 2014''.

(b) 100 PERCENT EXPENSING.—Paragraph (5) of section 168(k) is amended—

(1) by striking ''January 1, 2013'' and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2012'' each place it appears and inserting ''January 1, 2013''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking ''2013'' and inserting ''2014''.

(2) ROUND 3 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(J) SPECIAL RULES FOR ROUND 3 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 3 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, or a taxpayer who made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

''(I) the taxpayer may elect not to have this paragraph apply to round 3 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 3 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, nor made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2011, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 3 extension property.

''(iv) ROUND 3 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 3 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 7(a) of the Small Business Jobs Tax Extenders Act of 2011 (and the application of such extension to this paragraph pursuant to the amendment made by section 7(c)(1) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2013'' and inserting ''JANUARY 1, 2014''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2013'' and inserting ''PRE-JANUARY 1, 2014''.

(3) Paragraph (5) of section 168(l) is amended—

(A) by striking ''and'' at the end of subparagraph (A),

(B) by redesignating subparagraph (C) as subparagraph (B), and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) by substituting 'January 1, 2013' for 'January 1, 2014' in clause (i) thereof, and''.

(4) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(5) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(6) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to property placed in service after December 31, 2011, in taxable years ending after such date.

SEC. 107. EXTENSION OF SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) IN GENERAL.—Clause (ii) of section 460(c)(6)(B) is amended by striking ''January 1, 2011 (January 1, 2012'' and inserting ''January 1, 2012 (January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

SEC. 108. EXTENSION OF INCREASED AMOUNT ALLOWED AS A DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Paragraph (3) of section 195(b) is amended—

(1) by inserting ''or 2011'' after ''2010'', and

(2) by inserting ''AND 2011'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

SEC. 109. EXTENSION OF ALLOWANCE OF DEDUCTION FOR HEALTH INSURANCE IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—OFFSETTING PROVISIONS

SEC. 201. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1) is amended by striking ''8 percent'' each place it appears and inserting ''5 percent''.

By Mr. UDALL of Colorado (for himself, Mrs. GILLIBRAND, Mr. MERKLEY, and Mr. BENNET):

S. 1802. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I speak in support of a bill I am introducing called the Healthy Kids Outdoor Act of 2011. This bill will help the development of locally-based plans that will encourage kids to enjoy one of our nation's most cherished past-times: recreating outdoors.

I am introducing the Healthy Kids Outdoors Act of 2011 with the support of Senators GILLIBRAND, MERKLEY and BENNET. My friend and colleague Representative KIND of Wisconsin is introducing companion legislation today in the U.S. House of Representatives. I want to thank Rep. KIND for his leadership on these issues over the years. I especially want to thank him for the opportunity to steal his good idea and appropriate it for myself in the Senate.

Specifically, the Healthy Kids Outdoors Act authorizes the U.S. Secretary of the Interior to provide grants, one per State, to eligible organizations for the development of State-level outdoor recreation plans. Working in cooperation with local partners, the eligible entities will develop plans designed to ensure that States have appropriate programs and infrastructure in place to help Americans effectively connect with the outdoors. These plans supplement current outdoor recreation planning by emphasizing how to use outdoor recreation resources and infrastructure, such as public parks, transportation and health systems, to facilitate outdoor activities. The plans supported by Federal funding under this act must be updated every five years based on evaluations of each state strategy and lessons learned from their implementation. Additionally, in order to ensure that state and local partners are contributing to this effort, funding recipients must provide a 25-percent non-federal cost share.

Finally, this bill requires the administration to develop a national strategy to get Americans active outdoors and evaluate the health impacts of the State strategies authorized under the legislation. The national strategy, to be developed with significant public participation, should align with the State strategies and identify barriers to and opportunities for outdoor activities.

Why is this important you might ask, especially at a time when we are looking at ways to cut spending and other programs?

We live in an increasingly sedentary world that makes it more difficult for our Nation to reach the heights that it can achieve. Today's society provides more distractions from active lifestyles and the natural world around us than ever before. This is particularly true among children, who spend on average just 4–7 minutes a day in unstructured outdoor play while spending an average of 7.5 hours a day in front of electronic media. Partially as a result of this, obesity has become a major public health problem. Today, one in three children is either overweight or obese, whereas only about 4 percent of children in 1960 were. Working together, we must find proactive ways to reverse this harmful trend.

Being overweight or obese can lead to many chronic health conditions, including heart disease, stroke, and diabetes. All of these conditions are costly for health care purchasers and patients, reduce quality of life, and are among the top 6 leading causes of death each year. The good news is that, in the vast majority of cases, obesity is completely preventable. Particularly for children, if we teach them good eating and fitness habits early in life, they will have a much better shot at maintaining a healthy weight later in life. In addition, research demonstrates the myriad mental health benefits of active lifestyles that make use of green spaces outside the home.

Furthermore, spending time in the outdoors, connecting with our public lands and waters and green spaces, furthers America's conservation legacy. For example, research demonstrates that hunters who become engaged in the sport as children are among the most active and interested sportsmen as adults.

Spending time in the outdoors also supports the outdoor recreation industry. We have a large and growing industry in this country of supply stores, manufacturers, guides, hotels, and other important businesses that are the backbone of many rural communities. In fact, outdoor recreation activities add over $730 billion to the national economy every year. In this time of economic uncertainty, outdoor recreation is one of the bright spots in our economy.

Additionally, at a time when disparities in health status and health insurance rates for minority populations are at an all-time high, particularly in my State of Colorado, the common sense goals of the Healthy Kids Outdoors Act can help level the playing field for good health across America. This legislation will make it easier for all Americans, regardless of cultural differences, geography or socio-economic status, especially children and families, to connect with healthy, active, outdoor lifestyles and the natural world. By doing so, we can combat the obesity epidemic, improve public health overall and bolster America's proud legacy of conservation and outdoor recreation economy.

Finally, I want to note that this bill could play a small role in making sure our children, as they reach adulthood, are qualified to serve in our U.S. military, if they so choose. As a member of the Senate Armed Services Committee, I have seen firsthand the studies that have shown that greater and greater numbers of young adults are ineligible to serve in the Armed Forces due to disqualifying health factors such as being overweight. Nearly one in four applicants is rejected for being overweight, which is the most common reason for medical disqualification. It's not a stretch to say that a more fit population can result in a more secure nation.

This legislation is a small but important step we can take to promote healthy, active lifestyles supporting the use and enjoyment of our natural world. I want to thank the Outdoor Alliance for Kids, whose members include many of the country's leading conservation groups and outdoor recreation companies, for its support and help developing this bill. I also want to thank the Campaign to End Obesity for their endorsement of it. I look forward to working with my colleagues to advance 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. 1802

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 ''Healthy Kids Outdoors Act of 2011''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Children today are spending less time outdoors than any generation in human history, as evidenced by studies that show children enjoy half as much time outdoors today as they did just 20 years ago, while spending more than 7½ hours every day in front of electronic media.

(2) The health of our children is at risk as evidenced by the growing obesity crisis where, during the 20-year period between 1991 and 2011, the childhood obesity rate has more than doubled and the adolescent obesity rate has tripled, costing the economy of the United States billions of dollars each year.

(3) Our military readiness is declining as nearly 1 in 4 applicants to the military is rejected for being overweight or obese, which is the most common reason for medical disqualification.

(4) Research has shown that military children and families are facing increased stress and mental strain and challenges due to multiple, extended deployments. Military family service organizations have developed programs that connect military children and families with positive, meaningful outdoor experiences that benefit mental and physical health, but they lack sufficient resources to meet increasing demand.

(5) In addition to the negative economic impact of childhood obesity, the outdoor retail industry, many local tourist destinations or ''gateway communities'', and State fish and wildlife agencies rely on revenue generated when individuals spend time outdoors to create jobs in local communities.

(6) Over the past several years, urbanization, changing land use patterns, increasing road traffic, and inadequate solutions to addressing these challenges in the built environment have combined to make it more difficult for many Americans to walk or bike to schools, parks, and play areas or experience the natural environment in general.

(7) Visitation to our Nation's public lands has declined or remained flat in recent years, and yet, connecting with nature and the great outdoors in our communities is critical to fostering the next generation of outdoor enthusiasts who will visit, appreciate, and become stewards of our Nation's public lands.

(8) It takes many dedicated men and women to work to preserve, protect, enhance, and restore America's natural resources, and with an aging workforce in the natural resource professions, it is critical for the next generation to have an appreciation for nature and be ready to take over these responsibilities.

(9) Spending time outdoors in nature is beneficial to our children's physical, mental, and emotional health and has been proven to decrease symptoms of attention deficit and hyperactivity disorder, stimulate brain development, improve motor skills, result in better sleep, reduce stress, increase creativity, improve mood, and reduce children's risk of developing myopia.

(10) Children who spend time playing outside are more likely to take risks, seek out adventure, develop self-confidence, and respect the value of nature.

(11) Spending time in green spaces outside the home, including parks, play areas, and garden, can increase concentration, inhibition of initial impulses, and self-discipline and has been shown to reduce stress and mental fatigue. In one study, children who were exposed to greener environments in a public housing area demonstrated less aggression, violence, and stress.

(12) As children become more disconnected from the natural world, the hunting and angling conservation legacy of America is at risk.

(13) Conservation education and outdoor recreation experiences such as camping, hiking, boating, hunting, fishing, archery, recreational shooting, wildlife watching, and others are critical to engaging young people in the outdoors.

(14) Hunters and anglers play a critical role in reconnecting young people with nature, protecting our natural resources, and fostering a lifelong understanding of the value of conserving the natural world.

(15) Research demonstrates that hunters who become engaged in hunting as children are among the most active and interested hunters as adults. The vast majority of hunters report they were introduced to hunting between the ages of 10 and 12, and the overwhelming majority of children are introduced to hunting by an adult.

(16) A direct childhood experience with nature before the age of 11 promotes a long-term connection to nature.

(17) Parks and recreation, youth-serving, service-learning, conservation, health, education, and built-environment organizations, facilities, and personnel provide critical resources and infrastructure for connecting children and families with nature.

(18) Place-based service-learning opportunities use our lands and waters as the context for learning by engaging students in the process of exploration, action, and reflection. Physical activity outdoors connected with meaningful community service to solve real-world problems, such as removing invasive plants or removing trash from a streambed, strengthens communities by engaging youth as citizen stewards.

(19) States nationwide and their community based partners have some notable programs that connect children and families with nature; however, most States lack sufficient resources and a comprehensive strategy to effectively engage State agencies across multiple fields.

(20) States need to engage in cross-sector agency and nonprofit collaboration that involves public health and wellness, parks and recreation, transportation and city planning, and other sectors focused on connecting children and families with the outdoors to increase coordination and effective implementation of the policy tools and programs that a State can bring to bear to provide healthy outdoor opportunities for children and families.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State; or

(B) a consortium from one State that may include such State and municipalities, entities of local or tribal governments, parks and recreation departments or districts, school districts, institutions of higher education, or nonprofit organizations.

(2) LOCAL PARTNERS.—The term ''local partners'' means a municipality, entity of local or tribal government, parks and recreation departments or districts, Indian tribe, school district, institution of higher education, nonprofit organization, or a consortium of local partners.

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

(4) STATE.—The term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any Indian tribe.

SEC. 4. COOPERATIVE AGREEMENTS FOR DEVELOPMENT OR IMPLEMENTATION OF HEALTHY KIDS OUTDOORS STATE STRATEGIES.

(a) IN GENERAL.—The Secretary is authorized to issue one cooperative agreement per State to eligible entities to develop, implement, and update a 5-year State strategy, to be known as a ''Healthy Kids Outdoors State Strategy'', designed to encourage Americans, especially children, youth, and families, to be physically active outdoors.

(b) SUBMISSION AND APPROVAL OF STRATEGIES.—

(1) APPLICATIONS.—An application for a cooperative agreement under subsection (a) shall—

(A) be submitted not later than 120 days after the Secretary publishes guidelines under subsection (f)(1); and

(B) include a Healthy Kids Outdoors State Strategy meeting the requirements of subsection (c) or a proposal for development and submission of such a strategy.

(2) APPROVAL OF STRATEGY; PEER REVIEW.—Not later than 90 days after submission of a Healthy Kids Outdoors State Strategy, the Secretary shall, through a peer review process, approve or recommend changes to the strategy.

(3) STRATEGY UPDATE.—An eligible entity receiving funds under this section shall update its Healthy Kids Outdoors State Strategy at least once every 5 years. Continued funding under this section shall be contingent upon submission of such updated strategies and reports that document impact evaluation methods consistent with the guidelines in subsection (f)(1) and lessons learned from implementing the strategy.

(c) COMPREHENSIVE STRATEGY REQUIREMENTS.—The Healthy Kids Outdoors State Strategy under subsection (a) shall include—

(1) a description of how the eligible entity will encourage Americans, especially children, youth, and families, to be physically active in the outdoors through State, local, and tribal—

(A) public health systems;

(B) public parks and recreation systems;

(C) public transportation and city planning systems; and

(D) other public systems that connect Americans, especially children, youth, and families, to the outdoors;

(2) a description of how the eligible entity will partner with nongovernmental organizations, especially those that serve children, youth, and families, including those serving military families and tribal agencies;

(3) a description of how State agencies will collaborate with each other to implement the strategy;

(4) a description of how funding will be spent through local planning and implementation subgrants under subsection (d);

(5) a description of how the eligible entity will evaluate the effectiveness of, and measure the impact of, the strategy, including an estimate of the costs associated with such evaluation;

(6) a description of how the eligible entity will provide opportunities for public involvement in developing and implementing the strategy;

(7) a description of how the strategy will increase visitation to Federal public lands within the state; and

(8) a description of how the eligible entity will leverage private funds to expand opportunities and further implement the strategy.

(d) LOCAL PLANNING AND IMPLEMENTATION.—

(1) IN GENERAL.—A Healthy Kids Outdoors State Strategy shall provide for subgrants by the cooperative agreement recipient under subsection (a) to local partners to implement the strategy through one or more of the program activities described in paragraph (2).

(2) PROGRAM ACTIVITIES.—Program activities may include—

(A) implementing outdoor recreation and youth mentoring programs that provide opportunities to experience the outdoors, be physically active, and teach skills for lifelong participation in outdoor activities, including fishing, hunting, recreational shooting, archery, hiking, camping, outdoor play in natural environments, and wildlife watching;

(B) implementing programs that connect communities with safe parks, green spaces, and outdoor recreation areas through affordable public transportation and trail systems that encourage walking, biking, and increased physical activity outdoors;

(C) implementing school-based programs that use outdoor learning environments,

such as wildlife habitats or gardens, and programs that use service learning to restore natural areas and maintain recreational assets; and

(D) implementing education programs for parents and caregivers about the health benefits of active time outdoors to fight obesity and increase the quality of life for Americans, especially children, youth, and families.

(e) PRIORITY.—In making cooperative agreements under subsection (a) and subgrants under subsection (d)(1), the Secretary and the recipient under subsection (a), respectively, shall give preference to entities that serve individuals who have limited opportunities to experience nature, including those who are socioeconomically disadvantaged or have a disability or suffer disproportionately from physical and mental health stressors.

(f) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, and after notice and opportunity for public comment, the Secretary shall publish in the Federal Register guidelines on the implementation of this Act, including guidelines for—

(1) developing and submitting strategies and evaluation methods under subsection (b); and

(2) technical assistance and dissemination of best practices under section 7.

(g) REPORTING.—Not later than 2 years after the Secretary approves the Healthy Kids Outdoors State Strategy of an eligible entity receiving funds under this section, and every year thereafter, the eligible entity shall submit to the Secretary a report on the implementation of the strategy based on the entity's evaluation and assessment of meeting the goals specified in the strategy.

(h) ALLOCATION OF FUNDS.—An eligible entity receiving funding under subsection (a) for a fiscal year—

(1) may use not more than 5 percent of the funding for administrative expenses; and

(2) shall use at least 95 percent of the funding for subgrants to local partners under subsection (d).

(i) MATCH.—An eligible entity receiving funding under subsection (a) for a fiscal year shall provide a 25-percent match through in-kind contributions or cash.

SEC. 5. NATIONAL STRATEGY FOR ENCOURAGING AMERICANS TO BE ACTIVE OUTDOORS.

(a) IN GENERAL.—Not later than September 30, 2012, the President, in cooperation with appropriate Federal departments and agencies, shall develop and issue a national strategy for encouraging Americans, especially children, youth, and families, to be physically active outdoors. Such a strategy shall include—

(1) identification of barriers to Americans, especially children, youth, and families, spending healthy time outdoors and specific policy solutions to address those barriers;

(2) identification of opportunities for partnerships with Federal, State, tribal, and local partners;

(3) coordination of efforts among Federal departments and agencies to address the impacts of Americans, especially children, youth, and families, spending less active time outdoors on—

(A) public health, including childhood obesity, attention deficit disorders and stress;

(B) the future of conservation in the United States; and

(C) the economy;

(4) identification of ongoing research needs to document the health, conservation, economic, and other outcomes of implementing the national strategy and State strategies;

(5) coordination and alignment with Healthy Kids Outdoors State Strategies; and

(6) an action plan for implementing the strategy at the Federal level.

(b) STRATEGY DEVELOPMENT.—

(1) PUBLIC PARTICIPATION.—Throughout the process of developing the national strategy under subsection (a), the President may use, incorporate, or otherwise consider existing Federal plans and strategies that, in whole or in part, contribute to connecting Americans, especially children, youth, and families, with the outdoors and shall provide for public participation, including a national summit of participants with demonstrated expertise in encouraging individuals to be physically active outdoors in nature.

(2) UPDATING THE NATIONAL STRATEGY.—The President shall update the national strategy not less than 5 years after the date the first national strategy is issued under subsection (a), and every 5 years thereafter. In updating the strategy, the President shall incorporate results of the evaluation under section 6.

SEC. 6. NATIONAL EVALUATION OF HEALTH IMPACTS.

The Secretary, in coordination with the Secretary of Health and Human Services, shall—

(1) develop recommendations for appropriate evaluation measures and criteria for a study of national significance on the health impacts of the strategies under this Act; and

(2) carry out such a study.

SEC. 7. TECHNICAL ASSISTANCE AND BEST PRACTICES.

The Secretary shall—

(1) provide technical assistance to grantees under section 4 through cooperative agreements with national organizations with a proven track record of encouraging Americans, especially children, youth, and families, to be physically active outdoors; and

(2) disseminate best practices that emerge from strategies funded under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act—

(1) $1,000,000 for fiscal year 2013;

(2) $2,000,000 for fiscal year 2014;

(3) $3,000,000 for fiscal year 2015;

(4) $4,000,000 for fiscal year 2016; and

(5) $5,000,000 for fiscal year 2017.

(b) LIMITATION.—Of the amounts made available to carry out this Act for a fiscal year, not more than 5 percent may be made available for carrying out section 7.

(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this Act shall be used to supplement, and not supplant, any other Federal, State, or local funds available for activities that encourage Americans, especially children, youth, and families to be physically active outdoors.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. MERKLEY):

S. 1804. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Emergency Unemployment Compensation Extension Act of 2011 to ensure that millions of unemployed Americans will not lose desperately needed unemployment benefits and to provide relief to states and employers that are facing automatic penalties for overdrawing on their unemployment insurance trust fund during the worst unemployment crisis in modern history. I am pleased to be joined by my colleagues Senators DURBIN, WHITEHOUSE and LEVIN.

Fourteen million Americans are looking for work and the average length of unemployment is 40 weeks. Rhode Island has endured especially high and persistent rates of unemployment. If Congress fails to extend unemployment benefits or if benefits lapse for as little as a month—10,000 Rhode Islanders and 2 million Americans nationwide will fall through the safety-net and lose benefits. This would have far reaching impacts on families, communities, and businesses. It would seriously endanger our economic recovery as a whole.

The legislation would continue funding for the Federal unemployment programs for jobless workers through 2012 by extending the Emergency Unemployment Compensation Program and making improvements to the Extended Benefits Program.

The bill will also provide relief for States and employers that have been hit the hardest by our unemployment crisis and whose unemployment trust funds have been subjected to historic levels of stress by providing a 1 year moratorium on interest payments for States and tax relief for employers in States with outstanding unemployment trust fund loans.

Requiring States to make such interest repayments now, at a time when they face massive budget deficits and the economy is still weak does not make economic sense. Nor does requiring businesses to pay an additional tax of $21 per employee for the 2011 tax year.

This bill would provide immediate relief and certainty to 23 States with outstanding loans and all of their employers facing automatic tax increases that are otherwise set to be assessed as soon as January 31, 2012.

For States that have remained solvent during this crisis, they would receive a 2 percent interest bonus on trust fund reserves. This reflects the need to start moving in the direction of replenishing and maintaining solvent unemployment trust funds, which is why I joined Senator DURBIN in introducing the Unemployment Insurance Solvency Act earlier this year.

Unfortunately, today's legislation is necessary because Republicans have blocked passage of the President's American Jobs Act. The American Jobs Act proposed extending the EUC and EB programs along with incorporating several important reforms to the Ul system. These reforms would provide enhanced assistance to the long-term unemployed in their job search and ensure benefits are being administered properly. Indeed, as we look to extend unemployment benefits to those who have been harmed by this economy through no fault of their own and aid States and employers, we must be mindful to enhance the integrity of the unemployment system and prevent improper payments, which hurt taxpayers and ultimately erode benefits for those

that are most in need. It is my hope that Congress and States, which are responsible for administering these programs, continue to improve the integrity and functioning of our Ul system.

We know what policies will strengthen our recovery. Extending benefits and addressing solvency are among them and I urge my colleagues to join us in cosponsoring and pressing for action on 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. 1804

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Unemployment Compensation Extension Act of 2011''.

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

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF UNEMPLOYMENT PROGRAMS

Sec. 101. Temporary extension of unemployment insurance provisions.
Sec. 102. Modification of indicators under the extended benefit program.
Sec. 103. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE II—STATE AND EMPLOYER ASSISTANCE

Sec. 201. Extension of temporary assistance for States with advances.
Sec. 202. FUTA credit reductions for 2011 contingent on voluntary agreements.
Sec. 203. Assistance contingent on voluntary agreements.
Sec. 204. Solvency bonus.

TITLE I—EXTENSION OF UNEMPLOYMENT PROGRAMS

SEC. 101. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''January 3, 2012'' each place it appears and inserting ''January 3, 2013'';

(B) in the heading for subsection (b)(2), by striking ''JANUARY 3, 2012'' and inserting ''JANUARY 3, 2013''; and

(C) in subsection (b)(3), by striking ''June 9, 2012'' and inserting ''June 8, 2013''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''January 4, 2012'' each place it appears and inserting ''January 4, 2013''; and

(B) in subsection (c), by striking ''June 11, 2012'' and inserting ''June 11, 2013''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 10, 2012'' and inserting ''June 10, 2013''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

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

(2) by inserting after subparagraph (G) the following:

''(H) the amendments made by section 101(a)(1) of the Emergency Unemployment Compensation Extension Act of 2011; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

SEC. 102. MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) EXTENSION.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''December 31, 2011'' and inserting ''December 31, 2012''; and

(2) in subsection (f)(2), by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by adding at the end the following: ''Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance having the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding subparagraph (A) of paragraph (1) and disregarding 'either subparagraph (A) or' in paragraph (2).''.

(c) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance with the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding clause (ii) of paragraph (1)(A) and as if paragraph (1)(B) had been amended by striking 'either the requirements of clause (i) or (ii)' and inserting 'the requirements of clause (i)'.''.

SEC. 103. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking ''June 30, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

TITLE II—STATE AND EMPLOYER ASSISTANCE

SEC. 201. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended, in the matter before clause (i), by striking ''2010—'' and inserting ''2010 and the 12-month period beginning on October 1, 2011—''.

SEC. 202. FUTA CREDIT REDUCTIONS FOR 2011 CONTINGENT ON VOLUNTARY AGREEMENTS.

(a) IN GENERAL.—Section 3302(c) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (3) as paragraph (4), and

(2) by inserting after paragraph (2) the following new paragraph:

''(3)(A) If a State has entered into a voluntary agreement under section 203 of the Emergency Unemployment Compensation Extension Act of 2011, the provisions of paragraph (2) shall be applied with respect to the taxable year beginning January 1, 2011, or any succeeding taxable year, by deeming January 1, 2012, to be the first January 1 occurring after January 1, 2010. For purposes of paragraph (2), consecutive taxable years in the period commencing January 1, 2012, shall be determined as if the taxable year which begins on January 1, 2012, were the taxable year immediately succeeding the taxable year which began on January 1, 2010. No taxpayer shall be subject to credit reductions under this paragraph for the taxable year beginning January 1, 2011.

''(B) If the voluntary agreement specified in subparagraph (A) is terminated under section 203(e) of the Emergency Unemployment Compensation Extension Act of 2011, subparagraph (A) shall not be effective for any taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

SEC. 203. ASSISTANCE CONTINGENT ON VOLUNTARY AGREEMENTS.

(a) IN GENERAL.—The amendment made by section 201 shall not apply with respect to any State with which the Secretary of Labor has not entered into a voluntary agreement under this section.

(b) APPLICATION.—Any State that has 1 or more outstanding repayable advances from the Federal unemployment account under section 1201 of the Social Security Act (42 U.S.C. 1321) may apply to the Secretary of Labor to enter into a voluntary agreement under this section.

(c) REQUIREMENTS.—An application described in subsection (b) shall be submitted within such time, and in such form and manner, as the Secretary of Labor may require, except that any such application shall include certification by the State that during the period of the agreement—

(1) the method governing the computation of regular compensation under the State law of the State will not be modified in a manner such that the average weekly benefit amount of regular compensation which will be payable during the period of the agreement will be less than the average weekly benefit amount of regular compensation which would have otherwise been payable under the State law as in effect on the date of the enactment of this subsection;

(2) the State law of the State will not be modified in a manner such that any unemployed individual who would be eligible for regular compensation under the State law in effect on such date of enactment would be ineligible for regular compensation during the period of the agreement or would be subject to any disqualification during the period of the agreement that the individual would not have been subject to under the State law in effect on such date of enactment; and

(3) the State law of the State will not be modified in a manner such that the maximum amount of regular compensation that any unemployed individual would be eligible to receive in a benefit year during the period of the agreement will be less than the maximum amount of regular compensation that the individual would have been eligible to receive during a benefit year under the State law in effect on such date of enactment.

(d) DECISION.—The Secretary of Labor shall review any application received from a State to enter into a voluntary agreement under this section and, within 30 days after the date of receipt, approve or disapprove the application and notify the Governor of the State of the Secretary's decision, including—

(1) if approved, the effective date of the agreement; and

(2) if disapproved, the reasons why it was disapproved.

(e) TERMINATION.—

(1) IN GENERAL.—If, after reasonable notice and opportunity for a hearing, the Secretary of Labor finds that a State with which the Secretary has entered into an agreement under this section has modified State law so that it no longer contains the provisions specified in paragraph (1), (2), or (3) of subsection (c) or has failed to comply substantially with any of those provisions, the agreement shall be terminated, effective as of such date as the Secretary shall determine, but in no event later than December 31, 2012.

(2) EFFECT WITH RESPECT TO REPAYABLE ADVANCES.—If an agreement under this section with a State is terminated, then, effective as of the termination date of such agreement, paragraph (10) of section 1202(b) of the Social Security Act shall, for purposes of such State, be applied as if subparagraph (A) of such paragraph had been amended by striking the date specified in such subparagraph (in the matter before clause (i) thereof) and inserting the termination date of such agreement.

(f) REGULATIONS.—Any regulations or guidance necessary to carry out this title or any of the amendments made by this title may be prescribed by—

(1) to the extent that they relate to section 201, the Secretary of Labor; and

(2) to the extent that they relate to section 202, the Secretary of the Treasury.

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

SEC. 204. SOLVENCY BONUS.

Section 904 of the Social Security Act (42 U.S.C. 1104) is amended by adding at the end the following:

''Solvency Bonus

''(h)(1) Notwithstanding any other provision of this section, the amount which is credited under subsection (e) to the book account of the State agency of a solvent State shall, for each quarter to which this subsection applies, be equal to the amount which would be determined under this section, for such State agency and for such quarter, if the 5th sentence of subsection (b) were applied by using—

''(A) the average rate of interest which (but for this subsection) would otherwise have been determined under subsection (b) for purposes of such quarter; plus

''(B) an additional 2 percentage points.

''(2) For purposes of this subsection, a State shall be considered to be a 'solvent State' if the outstanding balance for such State of advances under title XII is equal to zero. A determination as to whether or not a State is a solvent State shall be made by the Secretary of Labor—

''(A) for each State;

''(B) for each quarter to which this subsection applies; and

''(C) based on such date or period (before the 1st day of such quarter), and otherwise in such manner, as the Secretary of Labor shall determine in consultation with the Secretary of the Treasury.

''(3) This subsection applies to each quarter in calendar year 2012.

''(4) Nothing in this subsection shall have the effect of causing the amount which is credited under subsection (e) to any account in the Fund for any quarter to be less than the amount which (disregarding this subsection) would otherwise have been so credited to such account for such quarter.''.

By Mr. JOHANNS:

S. 1805. A bill to prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act; to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. President, few things provide me with greater charity than conversations I have with people back home in Nebraska. I rise to discuss a few of those conversations I had just last week during our work period back home. I used this opportunity to meet with electricity providers serving Nebraskans across the great State of Nebraska, from the more populated areas such as Omaha, to smaller communities such as Hastings, NE.

It will come as no surprise, I believe to anyone, that the focus of their frustration, their anger is with the EPA. They feel they have been treated unfairly. They feel the Agency has not been straight forward or transparent. They feel they now have a target on their backs, and they know that compliance with the latest EPA regulatory bombshell is going to have a crushing impact on the communities they serve.

Their latest concern is a rule known as the cross-state air pollution rule or cross-state. The rule addresses airborne emissions that EPA claims cross State lines and may affect air quality in another State. EPA issued the final rule in July of this year. Let me repeat that. EPA issued the final rule in July of this year and then demanded compliance by January 2012.

That is 6 months. That is an impossibility and EPA knows it. Here is why it is an impossibility. This is especially relevant to my State. Nebraska was not included in the old version of the same rule, the so-called clean air interstate rule. We were not a part of it. The final rule changed dramatically from the proposed version.

For example, the required reductions increased dramatically from the proposed rule that was published in July of 2010. So Nebraska first found itself subject to this type of EPA rule in the proposed rule in July of 2010. Then the final rule arrives a year later and, boom, it is a dramatically different rule—more severe reductions in compliance in an almost laughable 6 months.

Basically, Nebraska gets a final rule thrust upon them and no opportunity to comply. That could not be more unjust. Draconian changes made in a final rule that depart so significantly from the proposed rule defeat the very purpose of our laws that prescribe how agencies are supposed to make rules. I ran one of those agencies as Secretary of Agriculture.

This process makes a mockery out of the rulemaking process. It makes public comments absolutely meaningless. What good does review of a proposed rule do when the final rule is so radically different from the original proposal? It also means the community regulated cannot plan and cannot fix the problem.

This is our government we are talking about. Utilities cannot go to their ratepayers and say: Look, we have to make changes. It is going to take some time and money, but here is our plan and here is how much it will cost as a ratepayer. EPA has totally shoved aside the traditional role that some State regulators play as an EPA partner in establishing clean air plans known as State implementation plans. In fact, in this case, the EPA established a Federal implementation plan, a one-size-fits-all national plan that completely rejects State efforts to manage compliance.

Our power providers and regulators are echoing this same message. There just is not enough time for them. Instead of 3 or 5 or 10 years that is needed, by administrative fiat, EPA has said: They get 6 months to rebuild a powerplant. Let me be crystal clear about what Nebraska's power providers did and did not do.

They did not say: We cannot change and we will not change. They did not say: Just leave me alone. What they did say to me, very clearly, is: We cannot waive a magic wand. We cannot do the impossible. We cannot put together the finance plan in 6 months. We cannot put a request for bid out and get the work done in 6 months. We cannot get a design plan written by a competent engineering firm. We cannot arrange for a plant shutdown. We cannot get the construction crews to our facility, especially as cold weather sets into our State between now and January 1 to rebuild the powerplants. It simply is not humanly possible.

What options are possible? Someone listening to me might ask: What options do they have? Unfortunately, the

first thing our providers are doing is just trying to understand the rule. That in itself is no small task, because as I explained, the rule is essentially brand new. The ink is barely dry. The EPA did a head fake. They said: Here is the rule and then completely changed it in the final rule.

Secondly, electricity providers are making plans—get this. They are making plans all across this country to decrease electric generation because of this rule. In Hastings, NE, ratepayers have been told to expect an increase in operating costs of at least $3.8 million per year. Including costs of retrofits for this rule and two others that are in the works by EPA, Hastings figures $40 to $50 million will be spent over the next 5 years.

Think about that for a second. Imagine $40 to $50 million for a community of 25,000 people. That is for Hastings and only if the utility can figure out how it can get it done. Guess who bears the brunt of these costs. Every Hastings resident with an electricity meter—not shareholders. This is not a big electric company. No shareholder equity will be drawn down, no preferred stock to be newly issued. We are, in our State, a 100-percent public power State. Just those folks in Hastings, NE, because they got swept into an EPA rule last July with a January deadline. Fremont, NE, another great Nebraska community caught in the crosshairs, has indicated the cross-state rule and two other EPA rules will cost customers about $35 million over the next 3 years.

In New York City or Washington, DC, $35 million may seem insignificant. But to the 25,000 residents of Fremont, NE, it is a huge deal. Similarly, the cross-state rule will cost the Nebraska public power district, our largest electricity provider, about $6 million next year in reduced revenue, as well as mandating about $40 million in costs before the end of 2012. Electricity providers across the State are all looking at purchasing power from other generators. The only way they can get compliance now is to reduce generation.

Of course, many neighboring utilities in the State are subject to the same final rule. Guess what. This is the problem across the country. So everybody is in the hunt, and the short compliance timeframe is likely to drive the price of energy even higher. Another option includes purchasing pollution credits on the open market. No one knows how much it will cost because the same comprised timeline affects the markets for credits.

People may have also noticed I have not mentioned the bid, the design, the implementation, the installation of pollution control equipment as a compliance strategy, because in our State, that possibility is not an option for us because of the EPA's timeline. Six months is not enough time, especially when the labor, the technical knowledge, the contractors, the financing are all being chased by our utilities subject to the same rule.

Is it any wonder people are frustrated? Is it any wonder at all? That is why today I am introducing legislation that addresses the way the EPA handled this rule. My bill takes a couple reasonable steps to address this unfair treatment, not only in my State but in 27 other States. First, under my bill, EPA is prohibited from dictating Federal implementation plans unless the Agency has given the State a sufficient amount of time to develop a plan.

The State must be given 2 years to put a plan in place. In addition, if my bill is enacted, EPA cannot choose to reject a State's plan if, as a result, compliance would immediately follow. In other words, my bill prohibits EPA from jamming States by rejecting their plans and requiring an unreasonable compliance timeframe. Finally, my bill says EPA's compliance deadlines are set aside for 3 years while States get a chance to put this together. The message of my bill is straightforward: Do not freeze out States. Do not jam us with a compliance schedule that everybody knows will not work.

Nebraskans, similar to everybody else, are tired of being treated as second-class citizens by an agency that has run amuck. I suspect the same is true of 27 other States. Nebraskans simply cannot believe EPA is hitting the accelerator on a rule that will drive up electricity bills in more than half the country with no way for States to comply.

I share their frustration. The EPA is in a constant thirst for power. I urge my colleagues to cosponsor this legislation, to introduce one small dose of common sense to this out-of-control agency.

By Mr. BINGAMAN:

S. 1807. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce the Energy Research and Development Coordination Act of 2011. This bill updates one of the basic statutes governing energy research and development, the Federal Nonnuclear Energy Research and Development Act of 1974, to improve the planning and coordination of energy research and development government-wide. It also puts in place a mechanism to allow Congress to see a consolidated annual budget for all energy research, development, and demonstration activities across the Federal agencies, and to provide an opportunity to better coordinate and reduce unnecessary duplication in these activities.

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. 1807

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Energy Research and Development Coordination Act of 2011''.

SEC. 2. COMPREHENSIVE PLAN FOR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) IN GENERAL.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 6. COMPREHENSIVE PLANNING AND PROGRAMMING.

''(a) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The Secretary, in consultation with the National Energy Research Coordination Council established under section 18, shall submit to Congress, along with the annual submission of the budget by the President under section 1105 of title 31, United States Code, a comprehensive plan for energy research, development, and demonstration programs across the Federal Government.

''(2) RELATIONSHIP TO OTHER REVIEWS.—The plan—

''(A) shall be based on the most recent Quadrennial Energy Review prepared under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321); and

''(B) may take into account key energy developments since the most recent Quadrennial Energy Review.

''(3) REVISIONS.—The plan shall be appropriately revised annually in accordance with section 15(a).

''(4) GOALS.—The plan shall be designed to achieve solutions to problems in energy supply, transmission, and use (including associated environmental problems) in—

''(A) the immediate and short-term (the period up to 5 years after submission of the plan);

''(B) the medium-term (the period from 5 years to 15 years after submission of the plan); and

''(C) the long-term (the period beyond 15 years after submission of the plan).''; and

(2) in subsection (b), by striking ''(b)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(b) DEPARTMENT OF ENERGY PROGRAM.—

''(1) PROGRAM.—

''(A) IN GENERAL.—Based on the comprehensive plan developed under subsection (a), the Secretary shall develop and submit to Congress, along with the annual budget submission for the Department, a detailed description of an energy research, development, and demonstration program to implement the aspects of the comprehensive plan appropriate to the Department.

''(B) UPDATES.—The program shall be updated and transmitted to Congress annually as a part of the report required under section 15.''.

(b) REPORTS.—Section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''this Act'' and inserting ''this Act and the plan under this Act'';

(B) in paragraph (2), by striking ''nuclear and nonnuclear''; and

(C) in paragraph (3), by striking ''nonnuclear'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''nonnuclear'' and inserting ''energy''; and

(B) in paragraph (1), by striking ''objections'' and inserting ''objectives''; and

(3) by striking subsection (c) and inserting the following:

''(c) ADMINISTRATION.—Section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; Public Law 104–66) shall not apply to this section.''.

SEC. 3. COORDINATION AND REDUCTION OF DUPLICATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.

The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.) is amended by adding at the end the following:

''SEC. 18. COORDINATION AND REDUCTION OF DUPLICATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.

''(a) DEFINITIONS.—In this section:

''(1) ANNUAL BUDGET SUBMISSION.—The term 'annual budget submission' means the budget proposal of the President transmitted under section 1105 of title 31, United States Code.

''(2) CHAIRPERSONS.—The term 'Chairpersons' means—

''(A) the Director of the Office of Science and Technology Policy; and

''(B) the Secretary.

''(3) COMPREHENSIVE PLAN.—The term 'comprehensive plan' means the comprehensive plan for energy research, development, and demonstration developed under sections 6(a) and 15(a).

''(4) COUNCIL.—The term 'Council' means the National Energy Research Coordination Council established under subsection (b).

''(5) ENERGY PROGRAM AGENCY.—The term 'energy program agency' means an executive department or agency for which the annual expenditure budget for energy research, development, and demonstration activities, including activities described in section 6(b), exceeds $10,000,000.

''(b) NATIONAL ENERGY RESEARCH COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—There is established within the Department a National Energy Research Coordination Council to coordinate the development and funding of energy research, development, and demonstration activities for all energy program agencies.

''(2) COMPOSITION.—The Council shall be composed of—

''(A) the Director of the Office of Science and Technology Policy and the Secretary, who shall jointly serve as Chairpersons of the Council;

''(B) the Director of the Office of Management and Budget;

''(C) the head of any energy program agency; and

''(D) such other officers or employees of executive departments and agencies as the President may, from time to time, designate.

''(c) NATIONAL ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM BUDGET.—

''(1) IN GENERAL.—The Chairpersons shall—

''(A) in coordination with the Council, establish for each fiscal year a consolidated budget proposal to implement the comprehensive plan, taking into account—

''(i) applicable recommendations of the National Academy of Sciences under this Act; and

''(ii) the need to avoid unnecessary duplication of programs across Federal agencies;

''(B) provide budget guidance, coordination, and review in the development of energy research, development, and demonstration budget requests submitted to the Office of Management and Budget by each energy program agency; and

''(C) submit to the President and Congress the consolidated budget proposal under subparagraph (A) as part of the annual budget submission.

''(2) TIMING AND FORMAT OF BUDGET REQUESTS.—The head of each energy program agency shall ensure timely budget development and submission to the Chairpersons of energy research, development, and demonstration budget requests, in such format as may be determined by the Chairpersons with the concurrence of the Director of the Office of Management and Budget.

''(d) COORDINATION OF IMPLEMENTATION.—The Chairpersons, in consultation with the Council, shall—

''(1) establish objectives and priorities for energy research, development, and demonstration functions under this Act;

''(2) review the implementation of the comprehensive plan in all energy program agencies;

''(3) make such recommendations to the President as the Chairpersons determine are appropriate regarding changes in the organization, management, and budgets of energy program agencies—

''(A) to implement the policies, objectives, and priorities established under paragraph (1) and the comprehensive plan; and

''(B) to avoid unnecessary duplication of programs across Federal agencies; and

''(4) notify the head of an energy program agency if the policies or activities of the energy program agency are not in compliance with the responsibilities of the energy program agency under the comprehensive plan.

''(e) REPORTS FROM THE NATIONAL ACADEMY OF SCIENCES.—

''(1) IN GENERAL.—The Secretary, in consultation with the Council, may enter into appropriate arrangements with the National Academy of Sciences under which the Academy shall prepare reports that evaluate and provide recommendations with respect to specific areas of energy research, development, and demonstration, including areas described in section 6(b) and fundamental science and engineering research supporting those areas.

''(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to Congress a copy of each report prepared under this subsection.

''(f) INDEPENDENT ADMINISTRATION OF COUNCIL.—

''(1) LOCATION.—The physical location of the Council shall be separate and distinct from the headquarters of the Department.

''(2) BUDGET.—The Secretary shall submit the budget of the Council as a separate and distinct element of the budget submission of the Department for a fiscal year.

''(3) PERSONNEL.—

''(A) IN GENERAL.—The Secretary shall ensure that the Council has necessary administrative support and personnel of the Department to carry out this section.

''(B) COUNCIL PERSONNEL.—

''(i) IN GENERAL.—The Chairpersons shall select, appoint, employ, and fix the compensation of such officers and employees of the Council as are necessary to carry out the functions of the Council.

''(ii) AUTHORITY.—Each officer or employee of the Council—

''(I) shall be responsible to and subject to the authority, direction, and control of the Chairpersons, acting through an Executive Director appointed by the Chairpersons or the designee of the Executive Director; and

''(II) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department or Office of Science and Technology Policy.

''(C) PROHIBITION ON DUAL OFFICE HOLDING.—An individual may not concurrently hold or carry out the responsibilities of—

''(i) a position within the Council; and

''(ii) a position within the Department or Office of Science and Technology Policy that is not within the Council.

''(g) GAO REVIEW OF EFFECTIVENESS OF COUNCIL.—Not later than 3 years after the date of enactment of this section and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a management assessment of the Council, including an assessment of whether the Council is—

''(1) adequately staffed with personnel with necessary skills;

''(2) properly coordinating and disseminating policy and budget information to the energy program agencies and managers on an effective and timely basis; and

''(3) aligning the overall energy research, development, and demonstration budget so as to achieve the comprehensive plan and avoid unnecessary duplication of programs across Federal agencies.''.

By Mr. KERRY:

S. 1809. A bill To amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, there is a silent epidemic in our country that today threatens the lives of more than 5 million Americans. Of those people afflicted with this disease, 150,000 will not survive this decade. In 2008 alone, an estimated 56,000 Americans were newly infected while as many as 75 percent of all infected people did not even know that they carried this disease. Without further preventative action, this growing health threat will only cost more lives and hundreds of billions in additional health care expenses. This ticking time bomb is viral hepatitis.

That is bad news. But there is also cause for hope.

Treatment already exists that can eradicate hepatitis C in close to 75 percent of people with the disease. Another treatment reduces the level of hepatitis B in over 80 percent of those treated. There has been a vaccine against hepatitis B for decades that has left millions immune to that strain of virus. We understand how viral hepatitis is spread, how it can be prevented, and how to test people for infection. There have just been a string of significant medical advances that will improve the effectiveness of viral hepatitis screening and treatment.

It is clear that we already have the tools at our disposal to prevent, treat, and control the vast majority of these infections, now what we need is a coordinated strategy to put these tools to work.

That is why I am introducing the Viral Hepatitis Testing Act of 2011, which appropriates $110 million over five years to improve education, testing, and care for viral hepatitis across Massachusetts and in local communities around the country. This legislation is a down-payment on a national effort to fight and ultimately eradicate hepatitis B and C in America. I hope

my colleagues on both sides of the aisle will join me in cosponsoring this effort.

Viral hepatitis is known as a silent killer because it can stay a-symptomatic for years before it leads to serious liver disease. It is the most common cause of liver cancer and yet doctors and patients alike are often largely uninformed about this disease. Hepatitis B is 100 times more infectious than HIV and has spread to an estimated 2 billion people worldwide while hepatitis C has reached about 170 million people. Chronic viral hepatitis is widespread and it is dangerous.

Last year, the Institute of Medicine released a report outlining a number of specific recommendations on how to combat viral hepatitis. To build on those recommendations, Assistant Secretary of Health Dr. Howard Koh convened a task force and developed a detailed, comprehensive action plan to combat the pervasive spread of this disease. These recommendations served as the foundation for the legislation I am proposing today.

As of today, there is no coordinated national strategy in place to fight viral hepatitis. The action plan put forward by Dr. Koh and his team seeks to rectify that problem by incorporating standardized viral hepatitis prevention and treatment programs into the health care infrastructure that already exists. The bill I introduced today would quickly implement a number of these programs and provides the Department of Health and Human Services with the resources to act.

The first step in prevention is determining who is infected with the virus so they can receive the appropriate care and will be less likely to pass on this disease to others. In order to determine the prevalence of the problem and to increase the number of people who are aware of their infection, The Viral Hepatitis Testing Act calls for HHS to work with the Center for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the Preventive Services Task Force to develop and implement effective surveillance and testing protocols. Whereas 75 percent of people carrying viral hepatitis today do not even know they are infected, improved testing could flip that disturbing statistic on its head in just 5 years.

It is also a sad reality that a number of minority populations are at greatly increased risk for contracting viral hepatitis. Asian-Americans and Pacific Islanders account for over half of chronic hepatitis B cases. African Americans, Latinos, and American Indians and Native Alaskans also have disproportionately high rates of these viruses. Additionally, without the proper preventative care, there is a high likelihood that pregnant women who carry the virus will pass it on to their unborn children.

For those reasons, the legislation I introduced today also focuses on screening and treating high-risk populations and pregnant mothers for viral hepatitis. Educational programs targeting high-risk groups will empower people to protect themselves from contracting hepatitis, and ensuring that people who have viral hepatitis receive the appropriate follow-up care will further help to prevent the spread of this epidemic.

Additionally, providing doctors with the proper training on the causes, symptoms, and treatments would also go a long way toward stemming the tide of transmission and improving outcomes for patients who have contracted the disease. This legislation makes supplemental viral hepatitis training for health care professionals a priority.

To do the things we need to do in order to save lives and control this deadly epidemic, we are going to have to make a relativelodest investment. The Viral Hepatitis Testing Act appropriates $110 million over 5 years that will go toward implementing the educational, screening, and treatment measures required under this act. Rather than creating a whole new hepatitis prevention apparatus, this funding will be used to integrate these new and improved procedures into the existing health care infrastructure through grants to public and nonprofit private entities, including States, Indian tribes, and public:private partnerships.

The human benefits of this legislation are undeniable—these provisions will reduce transmission, improve the quality of life for people with viral hepatitis, and prevent the deaths of countless mothers and fathers and children. It is also undeniable that this is a wise investment of resources and good policy. These investments are a classic case of using limited resources to maximum impact, as we invest a modest amount of money today in order to save lives, pain, and tens of billions of dollars tomorrow.

Today, hepatitis B costs patients around $2.5 billion per year. With baby boomers aging into Medicare and accounting for an estimated two out of every three cases of chronic hepatitis C, medical costs for treating this disease are expected to skyrocket from $30 billion to more than $85 billion in 2024. Late diagnosis is a significant driver of costs, as more expensive procedures and treatments are required the further the infection has progressed. To put this in even starker terms, the cost of the hepatitis B vaccine ranges from $75 to $165, while treatment can cost up to $16 thousand per year for a single person, or up to $110 thousand per hospital visit, should the disease develop into liver cancer.

Viral hepatitis is an increasingly significant issue for Massachusetts. The Department of Public Health reports over 2,000 cases of newly diagnosed chronic Hepatitis B infection and 8,000 to 10,000 cases of newly diagnosed chronic Hepatitis C infection each year. Viral hepatitis is the highest volume of reportable infectious diseases in the state. Additionally, there continues to be a striking increase in cases of hepatitis C infection among adolescents and young adults in the State, which suggests that there is a new epidemic of the disease taking hold.

Until recently, the Massachusetts State Legislature provided $1.4 million for surveillance to detect outbreaks and behaviors of concern as well as for targeted screening and treatment of high-risk populations. Today, however, as this public health threat spreads, all of that funding has been eliminated due to budget cuts. Massachusetts receives just $104,305 from the CDC for an Adult Viral Hepatitis Prevention Coordinator. This is a valuable position but it is not nearly enough to support core public health services. The Viral Hepatitis Testing Act will allow Massachusetts to invest in a sustainable infrastructure that would improve health care for our citizens.

The choice is ours: we can either invest in preventative programs and more robust screening now or we can just let this epidemic continue to proliferate around the country and foot the bill later for the expensive surgical procedures, medicines, and hospital bills that will only continue to grow.

Without action, thousands more Americans will die year from preventa seases. We know what we need to do; now it is up to us to do it. Let us not make excuses. Let us lower health care costs for American families, improve the quality o our care, and save lives. I again urge my colleagues to join me in cosponsoring this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 310—DESIGNATING 2012 AS THE ''YEAR OF THE GIRL'' AND CONGRATULATING GIRL SCOUTS OF THE USA ON ITS 100TH ANNIVERSARY

Ms. MIKULSKI (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 310

Whereas, for more than 100 years, Girl Scouts of the USA (referred to in this preamble as ''Girl Scouts'') has inspired girls to lead with courage, confidence and character;

Whereas the Girl Scout movement began on March 12, 1912, when Juliette ''Daisy'' Gordon Low (a native of Savannah, Georgia) organized a group of 18 girls and provided the girls with the opportunity to develop physically, mentally, and spiritually;

Whereas the goal of Daisy Low was to bring together girls of all backgrounds to develop self-reliance and resourcefulness, and to prepare each girl for a future role as a professional woman and active citizen outside the home;

Whereas, within a few years, there were nearly 70,000 Girl Scouts throughout the United States, including the territory of Hawaii;

Whereas Girl Scouts established the first troops for African-American girls in 1917 and the first troops for girls with disabilities in 1920;