S. 1741

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1741, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for community wind projects having generation capacity of not more than 20 megawatts, and for other purposes.

S. 1762

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 1762, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities and to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare—related programs.

S. 1769

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

S. 1776

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced—cost accommodations.

S. 1791

At the request of Mr. BROWN of Massachusetts, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1791, a bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1804

At the request of Mr. REED, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of 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.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1833

At the request of Mr. MANCHIN, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1833, a bill to provide additional time for compliance with, and coordinating of, the compliance schedules for certain rules of the Environmental Protection Agency.

S. 1836

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1836, a bill to amend the Oil Pollution Act of 1990 to clarify that the Act applies to certain incidents that occur in water beyond the exclusive economic zone of the United States.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 241

At the request of Mr. MENENDEZ, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 241, a resolution expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

AMENDMENT NO. 927

At the request of Mr. TESTER, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 927 proposed to H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare—related programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 1839. A bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life, and for other purposes; to the Committee on Armed Services.

Mr. WYDEN. Mr. President, never in our Nation's history has the American military relied more on National Guard and Reserve servicemembers than it has in the last 10 years.

More than 800,000 members of the National Guard and Reserves have been called to active duty service since 9/11, many of them serving two, three, and four tours of duty in Iraq and Afghanistan

Our military does an exceptional job of preparing these guardsmen and reservists for combat, but we do far too little to prepare them for transition back to civilian life.

Our guardsmen need a transition from the trauma of combat to the serenity of home in Oregon and throughout our Nation. But instead our guardsmen and reservists are sent back to their community with little or no time to readjust. In a matter of a few days these guardsmen go from holding a gun in the chaos of a combat zone to holding their children in the serenity of their own home. That has to be a difficult transition.

Unlike most active-duty troops who receive a soft landing through a number of carefully monitored reintegration programs and other support services provided on an active-duty base, returning guardsmen lack the support system of a large base.

While active-duty soldiers come home to military bases and the jobs and support systems that they provide, returning Guard members are in many instances left to face the increasingly stark reality of transitioning to civilian life on their own.

The amount of personal and professional requirements placed on guardsmen and reservists pre- and post-deployment are mind boggling. What they need more than anything is time to wind down and tend to their lives.

Even under the best of circumstances, the road back from war is difficult and extremely stressful. Men and women who have served in harm's way experience higher rates of divorce and suicide.

Many battle the debilitating effects and stigma associated with Post Traumatic Stress Disorder. In the current struggling economy, nearly half of the guard members and reservists have no job to return to. Some find that the jobs and careers they put on hold to serve their country simply no longer exist.

To compound an unacceptable unemployment problem, Guard members and reservists are immediately taken off the military payroll once they get home.

Imagine that reality for a second. You left your home, your family and your job to serve your country in harm's way for 10 months, only to be welcomed back with no job and no

source of income to pay for your home or support your family.

If they do have a job waiting for them, to keep a steady income, Guardsmen must jump right back into the high stress of relearning their civilian job without a chance to decompress or readjust from the stress of combat.

That is what my bill would help fix.

The National Guard and Reserve Soft Landing Reintegration Act would allow returning guardsmen and reservists to take up to 45 days to decompress, reintegrate, and get their lives in order, while still being paid.

I started this program because I think that citizen-soldiers are one of the strengths of this nation. They and their families should be acknowledged for the level of sacrifices that they are making.

Addressing the post deployment-related needs of returning guardsmen is not only the moral thing to do; it is also strategically wise for our nation.

This is part of the promise our nation made to take care of our troops. They did their best of us. We should do our best for them.

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. 1839

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 ''National Guard and Reserve Soft Landing Reintegration Act''.

SEC. 2. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

''(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

''(b) COVERED MEMBERS.—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

''(1) A contingency operation.

''(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

''(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

''(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

''(2) the basic allowance for subsistence payable under section 402 of title 37; and

''(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

''(d) EARLY RELEASE FROM ACTIVE DUTY.—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

''(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O–5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

''(e) TREATMENT OF ACTIVE DUTY UNDER POLICY ON LIMITATION OF PERIOD OF MOBILIZATION.—The active duty of a member under this section shall not be included in the period of mobilization of units or individuals under section 12302 of this title under any policy of the Department of Defense limiting the period of mobilization of units or individuals to a specified period, including the policy to limit such period of mobilization to 12 months as described in the memorandum of the Under Secretary of Defense for Personnel and Readiness entitled 'Revised Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks–Section 1,' effective January 19, 2007.

''(f) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned may provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

''(2) The counseling and services provided members under this subsection may include the following:

''(A) Physical and mental health evaluations.

''(B) Employment counseling and assistance.

''(C) Marriage and family counseling and assistance.

''(D) Financial management counseling.

''(E) Education counseling.

''(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

''(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

''(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

''(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

''12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.''.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLIS, Mr. COBURN, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. PAUL, Mr. RISCH, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, and Mr. VITTER):

S. 1843. A bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units; to the Committee on Health, Education, Labor, and Pensions.

Mr. ISAKSON. Mr. President, today, I highlight yet another assault on private-sector employers by this administration and its appointees. Rather than empowering businesses to help bring us out of this economic downturn, the White House continues to tilt the scales in favor of its allies—the labor unions. Nowhere is this more evident than the recent actions of the National Labor Relations Board, NLRB.

For the past 77 years, the NLRB has recognized a bargaining unit as all the employees of the employer, a facility, a department, or a craft. A bargaining unit had to be a sufficient size to warrant separate group identification for the purposes of collective bargaining. This standard was developed through years of careful consideration and congressional guidance.

On August 26, 2011, the NLRB decided to recklessly disregard this longstanding precedent. In its ''Specialty Healthcare and Rehabilitation Center of Mobile'' decision, the NLRB decided that unions can now handpick a small group of employees doing the same job in the same location for organization purposes. For instance, cashiers at a grocery store could form one small union separate from the baggers, produce stockers, or deli butchers. Unions have found it much easier to organize three employees rather than 30. Employers, especially retail chains, fear that this could create several dozen unions all within the same store location—making it easier for unions to gain access to employees and nearly impossible to manage such fragmentation of the workforce.

Let me be clear: I do not oppose efforts by employees to unionize if they choose to do so. I do, however, oppose the government interfering in the principles of a democratic workplace and

tipping the scales in favor of one party over the other.

I am proud to stand up today, along with 28 of my Republican colleagues, to introduce the Representation Fairness Restoration Act. This bill will reinstate the traditional standard for determining which employees will constitute appropriate bargaining units. The NLRB's actions are yet another clear example of how President Obama's appointees at this ''independent'' agency are clearly playing favorites at the expense of the American worker and our economy. We need to send a message to the administration that the NLRB's decisions are only adding to the pressure and uncertainty facing businesses today. This runaway agency must be reined in and I stand by private-sector employers by helping restore fairness to the workplace.

By Mr. WYDEN (for himself, Mr. BINGAMAN, and Ms. COLLINS):

S. 1845. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am being joined by my colleagues Senator BINGAMAN and Senator COLLINS on the introduction of the Storage Technology for Renewable and Green Energy Act of 2011 or the STORAGE 2011 Act. The purpose of the bill is to promote the deployment of energy storage technologies to make the electric grid operate more efficiently and help manage intermittent renewable energy generation from wind, solar, and other sources that vary with the time of day and the weather.

Traditionally, peak demand has been met by building more generation and transmission facilities, many of which sit idle much of the time. The Electric Power Research Institute's White Paper on storage technology observed that 25 percent of the equipment and capacity of the U.S. electric distribution system and 10 percent of the generation and transmission system is needed less than 400 hours a year. Peak generation is also often met with the least efficient, most costly power plants. Energy storage systems offer an alternative to simply building more generation and transmission to meet peak demand because they allow the current system to meet peak demands by storing less expensive off-peak power, from the most cost-efficient plants, for use during peak demand.

The growth of renewable energy from wind and solar and other intermittent renewable sources, like wave and tidal energy, raises yet another challenge for the electric grid that storage can help address. These renewable sources deliver power at times of the day or night when they might not be needed or fluctuate with the weather. Energy storage technology allows these intermittent sources to store power as it is generated and allow it to be dispatched when it is most needed and in a predictable, steady of stream of electricity no longer at the vagaries of weather conditions. And equally important, it allows this intermittent generation to more closely match demand. Instead of trying to find a place to sell power at 3:00 am in the morning when demand is down, wind farms for example would be able to sell their power at 3:00 pm in the afternoon when demand is up.

The STORAGE 2011 Act offers investment tax credits for three categories of energy storage facilities that temporarily store energy for delivery or use at a later time. The bill is technology neutral and does not pick storage technology ''winners'' and ''losers'' either in terms of the storage technology that is used or in terms of the source of the energy that is stored. The electricity can come from a wind farm or it can come for a coal or nuclear plant. Pumped hydro, compressed air, batteries, flywheels, and thermal storage are all eligible technologies as are smart-grid enabled plug-in electric vehicles.

First, the STORAGE 2011 Act provides a 20 percent investment tax credit of up to $40 million per project for storage systems connected to the electric grid and distribution system. A total of $1.5 billion in these investment credits are available for these grid connected systems. Developers would have to apply to the Treasury Department and DOE for the credits, similar to the process used for the green energy manufacturing credits the ''48C'' program. This is a 20 percent credit so that means the actual cost of the project that would be eligible for the full credit would be $200 million.

The Act also provides a 30 percent investment tax credit of up to $1 million per project to businesses for on-site storage, such as an ice-storage facility in on office building, where ice is made at night using low-cost, off-peak power and then used to help air-condition the building during the day while reducing peak demand. This is a 30 percent credit so the cost of the actual projects that would get the full credit amount would be around $3.3 million.

The Act also provides for 30 percent tax credit for homeowners for on-site storage projects to store off-peak electricity from solar panels or from the grid for later use during peak hours.

As the EPRI white paper noted ''(d)espite the large anticipated need for energy storage solutions within the electric enterprise, very few grid-integrated storage installations are in actual operation in the United States today.'' The purpose of the STORAGE 2011 Act is help jump start the deployment of these storage solutions so that renewable energy technologies can increase their economic value to the electric grid while reducing their power integration costs as well as to improve the overall efficiency of the electrical system.

I urge my colleagues to take a closer look at what storage technologies can do to help reduce the cost of electricity and improve the performance of the electric grid and renewable energy technologies. If they do, I am confident my colleagues will join Senators BINGAMAN and COLLINS in supporting this bipartisan 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. 1845

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 ''Storage Technology for Renewable and Green Energy Act of 2011'' or the ''STORAGE 2011 Act''.

SEC. 2. ENERGY INVESTMENT CREDIT FOR ENERGY STORAGE PROPERTY CONNECTED TO THE GRID.

(a) UP TO 20 PERCENT CREDIT ALLOWED.—Subparagraph (A) of section 48(a)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subclause (IV) of clause (i),

(2) by striking ''clause (i)'' in clause (ii) and inserting ''clause (i) or (ii)'',

(3) by redesignating clause (ii) as clause (iii), and

(4) by inserting after clause (i) the following new clause:

''(ii) as provided in subsection (c)(5)(D), up to 20 percent in the case of qualified energy storage property, and''.

(b) QUALIFIED ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) QUALIFIED ENERGY STORAGE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy storage property' means property—

''(i) which is directly connected to the electrical grid, and

''(ii) which is designed to receive electrical energy, to store such energy, and—

''(I) to convert such energy to electricity and deliver such electricity for sale, or

''(II) to use such energy to provide improved reliability or economic benefits to the grid.

Such term may include hydroelectric pumped storage and compressed air energy storage, regenerative fuel cells, batteries, superconducting magnetic energy storage, flywheels, thermal energy storage systems, and hydrogen storage, or combination thereof, or any other technologies as the Secretary, in consultation with the Secretary of Energy, shall determine.

''(B) MINIMUM CAPACITY.—The term 'qualified energy storage property' shall not include any property unless such property in aggregate has the ability to sustain a power rating of at least 1 megawatt for a minimum of 1 hour.

''(C) ELECTRICAL GRID.—The term 'electrical grid' means the system of generators, transmission lines, and distribution facilities which—

''(i) are under the jurisdiction of the Federal Energy Regulatory Commission or State public utility commissions, or

''(ii) are owned by—

''(I) the Federal government,

''(II) a State or any political subdivision of a State,

''(III) an electric cooperative that is eligible for financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), or

''(IV) any agency, authority, or instrumentality of any one or more of the entities described in subclause (I) or (II), or any corporation which is wholly owned, directly or indirectly, by any one or more of such entities.

''(D) ALLOCATION OF CREDITS.—

''(i) IN GENERAL.—In the case of qualified energy storage property placed in service during the taxable year, the credit otherwise determined under subsection (a) for such year with respect to such property shall not exceed the amount allocated to such project under clause (ii).

''(ii) NATIONAL LIMITATION AND ALLOCATION.—There is a qualified energy storage property investment credit limitation of $1,500,000,000. Such limitation shall be allocated by the Secretary among qualified energy storage property projects selected by the Secretary, in consultation with the Secretary of Energy, for taxable years beginning after the date of the enactment of the STORAGE 2011 Act, except that not more than $40,000,000 shall be allocated to any project for all such taxable years.

''(iii) SELECTION CRITERIA.—In making allocations under clause (ii), the Secretary, in consultation with the Secretary of Energy, shall select only those projects which have a reasonable expectation of commercial viability, select projects representing a variety of technologies, applications, and project sizes, and give priority to projects which—

''(I) provide the greatest increase in reliability or the greatest economic benefit,

''(II) enable the greatest improvement in integration of renewable resources into the grid, or

''(III) enable the greatest increase in efficiency in operation of the grid.

''(iv) DEADLINES.—

''(I) IN GENERAL.—If a project which receives an allocation under clause (ii) is not placed in service within 2 years after the date of such allocation, such allocation shall be invalid.

''(II) SPECIAL RULE FOR HYDROELECTRIC PUMPED STORAGE.—Notwithstanding subclause (I), in the case of a hydroelectric pumped storage project, if such project has not received such permits or licenses as are determined necessary by the Secretary, in consultation with the Secretary of Energy, within 3 years after the date of such allocation, begun construction within 5 years after the date of such allocation, and been placed in service within 8 years after the date of such allocation, such allocation shall be invalid.

''(III) SPECIAL RULE FOR COMPRESSED AIR ENERGY STORAGE.—Notwithstanding subclause (I), in the case of a compressed air energy storage project, if such project has not begun construction within 3 years after the date of the allocation and been placed in service within 5 years after the date of such allocation, such allocation shall be invalid.

''(IV) EXCEPTIONS.—The Secretary may extend the 2-year period in subclause (I) or the periods described in subclauses (II) and (III) on a project-by-project basis if the Secretary, in consultation with the Secretary of Energy, determines that there has been a good faith effort to begin construction or to place the project in service, whichever is applicable, and that any delay is caused by factors not in the taxpayer's control.

''(E) REVIEW AND REDISTRIBUTION.—

''(i) REVIEW.—Not later than 4 years after the date of the enactment of the STORAGE 2011 Act, the Secretary shall review the credits allocated under subparagraph (D) as of the date of such review.

''(ii) REDISTRIBUTION.—Upon the review described in clause (i), the Secretary may reallocate credits allocated under subparagraph (D) if the Secretary determines that—

''(I) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

''(II) any allocation made under subparagraph (D)(ii) has been revoked pursuant to subparagraph (D)(iv) because the project subject to such allocation has been delayed.

''(F) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making an allocation under subparagraph (D)(ii), publicly disclose the identity of the applicant, the location of the project, and the amount of the credit with respect to such applicant.

''(G) TERMINATION.—No credit shall be allocated under subparagraph (D) for any period ending after December 31, 2020.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 3. ENERGY STORAGE PROPERTY CONNECTED TO THE GRID ELIGIBLE FOR NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54C(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a facility which is—

''(A)(i) a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date), or

''(ii) a qualified energy storage property (as defined in section 48(c)(5)), and

''(B) owned by a public power provider, a governmental body, or a cooperative electric company.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 4. ENERGY INVESTMENT CREDIT FOR ONSITE ENERGY STORAGE.

(a) CREDIT ALLOWED.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(1) by striking ''and'' at the end of subclause (III),

(2) by inserting ''and'' at the end of subclause (IV), and

(3) by adding at the end the following new subclause:

''(V) qualified onsite energy storage property,''.

(b) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

''(6) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified onsite energy storage property' means property which—

''(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the property is located, or

''(ii) is designed and used primarily to receive and store, firm, or shape variable renewable or off-peak energy and to deliver such energy primarily for onsite consumption.

Such term may include thermal energy storage systems and property used to charge plug-in and hybrid electric vehicles if such property or vehicles are equipped with smart grid equipment or services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.

''(B) MINIMUM CAPACITY.—The term 'qualified onsite energy storage property' shall not include any property unless such property in aggregate—

''(i) has the ability to store the energy equivalent of at least 20 kilowatt hours of energy, and

''(ii) has the ability to have an output of the energy equivalent of 4 kilowatts of electricity for a period of 5 hours.

''(C) LIMITATION.—In the case of qualified onsite energy storage property placed in service during the taxable year, the credit otherwise determined under subsection (a) for such year with respect to such property shall not exceed $1,000,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 5. CREDIT FOR RESIDENTIAL ENERGY STORAGE EQUIPMENT.

(a) CREDIT ALLOWED.—Subsection (a) of section 25D of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(6) 30 percent of the qualified residential energy storage equipment expenditures made by the taxpayer during such taxable year, and''.

(b) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT EXPENDITURES.—Section 25D(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:—

''(6) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT EXPENDITURES.—For purposes of this section, the term 'qualified residential energy storage equipment expenditure' means an expenditure for property—

''(A) which is installed in or on a dwelling unit located in the United States and owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121), or on property owned by the taxpayer on which such a dwelling unit is located,

''(B) which—

''(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the property is located, or

''(ii) is designed and used primarily to receive and store, firm, or shape variable renewable or off-peak energy and to deliver such energy primarily for onsite consumption, and

''(C) which—

''(i) has the ability to store the energy equivalent of at least 2 kilowatt hours of energy, and

''(ii) has the ability to have an output of the energy equivalent of 500 watts of electricity for a period of 4 hours.

Such term may include thermal energy storage systems and property used to charge plug-in and hybrid electric vehicles if such property or vehicles are equipped with smart grid equipment or services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.''.

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

By Mr. RUBIO (for himself, Mr. INHOFE, and Mr. CRAPO):

S. 1848. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Relations.

Mr. RUBIO. Mr. President, I rise to speak about legislation I introduced today to encourage comprehensive and long-lasting reforms at the United Nations. I want to thank my colleague Senator JAMES INHOFE from Oklahoma for joining me on this effort. I also commend the Chair of the House Foreign Affairs' Committee—and fellow Floridian Congresswoman ILEANA ROS-LEHTINEN for leading on this effort in the House of Representatives.

The United Nations was created in 1945 with the specific mandate of maintaining the hard-fought peace that followed the end of World War II. Just as it was then, today our nation's security and prosperity is influenced by conflicts and events taking place in various near and far-flung places. The United States cannot and should not attempt to address these conflicts on its own. More than six decades later, we still need a U.N. with resolve, a U.N. that acts with effectiveness and purpose. Sadly, the U.N.'s persistent ethics and accountability problems are limiting its role. Until the organization addresses these important issues, the stature of the organization will continue to suffer in the eyes of the world.

Examples of this troubling situation abound, from the ongoing efforts to circumvent direct negotiations to end the Israeli-Arab conflict, to the discredited Human Rights Council led by the world's most notorious tyrants and human rights violators, to the proliferation of mandates that have clouded the organization's mission and effectiveness.

My hope with this legislation is to provide an incentive for the United Nations and the President, to modernize that international body along a spirit of transparency, respect for basic human freedoms, and effective nonproliferation. This legislation would also attempt to address the anti-Semitic attitudes that have become so prevalent in certain corners of the U.N. and seriously diminish the credibility of the entire U.N. system.

At the core of these reforms is an effort to instill a sense of transparency and competition at the U.N. by its adoption of a budgetary model that relies mostly on voluntary contributions. This legislation would also strengthen the international standing of human rights by reforming the U.N. Human Rights Council in a way that it would deny membership to nations under U.N. sanctions, designated by our Department of State as States Sponsors of Terrorism, or failing to take measures to combat and end the despicable practice of human trafficking. Other provisions seek meaningful reforms at the U.N. Relief and Work Agency that provides assistance to Palestinian refugees of the 1948 Arab-Israeli conflict.

This legislation is needed because the structure and bureaucratic culture of the organization often makes it impossible or, at best, downright difficult to achieve meaningful reforms. It follows on the steps of previously successful Congressional initiatives on this matter. Every previously successful American effort for reform at the U.N. has been accompanied with the threat of withholding our valuable contributions. I wish this wasn't the case, but this is the record, so it is part of our legislation.

In closing, the United Nations has served as the primary multilateral forum to address peace and security issues throughout the world, and I look forward to working with my Senate colleagues in achieving meaningful transparency and accountability reforms at that international body.

By Mr. HARKIN (for himself, Mr. CASEY, Mr. TESTER, Mr. BROWN of Ohio, Mr. LEAHY, Mr. FRANKEN, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, and Mrs. BOXER):

S. 1850. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, among the most hopeful occurrences in rural America is when someone is able to get started in farming or ranching and go on to build a successful operation. Typically, the beginning farmer or rancher is continuing an established family farm or ranch, although increasingly he or she is taking on the challenge of starting and growing an entirely new operation.

Because farming and ranching families are so vital to rural communities and our Nation as a whole, there has been a great deal of concern for decades as America's agricultural producers have grown older and retired, as farm numbers fell, and as men and women who had a great desire to become the next generation of farmers and ranchers were unable to find the opportunities and resources to do so.

Across America, we are fortunate to have many families and individuals who possess the ability, motivation, and dedication to start or continue a farm or ranch and build a rewarding life in agriculture. Our Nation needs more beginning farmers and ranchers across all types of operations—including commercial-scale crop and animal agriculture systems, organic agriculture, growing for local food systems and farmers markets, and even farming in urban and suburban areas. We need more beginning farmers and ranchers to secure critical supplies of food, fuel, and fiber for the future. We need them as stewards to care for and conserve our soil, water, and other natural resources. We need more new farming and ranching families as contributing members of healthy and vibrant local communities.

Aspiring and beginning farmers and ranchers confront tremendous challenges, yet there are some hopeful signs. According to the Census of Agriculture, the number of farms in the United States increased four percent between 2002 and 2007. The new farms tended to be smaller, have lower sales, and rely more on off-farm income sources. New farmers are also more diverse, with significant increases between 2002 and 2007 in the number of farm operators who are women, Hispanic, American Indian, African-American, and Asian-American.

We know from experience that carefully designed programs can very effectively help beginning farmers and ranchers apply their talents and efforts, assemble the necessary resources, capitalize upon opportunities, and succeed. I am proud that in the two farm bills, in 2002 and 2008, that we enacted while I was chairman of the Agriculture, Nutrition, and Forestry Committee, we adopted a number of initiatives to strengthen and improve programs at the Department of Agriculture that assist beginning farmers and ranchers.

The legislation I am introducing today, joined by a number of my colleagues, is crafted to extend, improve, and strengthen beginning farmer and rancher programs and initiatives that we adopted in the most recent two farm bills and in earlier farm bills and other legislation. The Beginning Farmer and Rancher Opportunity Act of 2011 will build upon the successful record of the earlier legislation and its implementation by the U.S. Department of Agriculture in cooperation with a variety of public and private institutions and organizations.

Let me emphasize that the beginning farmer and rancher initiatives in the legislation we are introducing today, and the programs now being carried out by USDA, are not designed or intended to guarantee the success of any beginning farmer or rancher or to give anyone something for nothing. All they do is to offer a helping hand, a better opportunity, to women and men who make the effort and apply themselves, who are willing to learn and to do the necessary work to achieve their goals and succeed in farming and ranching.

A key feature of the Beginning Farmer and Rancher Opportunity Act of 2011 is to extend and strengthen the beginning farmer and rancher development program, which we enacted in 2008. In this program, USDA provides competitively-awarded grants to qualified organizations that deliver training and education for beginning farmers and ranchers. This new legislation makes it a new priority for USDA to issue grants to support agricultural rehabilitation and vocational training for military veterans and to deliver training and education to help veterans who are beginning farmers and ranchers. The

bill also would extend and increase mandatory funding for this development program to $25 million in each of fiscal years 2013 through 2017.

This legislation also strengthens in several ways the assistance USDA provides to enable beginning farmers and ranchers to assemble the financial resources they need to start and build a successful operation. It creates a microloan program in which young beginning farmers and ranchers who qualify could borrow up to $35,000 for operating expenses at reduced interest rates and with simplified paperwork. Also included in this bill is mandatory funding at $5 million a year to carry out the individual development accounts pilot program that was enacted in the 2008 farm bill. Grants under this pilot program would support at least 15 State individual development account initiatives to help beginning farmers and ranchers build savings that can then be invested in their agricultural operations. Several other provisions of the bill update and improve the existing USDA programs to help beginning farmers and ranchers obtain loans for operating expenses, land purchases, and applying conservation practices.

To encourage and assist beginning farmers and ranchers in maintaining and adopting sound conservation practices in their operations, the bill extends and strengthens several initiatives enacted in previous farm bills. For example, the legislation expands the options and financial incentives for maintaining conservation on land that comes out of the Conservation Reserve Program, CRP, contracts and is leased or sold to beginning farmers or ranchers. Other provisions increase the share of funds and enrollment dedicated to beginning farmers and ranchers in the Conservation Stewardship Program, CSP, and Environmental Quality Incentives Program, EQIP, strengthen help to beginning farmers and ranchers through the Farm and Ranch Land Protection Program, promote their use of whole-farm conservation planning, and boost help to them through conservation loans and cost-share payments.

Other features of the bill are designed to strengthen revenue insurance available to beginning farmers and ranchers through USDA's Risk Management Agency, including increased funding to help beginning and socially disadvantaged farmers and ranchers better understand and utilize insurance programs and risk management systems. In order to help beginning farmers and ranchers build markets and increase income through adding value to their commodities, the bill enhances opportunities for beginning farmers and ranchers to receive USDA value-added producer grants and provides new, increased mandatory funding for such grants. To strengthen USDA's attention to helping beginning farmers and ranchers, the legislation creates coordinators in key USDA agency offices in each State. It also creates a special USDA veterans agricultural liaison position to focus upon helping veterans understand and benefit from USDA programs, especially those for beginning farmers and ranchers.

In conclusion, I am proud of the initiatives we have previously enacted to help beginning farmers and ranchers create and pursue opportunities and realize their goals and dreams. By building on the success of the existing programs, this legislation will lend more help to beginning farmers and ranchers and in doing so strengthen American agriculture, our rural communities, and our nation as a whole. I am grateful to the cosponsors of this bill and urge all of my colleagues to support it.

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. 1850

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 ''Beginning Farmer and Rancher Opportunity Act of 2011''.

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

TITLE I—CONSERVATION

Subtitle A—Conservation Reserve Program

SEC. 101. EXTENSION OF CONSERVATION RESERVE PROGRAM.

(a) IN GENERAL.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking ''2012'' and inserting ''2017''.

(b) LAND ELIGIBLE FOR ENROLLMENT IN CONSERVATION RESERVE.—Section 1231(b)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(b)(1)(B)) is amended by striking ''Food, Conservation, and Energy Act of 2008'' and inserting ''Beginning Farmer and Rancher Opportunity Act of 2011''.

(c) MAXIMUM ENROLLMENT OF ACREAGE IN CONSERVATION RESERVE.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''2010, 2011, and 2012'' and inserting ''2010 through 2017''.

(d) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231B of the Food Security Act of 1985 (16 U.S.C. 3831b) is amended—

(1) in subsection (a)(1), by striking ''2012'' and inserting ''2017''; and

(2) in subsection (b)(1)(C), by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 102. CONTRACTS.

Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended—

(1) in subsection (c)(1)(B), by striking clause (iii) and inserting the following:

''(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher who is or will be actively engaged in farming or ranching with respect to the land transferred under this subsection for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods that meet or exceed the resource management system quality criteria for erosion, soil quality, water quality, and fish and wildlife; or''; and

(2) in subsection (f)(1)—

(A) in the matter preceding subparagraph (A), by striking ''or socially disadvantaged farmer or rancher'' and inserting ''socially disadvantaged farmer or rancher, or limited resource farmer or rancher who is or will be actively engaged in farming or ranching with respect to the land transferred under this subsection''; and

(B) by striking subparagraphs (C), (D), and (E) and inserting the following:

''(C) require the covered farmer or rancher to develop and implement a comprehensive conservation plan that addresses all resource concerns and meets such sustainability criteria as the Secretary may establish;

''(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program at any time beginning on the date that is 1 year before the date of termination of the contract, including technical and financial assistance in the development of a comprehensive conservation plan;

''(E) if the land transferred under this subsection remains in grass cover, provide to the covered farmer or rancher an opportunity to enroll in a long-term or permanent easement under the grassland reserve program or farmland protection program at any time beginning on the date that is 1 year before the date of termination of the contact; and

''(F) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, except that, in the case of a retired or retiring owner or operator who is a family member (as defined in section 1001) of the covered farmer or rancher, the additional payments shall be made only if title to the land is sold or transferred to the covered farmer or rancher on termination of the contract.''.

Subtitle B—Farmland Protection Program

SEC. 111. FARMLAND PROTECTION PROGRAM.

Section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) is amended—

(1) in subsection (b), by inserting ''to promote farm viability for future generations'' before the period at the end; and

(2) in subsection (g)(4)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) provide a funding priority, to the maximum extent practicable, for—

''(i) eligible land for which there exists a farm or ranch succession plan or similar plan established to create opportunities for beginning farmers and ranchers and encourage farm viability for future generations;

''(ii) easements that exercise an option to purchase at a price that is equal to the agricultural use value;

''(iii) qualified beginning farmers or ranchers with contracts to purchase the land to be protected;

''(iv) land owned by a nongovernmental organization that will be sold to a qualified beginning farmer or rancher;

''(v) contemporaneous farm transfers of eligible land to qualified beginning farmers and ranchers that may not occur without the financial assistance of the program; and

''(vi) other similar mechanisms to maintain the affordability of farm and ranch land for successive generations of farmers and ranchers; and''.

Subtitle C—Environmental Quality Incentives Program

SEC. 121. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(1) in subsection (a), by striking ''2012'' and inserting ''2017'';

(2) in subsection (d)(4)(B), by striking ''30 percent'' and inserting ''50 percent''; and

(3) in subsection (f), by striking ''2012'' and inserting ''2017''.

SEC. 122. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) provide environmental and resource conservation benefits through increased participation by beginning farmers and ranchers and socially disadvantaged farmers and ranchers.''; and

(2) in subsection (b)(2), by striking ''2012'' and inserting ''2017''.

Subtitle D—Funding and Administration

SEC. 131. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1) by striking ''2012'' and inserting ''2017''.

(b) CONSERVATION RESERVE PROGRAM.—Section 1241(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(1)) is amended by striking ''2012'' each place it appears and inserting ''2017''.

(c) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2017''.

SEC. 132. ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.

Section 1241(g) of the Food Security Act of 1985 (16 U.S.C. 3841(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''2012'' and inserting ''2017''; and

(B) by striking ''5 percent'' each place it appears and inserting ''10 percent'';

(2) in paragraph (2), by inserting ''(but not earlier than 120 days after the date that funding for the fiscal year is allocated to the States)'' after ''Secretary'';

(3) in paragraph (3), by inserting ''(but not earlier than 120 days after the date that acres for the fiscal year are allocated to the States)'' after ''Secretary''; and

(4) by adding at the end the following:

''(4) PARTICIPATION BY BEGINNING AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—Nothing in this subsection prohibits beginning or socially disadvantaged farmers or ranchers from participating in programs and receiving funding available under this title that is not reserved under paragraph (1).

''(5) TECHNICAL ASSISTANCE.—Within the funds reserved under paragraph (1), the Secretary shall allocate to the Natural Resources Conservation Service funding for technical assistance at a rate that is not more than 10 percent higher than the rate that would otherwise apply to allow the Service to provide additional technical assistance to beginning farmers or ranchers and socially disadvantaged farmers or ranchers to establish conservation plans.''.

SEC. 133. COMPREHENSIVE CONSERVATION PLANNING.

Section 1244(a) of the Food Security Act of 1985 (16 U.S.C. 3844(a)) is amended by adding at the end the following:

''(3) COMPREHENSIVE CONSERVATION PLANNING.—In carrying out this subsection, the Secretary shall provide technical and financial assistance using resources available under the environmental quality incentives program, conservation stewardship program, or such other programs as the Secretary may determine to covered persons who request the assistance to develop a comprehensive conservation plan for the farming or ranching operation of the covered person.''.

TITLE II—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 201. DIRECT FARM OWNERSHIP EXPERIENCE REQUIREMENT.

Section 302(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(b)) is amended by striking ''3 years'' and inserting ''2 years''.

SEC. 202. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) in subsection (c)(2)—

(A) by striking ''shall meet'' and inserting ''shall—

''(A) meet'';

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) be the owner or operator of not larger than a family farm.'';

(2) in subsection (e)—

(A) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the portion''; and

(B) by adding at the end the following:

''(2) BEGINNING AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—In the case of beginning farmers or ranchers and socially disadvantaged farmers or ranchers, the portion of the loan the Secretary may guarantee under this section shall be 95 percent of the principal amount of the loan.''; and

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

''(h) FUNDING.—

''(1) IN GENERAL.—The Secretary may make or guarantee loans under this section for not more than $250,000,000 for each of fiscal years 2013 through 2017, of which, for each fiscal year, not more than ½ shall be used for direct loans and not more than ½ shall be used for guaranteed loans.

''(2) QUALIFIED BEGINNING FARMERS AND RANCHERS.—

''(A) DIRECT LOANS.—Of the amount made available for direct loans for a fiscal year under paragraph (1), the Secretary shall reserve for qualified beginning farmers and ranchers until April 1 of the fiscal year not less than 50 percent of the amount.

''(B) GUARANTEED LOANS.—Of the amount made available for guaranteed loans for a fiscal year under paragraph (1), the Secretary shall reserve for qualified beginning farmers and ranchers until April 1 of the fiscal year not less than 50 percent of the amount.''.

SEC. 203. LOAN TERMS FOR DOWN PAYMENT LOAN PROGRAM.

Section 310E(b)(1)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935(b)(1)(C)) is amended by striking ''$500,000'' and inserting ''$667,000''.

SEC. 204. DEFINITION OF QUALIFIED BEGINNING FARMER OR RANCHER.

Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking ''median'' and inserting ''average''.

Subtitle B—Operating Loans

SEC. 211. YOUNG BEGINNING FARMER OR RANCHER MICROLOANS.

Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended by adding at the end the following:

''(d) YOUNG BEGINNING FARMER OR RANCHER MICROLOANS.—

''(1) IN GENERAL.—The Secretary may make microloans under this subtitle to beginning

farmers or ranchers who are not less than 19 and not more than 35 years of age to enable the beginning farmers or ranchers to obtain flexible capital to finance operations.

''(2) LIABILITY.—In the case of a microloan under this subsection, the Secretary may accept the personal liability of a cosigner of the promissory note in addition to the personal liability of the borrower.

''(3) PRINCIPAL BALANCE.—The principal balance for a microloan made under this subsection shall not exceed $35,000.

''(4) TERM.—Loan repayment under this subsection shall be required in not less than 1 and not more than 7 years.

''(5) INTEREST RATE.—The interest rate on a loan made under this subsection shall not exceed the maximum interest rate that may be charged low income, limited resource borrowers under section 316(a)(2).

''(6) BORROWER TRAINING.—

''(A) IN GENERAL.—Subject to subparagraph (B), to be eligible for a microloan under this subsection, the borrower shall have successfully completed, or will complete within 1 year, borrower training described in section 359.

''(B) WAIVERS.—In carrying out subparagraph (A), the Secretary shall not grant a waiver described in section 359(f) except in the case of a borrower who successfully completed, or will complete within 1 year, an equivalent training program, including programs established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f), as determined by the Secretary.''.

Subtitle C—Administrative Provisions

SEC. 221. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is amended by striking subsection (h) and inserting the following:

''(h) FUNDING.—On October 1, 2012, and on each October 1 thereafter through October 1, 2016, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $5,000,000, to remain available until expended.''.

SEC. 222. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

(a) CONDITIONS FOR DIRECT LOANS.—Section 311(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting ''; and'';

(B) in subparagraph (B), by striking ''; or'' at the end and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraphs (3) and (4) and inserting the following:

''(3) TERM LIMITS.—Subject to paragraph (4), if a farmer or rancher has received a direct operating loan pursuant to this section in each of 9 consecutive years, the farmer or rancher may not receive a direct operating loan from the Secretary under this section for the next year.

''(4) WAIVERS FOR FARM AND RANCH OPERATIONS ON TRIBAL LAND.—The Secretary shall waive the limitation under paragraph (3) for a direct loan made under this subtitle to a farmer or rancher whose farm or ranch land is subject to the jurisdiction of an Indian tribe and whose loan is secured by 1 or more security instruments that are subject to the jurisdiction of an Indian tribe if the Secretary determines that commercial credit is not generally available for the farm or ranch operations.''.

(b) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.—Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.—If a borrower has received a guaranteed loan under this subtitle in each of 15 consecutive years, the borrower may not receive a loan guaranteed by the Secretary for the next year.''.

SEC. 223. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''$4,226,000,000 for each of fiscal years 2008 through 2012'' and inserting ''$5,000,000,000 for each of fiscal years 2013 through 2017'' ;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''$1,200,000,000'' and inserting ''$2,000,000,000'';

(B) in clause (i), by striking ''$350,000,000'' and inserting ''$750,000,000''; and

(C) in clause (ii), by striking ''$850,000,000'' and inserting ''$1,250,000,000''; and

(3) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''$3,026,000,000'' and inserting ''$3,000,000,000'';

(B) in clause (i), by striking ''$1,000,000,000'' and inserting ''$1,500,000,000''; and

(C) in clause (ii), by striking ''$2,026,000,000'' and inserting ''$1,500,000,000''.

SEC. 224. DIRECT LOANS FOR BEGINNING FARMERS AND RANCHERS.

Section 346(b)(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)(A)) is amended—

(1) in clause (i), by adding at the end the following:

''(III) PRIORITY.—In order to maximize the number of borrowers served under this clause, the Secretary—

''(aa) shall give priority to borrowers who apply under the down payment loan program under section 310E or joint financing arrangements under section 307(a)(3)(D); and

''(bb) may offer other financing options only if the Secretary determines that down payment or other participation loan options are not a viable approach for a particular borrower.''; and

(2) in clause (ii)(III), by striking ''each of fiscal years 2008 through 212'' and inserting ''fiscal year 2008 and each fiscal year thereafter''.

SEC. 225. BORROWER TRAINING.

Section 359 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006a) is amended by adding at the end the following:

''(g) COORDINATION.—The Secretary shall coordinate the borrower training program under this section with the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) to ensure, to the maximum extent practicable, that financial management training programs funded under the beginning farmer and rancher development program are designed in such a way that the financial management training programs will—

''(1) meet borrower training requirements under this section; and

''(2) qualify as beginning farmer and rancher development program projects covered by contracts under subsection (b).''.

TITLE III—RURAL DEVELOPMENT

SEC. 301. VALUE-ADDED PRODUCER GRANTS.

Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(b)) is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) PRIORITY.—

''(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall give priority to projects that—

''(i) contribute to increasing opportunities for operators of small- and medium-sized farms and ranches that are structured as a family farm; or

''(ii) have applicants at least ¼ of whom are beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

''(B) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide very substantial weight to the priorities described in subparagraph (A).''; and

(2) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking ''October 1, 2008'' and inserting ''October 1, 2012, and each October 1 thereafter through October 1, 2016''; and

(ii) by striking ''$15,000,000'' and inserting ''$30,000,000'';

(B) in subparagraph (B), by striking ''2012'' and inserting ''2017''; and

(C) in subparagraph (C)—

(i) in clause (i), by striking ''benefit'' and inserting ''have applicants at least ¼ of whom are''; and

(ii) in clause (iii), by striking ''June 30 of the fiscal year'' and inserting ''the close of the annual proposal review process''.

SEC. 302. USE OF LOANS AND GRANTS FOR ENTREPRENEURIAL FARM ENTERPRISES.

Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 365 (7 U.S.C. 2008) the following:

''SEC. 366. USE OF LOANS AND GRANTS FOR ENTREPRENEURIAL FARM ENTERPRISES.

''(a) IN GENERAL.—The Secretary shall approve grants and loans under any rural development program established under this title to support farm and farm-related business enterprises that—

''(1) create new entrepreneurial employment opportunities for beginning farmers and ranchers;

''(2) have the effect of—

''(A) creating new small- and medium-size family farms;

''(B) enhancing local and regional food systems;

''(C) increasing value-added production and new markets;

''(D) preserving farmland and rural heritage; and

''(E) developing strong rural economies; and

''(3) are consistent with the purposes of the program.

''(b) LIMITATION.—Loans or grants made under this section shall not be available for annual agricultural production purposes.''.

TITLE IV—RESEARCH, EDUCATION, AND EXTENSION

SEC. 401. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (Q), by striking ''and'' after the semicolon at the end;

(ii) by redesignating subparagraph (R) as subparagraph (S); and

(iii) by inserting after subparagraph (Q) the following:

''(R) agricultural rehabilitation and vocational training for veterans; and'';

(B) in paragraph (4)—

(i) by striking ''To be eligible'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible''; and

(ii) by adding at the end the following:

''(B) EXCEPTIONS.—The Secretary may waive or modify the matching requirement in subparagraph (A) if the Secretary determines a waiver or modification is necessary to effectively reach an underserved area or population.'';

(C) in paragraph (8)—

(i) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) military veteran beginning farmers and ranchers.''; and

(D) by adding at the end the following:

''(11) INDIRECT COSTS.—To help facilitate participation in the program under this subsection by nongovernmental and community-based nonprofit organizations, the Secretary shall provide for an optional 10 percent indirect cost option in lieu of a higher negotiated rate.''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''section—''and all that follows through the period at the end and inserting ''$25,000,000 for each of fiscal years 2013 through 2017.''; and

(B) in paragraph (2), by striking ''2008 through 2012'' and inserting ''2013 through 2017''.

SEC. 402. AGRICULTURE AND FOOD RESEARCH INITIATIVE.

Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) is amended—

(1) in paragraph (2)(F)—

(A) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively; and

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

''(iii) new farming opportunities, including young, beginning, socially disadvantaged, and immigrant issues and farm transition, farm transfer, farm entry, and beginning farmer profitability issues;'';

(2) in paragraph (7), in the matter preceding subparagraph (A), by inserting ''projects (including integrated projects)'' after ''education''; and

(3) in paragraph (11)(A)—

(A) in the matter preceding clause (i), by striking ''2008 through 2012'' and inserting ''2013 through 2017''; and

(B) in clause (i), by striking ''pursuant to'' and inserting ''under''.

TITLE V—CROP INSURANCE

SEC. 501. SENSE OF CONGRESS ON BEGINNING FARMER AND RANCHER ACCESS TO CROP AND REVENUE INSURANCE.

It is the sense of Congress that the Secretary of Agriculture should, to the maximum extent practicable, remove barriers and ensure effective access to crop and revenue insurance by beginning farmers and ranchers on terms that are fair and assist in the goal of increasing the number of new farming and ranching opportunities.

SEC. 502. RISK MANAGEMENT PARTNERSHIP PROGRAMS.

Section 522 of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''priority given to risk'' and inserting ''priority given to—

''(A) risk'';

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

(iii) by adding at the end the following:

''(B) underserved producers, including beginning farmers and ranchers and socially disadvantaged farmers and ranchers.'';

(B) in paragraph (2)—

(i) by striking ''options for producers'' and inserting ''options for—

''(A) producers'';

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

(iii) by adding at the end the following:

''(B) underserved producers, including beginning farmers and ranchers and socially disadvantaged farmers and ranchers.''; and

(C) by adding at the end the following:

''(4) REQUIREMENTS.—In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management techniques, tools, and programs that are specifically targeted at—

''(A) beginning farmers or ranchers;

''(B) legal immigrant farmers or ranchers that are attempting to become established agricultural producers in the United States;

''(C) socially disadvantaged farmers or ranchers;

''(D) farmers or ranchers that—

''(i) are preparing to retire; and

''(ii) are using transition strategies to help new farmers or ranchers get started; and

''(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.''; and

(2) in subsection (e)(2)(A), by striking ''$12,500,000 for fiscal year 2008'' and inserting ''$15,000,000 for fiscal year 2013''.

TITLE VI—MISCELLANEOUS

SEC. 601. SMALL AND BEGINNING FARMER AND RANCHER COORDINATORS.

Section 226B of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934) is amended—

(1) in subsection (c)(4), by inserting before the semicolon at the end the following: '', including review of rulemakings to provide an assessment and make recommendations regarding the impact of rules on small farms and ranches, beginning and socially disadvantaged farmers and ranchers, and related matters relevant to the structure of agriculture'';

(2) in subsection (e)(2)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following:

''(D) STATE SMALL AND BEGINNING FARMER AND RANCHER COORDINATOR.—

''(i) IN GENERAL.—The Small Farms and Beginning Farmers and Ranchers Group shall designate a State small and beginning farmer and rancher coordinator from among the State office employees of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, and the Rural Utilities Service.

''(ii) TRAINING.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the development of a training plan so that each State coordinator shall receive sufficient training to have a general working knowledge of the programs and services available from each agency of the Department to assist small and beginning farmers and ranchers.

''(iii) DUTIES.—The coordinator shall—

''(I) coordinate technical assistance at the State level to help small and beginning farmers and ranchers gain access to programs of the Department;

''(II) develop and submit a State plan for approval by the Small Farms and Beginning Farmers and Ranchers Group to provide coordination to ensure adequate services to small and beginning farmers and ranchers at all county and area offices throughout the State;

''(III) oversee implementation of the approved State plan; and

''(IV) work with outreach coordinators in the State offices of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, and the Rural Utilities Service to ensure appropriate information about technical assistance is available at outreach events and activities.''; and

(3) in subsection (f), by striking paragraph (3); and

(4) by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2013 through 2017.''.

SEC. 602. MILITARY VETERANS AGRICULTURAL LIAISON.

(a) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 218 (7 U.S.C. 6918) the following:

''SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.

''(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

''(b) DUTIES.—The Military Veterans Agricultural Liaison shall—

''(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

''(2) provide information to veterans concerning the availability of and eligibility requirements for participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

''(3) serving as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs; and

''(4) advocating on behalf of veterans in interactions with employees of the Department.''.

(b) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(8) the authority of the Secretary to establish in the Department the position of Military Veterans Agricultural Liaison in accordance with section 219.''.

SEC. 603. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 604. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2012.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1851. A bill to authorize the restoration of the Klamath Basin and the settlement of the hydroelectric licensing of the Klamath Hydroelectric Project in accordance with the Klamath Basin Restoration Agreement and the Klamath hydroelectric Settlement

Agreement in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I rise today to address the long history of water disputes in the Klamath Basin and commend the work of the community in coming together to begin a new, collaborative era of water management in the region.

When I was first elected to the U.S. Senate, one of my first trips across Oregon included a visit to the Klamath Basin to gather information about the history of the water wars in the region and meet with the stakeholders who were working on a solution.

On my way down to the Basin I was extremely skeptical that traditional rivals could reach agreement on a written management plan. Only a few years earlier, the region was embroiled in protests and civil disobedience over sizeable fish kills and limited supplies of water for irrigation. The generational battles over water had deepened divides, often making it hard for parties to be in a room together, let alone work together.

When I arrived in Klamath Falls, therefore, I was deeply surprised to find farmers, ranchers, fishermen, Tribal leaders and conservationists working together on a comprehensive and collaborative plan that would end the ongoing water wars of the region, improve the local economy and create a stronger environment for the future. They told me they were tired of the unproductive battles of the past and of the massive amounts they were spending on lawyers rather than solutions. They thought they had some chance of finding a better path forward. This was impressive. I thought then that if they managed to get the Klamath Restoration Agreements completed and signed by all the parties, I would certainly assist them with the necessary federal legislation.

That legislation is now the Klamath Basin Economic Restoration Act of 2011, which I am introducing today. This bill implements both the Klamath Basin Restoration Agreement and Klamath Hydroelectric Settlement Agreement and moves the region forward. These agreements would provide a more stable supply of irrigation water to farmers and ranchers and would improve in-river water flows for endangered fish and the fishermen who depend on them. The agreements would enhance the national wildlife refuges that are one of the most important migratory bird habitats in the country. In addition, the agreement would, by removing four dams, turn the Klamath into a free-flowing river once again, opening miles of habitat to spawning salmon. The agreement also restores a sector of the Klamath Tribe forest and resolves a challenging fish passage issue for Pacific Power.

This agreement would create a lot of jobs. A recent analysis estimates that the agreement would create 4,000 jobs in construction and agriculture. It also estimates that with the restoration of critical salmon and steelhead habitat the commercial harvest of Chinook salmon would increase by 80 percent.

The KBRA and KHSA agreements are the result of several years of intense negotiation and compromise. They are inherently complicated. No party obtained all they desired and not everyone is satisfied that these agreements contain the best possible outcomes.

But what is absolutely clear is that it is an extraordinary accomplishment for the Klamath stakeholders to set aside their historic differences and work out this plan. They say in the West that, ''Whiskey, that's for drinking. Water, that's for fighting.'' But continuous fighting sometimes reaches the point where little is accomplished. The Klamath stakeholders are painting a different vision, in which the interests of all can be served.

The agreement is full of the bipartisan, solution-oriented spirit that can take the region forward. It is a spirit that we could use a lot more of in Washington, DC, and across the nation. I am proud to partner with the Klamath community on the future of the region.

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. 1851

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 ''Klamath Basin Economic Restoration Act of 2011''.

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

SEC. 2. DEFINITIONS.

In this Act:

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

(2) DAM REMOVAL ENTITY.—The term ''Dam Removal Entity'' means the entity designated by the Secretary pursuant to section 202(c).

(3) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(4) DEFINITE PLAN.—The term ''definite plan'' has the meaning given the term in section 1.4 of the Hydroelectric Settlement.

(5) DETAILED PLAN.—The term ''detailed plan'' has the meaning given the term in section 1.4 of the Hydroelectric Settlement.

(6) FACILITY.—The term ''facility'' means any of the following hydropower developments (including appurtenant works) licensed to PacifiCorp under the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 2082:

(A) Iron Gate Development.
(B) Copco 1 Development.
(C) Copco 2 Development.
(D) J.C. Boyle Development.

(7) FACILITIES REMOVAL.—The term ''facilities removal'' means—

(A) physical removal of all or part of each facility to achieve, at a minimum, a free-flowing condition and volitional fish passage;

(B) site remediation and restoration, including restoration of previously inundated land;

(C) measures to avoid or minimize adverse downstream impacts; and

(D) all associated permitting for the actions described in this paragraph.

(8) FEDERALLY RECOGNIZED TRIBE.—The term ''federally recognized tribe'' means an Indian tribe listed as federally recognized in—

(A) the Bureau of Indian Affairs publication entitled ''Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs'' (74 Fed. Reg. 40218 (Aug. 11, 2009)); or

(B) any list published in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(9) HYDROELECTRIC SETTLEMENT.—

(A) IN GENERAL.—The term ''Hydroelectric Settlement'' means the agreement entitled ''Klamath Hydroelectric Settlement Agreement,'' dated February 18, 2010, between—

(i) the Department;
(ii) the Department of Commerce;
(iii) the State of California;
(iv) the State of Oregon;
(v) PacifiCorp; and
(vi) other parties.

(B) INCLUSIONS.—The term ''Hydroelectric Settlement'' includes any amendments to the Agreement described in subparagraph (A)—

(i) approved by the parties before the date of enactment of this Act; or
(ii) approved pursuant to section 201(b)(2).

(10) KENO DEVELOPMENT.—The term ''Keno Development'' means the Keno regulating facility within the jurisdictional project boundary of FERC Project No. 2082.

(11) KLAMATH BASIN.—

(A) IN GENERAL.—The term ''Klamath Basin'' means the land tributary to the Klamath River in the States.

(B) INCLUSIONS.—The term ''Klamath Basin'' includes the Lost River and Tule Lake Basins.

(12) KLAMATH PROJECT WATER USERS.—The term ''Klamath Project Water Users'' means—

(A) the Tulelake Irrigation District;
(B) the Klamath Irrigation District;
(C) the Klamath Drainage District;
(D) the Klamath Basin Improvement District;
(E) the Ady District Improvement Company;
(F) the Enterprise Irrigation District;
(G) the Malin Irrigation District;
(H) the Midland District Improvement District;
(I) the Pioneer District Improvement Company;
(J) the Shasta View Irrigation District;
(K) the Sunnyside Irrigation District;

(L) Don Johnston & Son;
(M) Bradley S. Luscombe;
(N) Randy Walthall;
(O) the Inter-County Title Company;
(P) the Reames Golf and Country Club;
(Q) the Winema Hunting Lodge, Inc.;
(R) Van Brimmer Ditch Company;
(S) Plevna District Improvement Company; and
(T) Collins Products, LLC.

(13) NET REVENUES.—
(A) IN GENERAL.—The term ''net revenues'' has the meaning given the term ''net lease revenues'' in Article 1(e) of Contract No. 14–06–200–5954 between Tulelake Irrigation District and the United States.
(B) INCLUSIONS.—The term ''net revenues'' includes revenues from the leasing of land in—
(i) the Tule Lake National Wildlife Refuge lying within the boundaries of the Tulelake Irrigation District; and
(ii) the Lower Klamath National Wildlife Refuge lying within the boundaries of the Klamath Drainage District.

(14) NON-FEDERAL PARTIES.—The term ''non-Federal Parties'' means each of the signatories to the Restoration Agreement other than the Secretaries.

(15) OREGON KLAMATH BASIN ADJUDICATION.—The term ''Oregon Klamath Basin adjudication'' means the proceeding to determine water rights pursuant to chapter 539 of Oregon Revised Statutes entitled ''In the matter of the determination of the relative rights of the waters of the Klamath River, a tributary of the Pacific Ocean.''

(16) PACIFICORP.—The term ''PacifiCorp'' means the owner and licensee of the Klamath Hydroelectric Project, FERC Project No. 2082.

(17) PARTY.—The term ''Party'' means each of the signatories to the Restoration Agreement, including the Secretaries.

(18) PARTY TRIBES.—The term ''Party Tribes'' means—
(A) the Yurok Tribe;
(B) the Karuk Tribe; and
(C) the Klamath Tribes.

(19) RESTORATION AGREEMENT.—
(A) RESTORATION AGREEMENT.—The term ''Restoration Agreement'' means the Agreement entitled ''Klamath Basin Restoration Agreement for the Sustainability of Public and Trust Resources and Affected Communities'' dated February 18, 2010, which shall be on file and available for public inspection in the appropriate offices of the Secretaries.
(B) INCLUSIONS.—The term ''Restoration Agreement'' includes any amendments to the Agreement described in subparagraph (A)—
(i) approved by the parties before the date of enactment of this Act; or
(ii) approved pursuant to section 101(b)(2).

(20) SECRETARIAL DETERMINATION.—The term ''Secretarial determination'' means a determination of the Secretary made under section 202(a).

(21) SECRETARIES.—The term ''Secretaries'' means—
(A) the Secretary of the Interior or designee;
(B) the Secretary of Commerce or designee; and
(C) the Secretary of Agriculture or designee.

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

(23) STATES.—The term ''States'' means—
(A) the State of Oregon; and
(B) the State of California.

TITLE I—RESTORATION AGREEMENT

SEC. 101. APPROVAL AND EXECUTION OF RESTORATION AGREEMENT.

(a) IN GENERAL.—The United States approves the Restoration Agreement except to the extent the Restoration Agreement conflicts with this title.

(b) SIGNING AND IMPLEMENTATION OF THE RESTORATION AGREEMENT.—The Secretaries shall—
(1) sign and implement the Restoration Agreement;
(2) implement any amendment to the Restoration Agreement approved by the Parties after the date of enactment of this title, unless 1 or more of the Secretaries determines, not later than 90 days after the date on which the non-Federal Parties agree to the amendment, that the amendment is inconsistent with this title or other provisions of law; and
(3) to the extent consistent with the Restoration Agreement, this title, and other provisions of law, perform all actions necessary to carry out each responsibility of the Secretary concerned under the Restoration Agreement.

(c) EFFECT OF SIGNING OF RESTORATION AGREEMENT.—Signature by the Secretaries of the Restoration Agreement does not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) COMPLIANCE WITH EXISTING LAW.—In implementing the Restoration Agreement, the Secretaries shall comply with—
(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
(3) all other applicable Federal environmental laws (including regulations).

SEC. 102. AGREEMENTS AND NON-FEDERAL FUNDS.

(a) AGREEMENTS.—The Secretaries may enter into such agreements and take such other measures (including entering into contracts and financial assistance agreements) as the Secretaries consider necessary to carry out this title.

(b) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—
(1) IN GENERAL.—Notwithstanding title 31, United States Code, the Secretaries may accept and expend, without further appropriation, non-Federal funds (including donations or in-kind services, or both) and accept by donation or otherwise real or personal property or any interest in the property, for the purposes of implementing the Restoration Agreement.
(2) USE.—The funds may be expended, and the property used, under paragraph (1) only for the purposes for which the funds and property were provided, without further appropriation or authority.

SEC. 103. RIGHTS PROTECTED.

Notwithstanding any other provision of law, this Act and implementation of the Restoration Agreement shall not restrict or alter the eligibility of any Party or Indian tribe for or receipt of funds, or be considered an offset against any obligations or funds in existence on the date of enactment of this Act, under any Federal or State law.

SEC. 104. FUNDING.

(a) ESTABLISHMENT OF ACCOUNTS.—There are established in the Treasury for the deposit of appropriations and other funds (including non-Federal donated funds) the following noninterest-bearing accounts:
(1) The On-Project Plan and Power for Water Management Fund.
(2) The Water Use Retirement and Off-Project Reliance Fund.
(3) The Klamath Drought Fund.

(b) MANAGEMENT.—The accounts established by subsection (a) shall be managed in accordance with this title and section 14.3 of the Restoration Agreement.

(c) BUDGET REQUESTS.—When submitting annual budget requests to Congress, the President may include funding described in Appendix C–2 of the Restoration Agreement with such adjustment as the President considers appropriate to maintain timely implementation of the Restoration Agreement.

(d) NONREIMBURSABLE.—Except as provided in section 108(d), funds appropriated and expended for the implementation of the Restoration Agreement shall be nonreimbursable and nonreturnable to the United States.

(e) FUNDS AVAILABLE UNTIL EXPENDED.—All funds made available for the implementation of the Restoration Agreement shall remain available until expended.

SEC. 105. KLAMATH RECLAMATION PROJECT.

(a) KLAMATH RECLAMATION PROJECT PURPOSES.—The purposes of the Klamath Reclamation Project shall be irrigation, reclamation, flood control, municipal, industrial, power (as necessary to implement the Restoration Agreement), National Wildlife Refuge, and fish and wildlife.

(b) EFFECT OF FISH AND WILDLIFE PURPOSES.—
(1) IN GENERAL.—Subject to paragraph (2), the fish and wildlife and National Wildlife Refuge purposes of the Klamath Reclamation Project shall not adversely affect the irrigation purpose of the Klamath Reclamation Project.
(2) WATER ALLOCATIONS AND DELIVERY.—The provisions regarding water allocations and delivery to the National Wildlife Refuges in section 15.1.2 of the Restoration Agreement (including any additional water made available under sections 15.1.2.E.ii and 18.3.2.B.v of the Restoration Agreement) shall not be considered to have an adverse effect on the irrigation purpose of the Klamath Reclamation Project.

(c) WATER RIGHTS ADJUDICATION.—Notwithstanding subsections (a) and (b), for purposes of the determination of water rights in Oregon Klamath Basin Adjudication, until Appendix E–1 to the Restoration Agreement has been filed in the Oregon Klamath Basin Adjudication, the 1 or more purposes of the Klamath Reclamation Project shall continue as in existence prior to the date of enactment of this Act.

(d) DISPOSITION OF NET REVENUES FROM LEASING OF TULE LAKE AND LOWER KLAMATH NATIONAL WILDLIFE REFUGE LAND.—Notwithstanding any other provision of law, net revenues from the leasing of refuge land within the Tule Lake National Wildlife Refuge and the Lower Klamath National Wildlife Refuge under section 4 of Public Law 88–567 (16 U.S.C. 695n) shall be provided, without further appropriation, as follows:
(1) 10 percent of net revenues from land within the Tule Lake National Wildlife Refuge that are within the boundaries of Tulelake Irrigation District shall be provided to the Tulelake Irrigation District in accordance with article 4 of Contract No. 14–06–200–5954 and section 2(a) of the Act of August 1, 1956 (70 Stat. 799, chapter 828).
(2) Such amounts as are necessary shall be used to make payment to counties in lieu of taxes in accordance with section 3 of Public Law 88–567 (16 U.S.C. 695m).
(3) 20 percent of net revenues shall be provided directly to the United States Fish and Wildlife Service for wildlife management purposes on the Tule Lake National Wildlife Refuge and Lower Klamath National Wildlife Refuge.
(4) 10 percent of net revenues from land within Lower Klamath National Wildlife Refuge that are within the boundaries of the Klamath Drainage District shall be provided directly to Klamath Drainage District for operation and maintenance responsibility for the Federal Reclamation water delivery and drainage facilities within the boundaries of both Klamath Drainage District and Lower Klamath National Wildlife Refuge exclusive of the Klamath Straits Drain, subject to the

assumption by the Klamath Drainage District of the operation and maintenance duties of the Bureau of Reclamation for Klamath Drainage District (Area K) lease land exclusive of Klamath Straits Drain.

(5) The remainder of net revenues shall be provided directly to the Bureau of Reclamation for—

(A) operation and maintenance costs of Link River and Keno Dams incurred by the United States; and

(B) to the extent that the revenues received under this paragraph for any year exceed the costs described in subparagraph (A), future capital costs of the Klamath Reclamation Project.

SEC. 106. TRIBAL COMMITMENTS AND ACTIONS.

(a) ACTIONS BY THE KLAMATH TRIBES.—In return for the resolution of the contests of the Klamath Project Water Users related to the water rights claims of the Klamath Tribes and of the United States acting in a capacity as trustee for the Klamath Tribes and members of the Klamath Tribes in the Oregon Klamath Basin Adjudication and for other benefits covered by the Restoration Agreement and this Act, the Klamath Tribes (on behalf of the Klamath Tribes and members of the Klamath Tribes) are authorized to make the commitments in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments without further action by the Klamath Tribes.

(b) ACTIONS BY THE KARUK TRIBE AND THE YUROK TRIBE.—In return for the commitments of the Klamath Project Water Users related to water rights of the Karuk Tribe and the Yurok Tribe as described in the Restoration Agreement and for other benefits covered by the Restoration Agreement and this Act, the Karuk Tribe and the Yurok Tribe (on behalf of those Tribes and members of those Tribes) are authorized to make the commitments provided in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments without further action by the Yurok Tribe or the Karuk Tribe.

(c) RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—Without affecting rights secured by treaty, Executive order, or other law, the Party Tribes (on behalf of the Party Tribes and members of the Party Tribes) may relinquish and release certain claims against the United States, Federal agencies, or Federal employees, described in sections 15.3.5.A, 15.3.6.B.i and 15.3.7.B.i of the Restoration Agreement.

(2) CONDITIONS.—The relinquishments and releases shall not be in force or effect until the terms described in sections 15.3.5.C, 15.3.6.B.iii, 15.3.7.B.iii, and 33.2.1 of the Restoration Agreement have been fulfilled.

(d) RETENTION OF RIGHTS OF THE PARTY TRIBES.—Notwithstanding the commitments and releases described in subsections (a) through (c), the Party Tribes and the members of the Party Tribes shall retain all claims described in sections 15.3.5.B, 15.3.6.B.ii and 15.3.7.B.ii of the Restoration Agreement.

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Subject to paragraph (2), the period of limitation and time-based equitable defense relating to a claim described in subsection (c) shall be tolled during the period—

(A) beginning on the date of enactment of this Act; and

(B) ending on the earlier of—

(i) the date the Secretary publishes the notice described in sections 15.3.5.C, 15.3.6.B.iii and 15.3.7.B.iii of the Restoration Agreement; or

(ii) December 1, 2030.

(2) EFFECT OF TOLLING.—Nothing in this subsection—

(A) revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act; or

(B) precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(f) ACTIONS OF THE UNITED STATES ACTING IN CAPACITY AS TRUSTEE.—In return for the commitments of the Klamath Project Water Users relating to the water rights and water rights claims of federally recognized tribes of the Klamath Basin and of the United States as trustee for such tribes and other benefits covered by the Restoration Agreement and this Act, the United States, as trustee on behalf of the federally recognized tribes of the Klamath Basin and allottees of reservations of federally recognized tribes of the Klamath Basin in California, is authorized to make the commitments provided in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments, without further action by the United States.

(g) FURTHER AGREEMENTS.—The United States and the Klamath Tribes may enter into agreements consistent with section 16.2 of the Restoration Agreement.

(h) EFFECT OF SECTION.—Nothing in this section—

(1) affects the ability of the United States to take actions—

(A) authorized by law to be taken in the sovereign capacity of the United States, including any laws relating to health, safety, or the environment, including—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iv) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(v) regulations implementing the Acts described in this subparagraph;

(B) as trustee for the benefit of federally recognized tribes other than the federally recognized tribes of the Klamath Basin;

(C) as trustee for the federally recognized tribes of the Klamath Basin and the members of the tribes that are consistent with the Restoration Agreement and this title;

(D) as trustee for the Party Tribes to enforce the Restoration Agreement and this title through such legal and equitable remedies as may be available in the appropriate Federal or State court or administrative proceeding, including the Oregon Klamath Basin Adjudication;

(E) as trustee for the federally recognized tribes of the Klamath Basin to acquire water rights after the effective date of the Restoration Agreement (as defined in section 1.5.1 of the Restoration Agreement);

(F) as trustee for the federally recognized tribes of the Klamath Basin to use and protect water rights, including water rights acquired after the effective date of the Restoration Agreement (as defined in section 1.5.1 of the Restoration Agreement), subject to the Restoration Agreement; or

(G) as trustee for the federally recognized tribes of the Klamath Basin to claim water rights or continue to advocate for existing claims for water rights in appropriate Federal and State courts or administrative proceedings with jurisdiction over the claims, subject to the Restoration Agreement;

(2) affects the treaty fishing, hunting, trapping, pasturing, or gathering rights of any Indian tribe except to the extent expressly provided in this title or the Restoration Agreement; or

(3) affects any rights, remedies, privileges, immunities, and powers, and claims not specifically relinquished and released under, or limited by, this title or the Restoration Agreement.

(i) PUBLICATION OF NOTICE; EFFECT OF PUBLICATION.—

(1) PUBLICATION.—The Secretary shall publish the notice required by section 15.3.4.A or section 15.3.4.C of the Restoration Agreement in accordance with the Restoration Agreement.

(2) EFFECT.—On publication of the notice described in paragraph (1), the Party Tribes, the United States as trustee for the federally recognized tribes of the Klamath Basin, and other Parties shall have the rights and obligations provided in the Restoration Agreement.

(j) FISHERIES PROGRAMS.—Consistent with section 102(a), the Secretaries shall give priority to qualified Party Tribes in awarding grants, contracts, or other agreements, consistent with section 102, for purposes of implementing the fisheries programs described in part III of the Restoration Agreement.

(k) TRIBES OUTSIDE KLAMATH BASIN UNAFFECTED.—Nothing in this Act or the Restoration Agreement affects the rights of any Indian tribe outside the Klamath Basin.

(l) NONPARTY TRIBES OF THE KLAMATH BASIN UNAFFECTED.—Nothing in this Act or the Restoration Agreement amends, alters, or limits the authority of the federally recognized tribes of the Klamath Basin, other than the Party Tribes, to exercise any water rights the tribes hold or may be determined to hold.

SEC. 107. JUDICIAL REVIEW.

Judicial review of a decision of the Secretary concerning rights or obligations under sections 15.3.5.C, 15.3.6.B.iii, 15.3.7.B.iii, 15.3.8.B, and 15.3.9 of the Restoration Agreement shall be in accordance with the standard and scope of review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

SEC. 108. MISCELLANEOUS.

(a) WATER RIGHTS.—

(1) IN GENERAL.—Except as specifically provided in this title and the Restoration Agreement, nothing in this title or the Restoration Agreement shall create or determine water rights or affect water rights or water right claims in existence on the date of enactment of this Act.

(2) NO STANDARD FOR QUANTIFICATION.—Nothing in this title or the Restoration Agreement establishes any standard for the quantification of Federal reserved water rights or any Indian water claims of any Indian tribe in any judicial or administrative proceeding.

(b) LIMITATIONS.—

(1) IN GENERAL.—Nothing in this title—

(A) confers on any person or entity who is not a party to the Restoration Agreement a private right of action or claim for relief to interpret or enforce this title or the Restoration Agreement; or

(B) expands the jurisdiction of State courts to review Federal agency actions or determine Federal rights.

(2) EFFECT.—This subsection does not alter or curtail any right of action or claim for relief under other applicable law.

(c) RELATIONSHIP TO CERTAIN OTHER FEDERAL LAW.—

(1) IN GENERAL.—Nothing in this title amends, supersedes, modifies, or otherwise affects—

(A) Public Law 88–567 (16 U.S.C. 695k et seq.);

(B) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) CONSISTENCY.—The Restoration Agreement shall be considered consistent with subsections (a) through (c) of section 208 of the Act of July 10, 1952 (66 Stat. 560, chapter 651; 43 U.S.C. 666).

(d) TERMINATION OF RESTORATION AGREEMENT.—If the Restoration Agreement terminates—

(1) any appropriated Federal funds provided to a Party by the Secretaries that are unexpended at the time of the termination of the Restoration Agreement shall be returned to the Treasury; and

(2) any appropriated Federal funds provided to a Party by the Secretaries shall be treated as an offset against any claim for damages by the Party arising under the Restoration Agreement.

(e) WILLING SELLERS.—Any acquisition of interests in land and water pursuant to this title or the Restoration Agreement shall be from willing sellers.

TITLE II—HYDROELECTRIC SETTLEMENT

SEC. 201. APPROVAL AND EXECUTION OF HYDROELECTRIC SETTLEMENT.

(a) IN GENERAL.—The United States approves the Hydroelectric Settlement, except to the extent the Hydroelectric Settlement conflicts with this title.

(b) IMPLEMENTATION.—The Secretary, the Secretary of Commerce, and the Commission, or designees, shall implement, in consultation with other applicable Federal agencies—

(1) the Hydroelectric Settlement; and

(2) any amendment to the Hydroelectric Settlement, unless 1 or more of the Secretaries determines, not later than 90 days after the date the non-Federal Parties agree to the amendment, that the amendment is inconsistent with this title.

SEC. 202. SECRETARIAL DETERMINATION.

(a) IN GENERAL.—The Secretary shall determine, consistent with section 3 of the Hydroelectric Settlement, whether to proceed with facilities removal and may determine to proceed with facilities removal if, as determined by the Secretary, facilities removal—

(1) will advance restoration of the salmonid fisheries of the Klamath Basin; and

(2) is in the public interest, taking into account potential impacts on affected local communities and federally recognized Indian tribes among other factors.

(b) BASIS FOR SECRETARIAL DETERMINATION.—To support the Secretarial determination, the Secretary, in cooperation with the Secretary of Commerce and other entities, shall—

(1) use existing information;

(2) conduct any necessary further appropriate studies;

(3) prepare an environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(4) take such other actions as the Secretary determines to be appropriate.

(c) DESIGNATION OF DAM REMOVAL ENTITY.—

(1) IN GENERAL.—If the Secretarial determination provides for proceeding with facilities removal, the Secretarial determination shall include the designation of a Dam Removal Entity.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Dam Removal Entity designated by the Secretary shall be the Department if the Secretary determines, in the judgment of the Secretary, that—

(i) the Department has the capabilities and responsibilities for facilities removal described in section 7 of the Hydroelectric Settlement; and

(ii) it is appropriate for the Department to be the Dam Removal Entity.

(B) NON-FEDERAL DAM REMOVAL ENTITY.—As determined by the Secretary consistent with section 3.3.4.E of the Hydroelectric Settlement, the Secretary may designate a non-Federal Dam Removal Entity if—

(i) the Secretary finds, based on the judgment of the Secretary, that the Dam Removal Entity-designate is qualified and has the capabilities and responsibilities for facilities removal described in section 7 of the Hydroelectric Settlement;

(ii) the States have concurred in the finding described in clause (i); and

(iii) the Dam Removal Entity-designate has committed, if so designated, to perform facilities removal within the State Cost Cap described in section 4.1.3 of the Hydroelectric Settlement.

(d) CONDITIONS FOR SECRETARIAL DETERMINATION.—The Secretary may not make or publish the Secretarial determination, unless the conditions specified in section 3.3.4 of the Hydroelectric Settlement have been satisfied.

(e) NOTICE.—The Secretary shall—

(1) publish notification of the Secretarial determination in the Federal Register; and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on implementation of the Hydroelectric Settlement.

(f) JUDICIAL REVIEW OF SECRETARIAL DETERMINATION.—

(1) IN GENERAL.—For purposes of judicial review, the Secretarial determination shall constitute a final agency action with respect to whether or not to proceed with facilities removal.

(2) PETITION FOR REVIEW.—

(A) FILING.—

(i) IN GENERAL.—Judicial review of the Secretarial determination and related actions to comply with environmental laws (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), and the National Historic Preservation Act (16 U.S.C. 470 et seq.)) may be obtained by an aggrieved person or entity only as provided in this subsection.

(ii) JURISDICTION.—A petition for review under this paragraph may be filed only in the United States Court of Appeals for the District of Columbia Circuit or in the Ninth Circuit Court of Appeals.

(iii) LIMITATION.—Neither a district court of the United States nor a State court shall have jurisdiction to review the Secretarial determination or related actions to comply with environmental laws described in clause (i).

(B) DEADLINE.—

(i) IN GENERAL.—Except as provided in clause (ii), any petition for review under this subsection shall be filed within 60 days after the date of publication of the Secretarial determination in the Federal Register.

(ii) SUBSEQUENT GROUNDS.—If a petition is based solely on grounds arising after the date that is 60 days after the date of publication of the Secretarial determination in the Federal Register, the petition for review under this subsection shall be filed not later than 60 days after the grounds arise.

(3) IMPLEMENTATION.—Any action of the Secretary with respect to which review could have been obtained under this paragraph shall not be subject to judicial review in any action relating to the implementation of the Secretarial determination or in proceedings for enforcement of the Hydroelectric Settlement.

(4) APPLICABLE STANDARD AND SCOPE.—Judicial review of the Secretarial determination shall be in accordance with the standard and scope of review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(5) NON-TOLLING.—The filing of a petition for reconsideration by the Secretary of an action subject to review under this subsection shall not—

(A) affect the finality of the action for purposes of judicial review;

(B) extend the time within which a petition for judicial review under this subsection may be filed; or

(C) postpone the effectiveness of the action.

SEC. 203. FACILITIES TRANSFER AND REMOVAL.

(a) FACILITIES REMOVAL PROCESS.—

(1) APPLICATION.—This subsection shall apply if—

(A) the Secretarial determination provides for proceeding with facilities removal;

(B) the States concur in the Secretarial determination in accordance with section 3.3.5 of the Hydroelectric Settlement;

(C) the availability of non-Federal funds for the purposes of facilities removal is consistent with the Hydroelectric Settlement; and

(D) the Hydroelectric Settlement has not terminated in accordance with section 8.11 of the Hydroelectric Settlement.

(2) NON-FEDERAL FUNDS.—

(A) IN GENERAL.—Notwithstanding title 31, United States Code, if the Department is designated as the Dam Removal Entity, the Secretary may accept, expend without further appropriation, and manage non-Federal funds for the purpose of facilities removal in accordance with sections 4 and 7 of the Hydroelectric Settlement.

(B) REFUND.—The Secretary is authorized to administer and refund any funds described in subparagraph (A) received from the State of California in accordance with the requirements established by the State.

(3) AGREEMENTS.—The Dam Removal Entity may enter into agreements and contracts as necessary to assist in the implementation of the Hydroelectric Settlement.

(4) FACILITIES REMOVAL.—

(A) IN GENERAL.—The Dam Removal Entity shall, consistent with the Hydroelectric Settlement—

(i) develop a definite plan for facilities removal, including a schedule for facilities removal;

(ii) obtain all permits, authorizations, entitlements, certifications, and other approvals necessary to implement facilities removal, including a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(iii) implement facilities removal.

(B) STATE AND LOCAL LAWS.—Facilities removal shall be subject to applicable requirements of State and local laws respecting permits and other authorizations, to the extent the requirements are not in conflict with Federal law, including the Secretarial determination and the detailed plan (including the schedule) for facilities removal authorized under this Act.

(C) LIMITATIONS.—Subparagraph (B) shall not affect—

(i) the authorities of the States regarding concurrence with the Secretarial determination in accordance with State law; or

(ii) the authority of a State public utility commission regarding funding of facilities removal.

(D) ACCEPTANCE OF TITLE TO FACILITIES.—The Dam Removal Entity is authorized to accept from PacifiCorp all rights, titles, permits, and other interests in the facilities and associated land, for facilities removal and for disposition of facility land (as provided in section 7.6.4 of the Hydroelectric Settlement) upon the Dam Removal Entity providing notice that the Dam Removal Entity is ready to commence facilities removal in accordance with section 7.4.1 of the Hydroelectric Settlement.

(E) CONTINUED POWER GENERATION.—

(i) IN GENERAL.—In accordance with an agreement negotiated under clause (ii), on transfer of title pursuant to subparagraph (D) and until the Dam Removal Entity instructs PacifiCorp to cease the generation of power, PacifiCorp may, consistent with State law—

(I) continue generating and retaining title to any power generated by the facilities in accordance with section 7 of the Hydroelectric Settlement; and

(II) continue to transmit and use the power for the benefit of the customers of PacifiCorp under the jurisdiction of applicable State public utility commissions and the Commission.

(ii) AGREEMENT WITH DAM REMOVAL ENTITY.—Before transfer of title pursuant to subparagraph (D), the Dam Removal Entity shall enter into an agreement with PacifiCorp that provides for continued generation of power in accordance with clause (i).

(b) JURISDICTION.—The United States district courts shall have original jurisdiction over all claims regarding the consistency of State and local laws regarding permits and other authorizations, and of State and local actions pursuant to those laws, with the Secretarial determination and the detailed plan (including the schedule) for facilities removal authorized under this title.

(c) NO PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—Nothing in this title confers on any person or entity not a party to the Hydroelectric Settlement a private right of action or claim for relief to interpret or enforce this title or the Hydroelectric Settlement.

(2) OTHER LAW.—This subsection does not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 204. TRANSFER OF KENO DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall accept the transfer of title in the Keno Development to the United States in accordance with section 7.5 of the Hydroelectric Settlement.

(b) EFFECT OF TRANSFER.—On the transfer and without further action by Congress—

(1) the Keno Development shall—

(A) become part of the Klamath Reclamation Project; and

(B) be operated and maintained in accordance with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) and this Act; and

(2) Commission jurisdiction over the Keno Development shall terminate.

SEC. 205. LIABILITY PROTECTION.

(a) PACIFICORP.—Notwithstanding any other Federal, State, local, or other law (including common law), PacifiCorp shall not be liable for any harm to persons, property, or the environment, or damages resulting from either facilities removal or facility operation, arising from, relating to, or triggered by actions associated with facilities removal, including but not limited to any damage caused by the release of any material or substance, including but not limited to hazardous substances.

(b) FUNDING.—Notwithstanding any other Federal, State, local, or other law, no person or entity contributing funds for facilities removal pursuant to the Hydroelectric Settlement shall be held liable, solely by virtue of that funding, for any harm to persons, property, or the environment, or damages arising from either facilities removal or facility operation, arising from, relating to, or triggered by actions associated with facilities removal, including any damage caused by the release of any material or substance, including hazardous substances.

(c) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding section 10(c) of the Federal Power Act (16 U.S.C. 803(c)), protection from liability under this section preempts the laws of any State to the extent the laws are inconsistent with this title.

(2) OTHER PROVISIONS OF LAW.—This title does not limit any otherwise available immunity, privilege, or defense under any other provision of law.

(d) APPLICATION.—Liability protection under this section shall apply to any particular facility beginning on the date of transfer of title to that facility from PacifiCorp to the Dam Removal Entity.

SEC. 206. LICENSES.

(a) ANNUAL LICENSES.—

(1) IN GENERAL.—The Commission shall issue annual licenses authorizing PacifiCorp to continue to operate the facilities until PacifiCorp transfers title to all of the facilities.

(2) TERMINATION.—The annual licenses shall terminate with respect to a facility on transfer of title for such facility from PacifiCorp to the Dam Removal Entity.

(3) STAGED REMOVAL.—

(A) IN GENERAL.—On transfer of title of any facility by PacifiCorp to the Dam Removal Entity, annual license conditions shall no longer be in effect with respect to such facility.

(B) NONTRANSFER OF TITLE.—Annual license conditions shall remain in effect with respect to any facility for which PacifiCorp has not transferred title to the Dam Removal Entity to the extent compliance with the annual license conditions are not prevented by the removal of any other facility.

(b) JURISDICTION.—The jurisdiction of the Commission under part I of the Federal Power Act (16 U.S.C. 791a et seq.) shall terminate with respect to a facility on the transfer of title for the facility from PacifiCorp to the Dam Removal Entity.

(c) RELICENSING.—

(1) IN GENERAL.—The Commission shall—

(A) stay the proceeding of the Commission on the pending license application of PacifiCorp for Project No. 2082 as long as the Hydroelectric Settlement remains in effect; and

(B) resume the proceeding and proceed to take final action on the new license application only if the Hydroelectric Settlement terminates pursuant to section 8.11 of the Hydroelectric Settlement.

(2) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), if the Hydroelectric Settlement is terminated, the Secretarial determination under section 202(a) and findings of fact contained in the Secretarial determination shall not be admissible or otherwise relied on in the proceedings of the Commission on the new license application.

(B) LIMITATIONS.—If the Hydroelectric Settlement is terminated, the Commission, in proceedings on the new license application, shall not be bound by the record, findings, or determination of the Secretary under this section.

(d) EAST SIDE AND WEST SIDE DEVELOPMENTS.—On filing by PacifiCorp of an application for surrender of the East Side and West Side Developments in Project No. 2082, the Commission shall issue an order approving partial surrender of the license for Project No. 2082, including any reasonable and appropriate conditions, as provided in section 6.4.1 of the Hydroelectric Settlement.

(e) FALL CREEK.—Notwithstanding subsection (b), not later than 60 days after the date of the transfer of the Iron Gate Facility to the Dam Removal Entity, the Commission shall resume timely consideration of the pending licensing application for the Fall Creek development pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), regardless of whether PacifiCorp retains ownership of Fall Creek or transfers ownership to a new licensee.

(f) IRON GATE HATCHERY.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801), the PacifiCorp Hatchery Facilities within the State of California shall be transferred to the State of California at the time of transfer to the dam removal entity of the Iron Gate Hydro Development or such other time agreed by the Parties to the Hydroelectric Settlement.

(g) TRANSFERS OF FACILITIES.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801), the transfer of PacifiCorp facilities to a non-Federal dam removal entity consistent with the Hydroelectric Settlement and this title is authorized.

SEC. 207. MISCELLANEOUS.

(a) WATER RIGHTS.—Except as specifically provided in this title and the Hydroelectric Settlement, nothing in this title or the Hydroelectric Settlement shall create or determine water rights or affect water rights or water right claims in existence on the date of enactment of this Act..

(b) TRIBAL RIGHTS.—Nothing in this title affect the rights of any Indian tribe secured by treaty, Executive order, or other law of the United States.

(c) RELATIONSHIP TO OTHER FEDERAL LAWS.—Nothing in this title amends, supersedes, modifies or otherwise affects—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except to the extent section 203 of this Act requires a permit under section 404 of that Act (33 U.S.C. 1344) notwithstanding section 404(r) of that Act (33 U.S.C. 1344(r)).

By Mr. BURR (for himself, Mr. HARKIN, Mr. ENZI, Mr. CASEY, Ms. MIKULSKI, Mr. ALEXANDER, Mr. LIEBERMAN, Ms. COLLINS, Mrs. HAGAN, and Mr. ROBERTS):

S. 1855. A bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I rise today to highlight the introduction of important bipartisan legislation to reauthorize the Pandemic and All-Hazards Preparedness Act of 2006 and the BioShield Special Reserve Fund. I am pleased to be joined by my colleagues, Senators HARKIN, ENZI, and CASEY. I thank them for their efforts and leadership on this important legislation. It

is clear that my colleagues share my dedication to strengthening and enhancing our Nation's ability to be prepared for and respond to all hazards that may confront us.

As we introduce legislation to strengthen and improve our Nation's medical and public health preparedness and response programs, it is appropriate to reflect on the progress we have made to date, the seriousness of the threats facing our Nation, and the work that remains to be done if we are going to be prepared to respond to the full range of threats, whether naturally occurring, like an influenza pandemic, or a deliberate bioterrorism attack.

During the 109th Congress, I chaired the Subcommittee on Bioterrorism and Public Health Preparedness. Building on the lessons learned from Hurricane Katrina and September 11, Congress took a hard look at how we could better prepare and respond to public health and medical emergencies. The Subcommittee held multiple public hearings, roundtables, and meetings, and Congress received significant input from public health officials, medical experts, emergency managers, biotechnology companies, and stakeholders from across our nation. These actions culminated with the passage of the Pandemic and All-Hazards Preparedness Act of 2006.

Through the Pandemic and All-Hazards Preparedness Act, Congress empowered the Department of Health and Human Services with the tools it needs to protect the American people more effectively and efficiently in response to a public health emergency. This law established the Office of the Assistant Secretary for Preparedness and Response, or ASPR, to unify the Department's preparedness and response programs and mission and answer the critical question of ''who is in charge?'' when it comes to medical and public health preparedness and response. Since its inception, ASPR has carried out significant preparedness and response planning and coordinated response efforts with federal, State, and local public health partners.

The Pandemic and All-Hazards Preparedness Act of 2006 also established the Biomedical Advanced Research and Development Authority, or BARDA, to speed up the development of countermeasures—such as vaccines or treatments—to protect Americans against a potential chemical, biological, radiological, or nuclear terrorist attack, or other public health emergency, such as a pandemic influenza. PAHPA also gave BARDA the ability to make milestone based payments through the BioShield Special Reserve Fund—a $5.6 billion medical countermeasure procurement fund established by Congress in 2004 to provide assurances of the federal government's commitment to purchasing medical countermeasures if companies embarked on years long development of these life-saving products. Even without full funding, BARDA has been able to identify promising countermeasures and support the critical advanced research and development necessary for making these products available to the American people. Thanks to BARDA and the investment we have made over the last few years, our nation was much better positioned to quickly respond to the H1N1 pandemic influenza two years ago.

I am very proud to have authored this important bipartisan law five years ago and I am proud to have again joined with Senators HARKIN, ENZI, and CASEY in a bipartisan manner to tackle the serious challenges that remain in ensuring our nation is prepared to respond to all-hazards. In recent weeks, Congress has been reminded of the urgency of our work in this area. Last month, the WMD Center published a comprehensive Bio-response Report Card evaluating our nation's preparedness against potential bioterror attacks. This report noted that while we have made progress, the U.S. Government received ''Ds'' and ''Fs'' in certain areas associated with responding to large-scale biological attacks that terrorists like Al- Qaida or others may seek to perpetuate against us. This report and recent analysis by the Government Accountability Office calling for improvements to our nation's medical countermeasure programs are a serious wake-up call that cannot go unaddressed. The American people expect the President and Congress to do all we can to prevent an attack, and in the event of an attack, be prepared to respond in order to save lives. When it comes to protecting the American people, failing grades are unacceptable.

Our work on this important legislation has been guided by sound principles. First and foremost any improvements to existing programs and authorities must be targeted and strategic and based on the lessons we have learned over the past five years, including the H1H1 pandemic and disasters at home and abroad. We must ensure the continuity of critical medical and public health preparedness authorities and programs, including the BioShield Special Reserve Fund. Given the significant fiscal challenges facing our nation, we must also ensure that we are maximizing the taxpayer resources supporting this critical preparedness mission, as well as ensuring appropriate transparency and accountability for these resources and programs. Finally, we must ensure a robust medical countermeasure enterprise, from the research bench to the points where patients receive care, including by ensuring that the U.S. Food and Drug Administration's regulatory tools and pathways reflect modern-day threats.

The Pandemic and All-Hazards Preparedness Act Reauthorization of 2011 would strengthen and enhance our nation's medical and public health preparedness and response programs and go a long way in addressing many of the short-comings and concerns raised by GAO and the WMD Center, as well as other stakeholders. Our legislation provides the ASPR with enhanced policy oversight and coordination of medical and public health preparedness and response programs to further unify our response in the event of a public health emergency. Our legislation also ensures an appropriate emphasis on chemical, radiological, biological, and nuclear threats as part of an all-hazards approach to our National Health Security Strategy. Our legislation ensures that an emphasis on strategic initiatives to advance medical countermeasures and community resiliency are incorporated into the National Preparedness Goals, as well as the importance of considering the unique needs and considerations for individuals at-risk in the event of a public health emergency.

Our legislation would reauthorize the National Disaster Medical System, the volunteer Medical Reserve Corps, the Emergency System for Advance Registration of Volunteer Health Professionals, the Public Health Emergency Preparedness and Hospital Preparedness Cooperative Agreement Programs, and the Strategic National Stockpile. Targeted flexibility under our bill will help our State and local partners optimize community resiliency at the local level. By reauthorizing the BioShield Special Reserve Fund, our bill sends the clear signal that the U.S. Government remains committed to purchasing medical countermeasures.

The critical role that FDA plays in our medical countermeasure enterprise has become clear over the past five years and our legislation strengthens this enterprise by making targeted improvements to FDA's role in this important endeavor. For example, our bill allows the Secretary to make medical countermeasures under review by the FDA available in limited circumstances based on either a declared emergency or an identified threat, and requires the material threat posed by the agent of agents for which a product under review is intended is considered when reviewing medical countermeasures for approval, clearance, or licensure. We will stretch taxpayer dollars even further by allowing FDA to extend the shelf life of products stockpiled in the Strategic National Stockpile. Our legislation also charges FDA with promoting medical countermeasure expertise and developing regulatory science tools to advance the review, approval, clearance, and licensure of these products. By enhancing the scientific exchange between FDA and medical countermeasure stakeholders, FDA will not only be identifying problems, but an active partner in solving them to ensure our nation has the medical countermeasures necessary to protect the American people. Medical and public health preparedness and response programs, including the availability of medical countermeasures, are a matter of national security and our bill will ensure the appropriate, senior-level national security focus on these issues.

In addition to reauthorizing PAHPA, I am pleased to also introduce the Medical Surge Capacity Act, critical legislation that I hope we can include in the final version of PAHPA reauthorization. I thank Senators HARKIN, ENZI, and CASEY for working with me on this important bipartisan legislation that makes strategic improvements to current law to enable the Secretary of Health and Human Services to target and issue waivers under Section 1135 of the Social Security Act in as timely a manner as possible based on the circumstances of an emergency. This legislation authorizes HHS to implement waivers as soon as either a public health or national emergency is declared, and enables the Secretary to institute 1135 waivers in ''host areas'' outside of a declared disaster area, but into which patients are being evacuated to receive care.

I look forward to continuing to work with my colleagues in Congress and the administration to do the important work of reauthorizing PAHPA and BioShield in order to ensure our nation is as prepared as possible in the event of the unthinkable, whether natural, or man-made.

Mr. HARKIN. Mr. President, today it gives me great pleasure to introduce the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011—also known as the PAHPA Reauthorization of 2011—with a bipartisan group of Senators that includes Senators BURR, CASEY, ENZI, MIKULSKI, ALEXANDER, HAGAN, COLLINS, LIEBERMAN, and ROBERTS. This reauthorization builds on a record of bipartisan cooperation to strengthen our ability to respond to and prepare for medical and public health emergencies over the past decade.

Based on lessons learned since the original PAHPA legislation was signed into law in 2006, this reauthorization continues to support the progress made by the Federal Government and its State and local partners to protect its citizens during public health and medical emergencies. It also proposes a number of targeted changes that will improve our ability to address a variety of threats to the public health of our Nation.

Such threats are diverse in origin and include exposure to chemical, biological, radiological, or nuclear agents. Sometimes these threats occur naturally—the 2009 H1N1 pandemic influenza, for example—or they can be the result of malicious intent—such as the deliberate release of anthrax in 2001. A recent and very challenging example is the radiation leak that occurred at the nuclear plant damaged by Japan's massive earthquake.

It is not just known threats that place the health and well-being of Americans at risk; there are just as many emerging or unknown threats against which protection is critical. Because the impact of these threats could be catastrophic, it is imperative that we continue to strengthen our Nation's ability to adequately prepare for a public health emergency.

Building our Nation's response capacity requires close collaboration among Federal, State and local governments; hospitals and health care providers; businesses; schools; indeed, all Americans. I have long taken the Federal Government's role in being prepared for a public health emergency public health preparedness as it is calledvery seriously.

We have made tremendous progress in preparedness during the last decade, but this reauthorization provides additional flexibility to State and local governments to more efficiently use Federal resources in preparing for public health emergencies. For example, this bill reauthorizes the Public Health Emergency Preparedness Cooperative Grant Program, which provides critical resources to State and local public health agencies, and streamlines requirements making it easier for them to meet program requirements and target resources.

Our ability to be prepared for a public health emergency also depends on the advanced development and procurement of medical countermeasures. These are the vaccines, therapies, and diagnostics needed to prevent or respond to a bioterrorism event or other public health emergency. In an effort to ensure that we have the appropriate medical countermeasures, we need to continue to support innovative research into promising new products and ensure that products are readily available during a time of emergency. We also need to address the scientific challenges of identifying safe and effective medical countermeasures when human trials are not available or ethical.

This bill addresses a number of these concerns and provides greater certainty for biotech companies that operate in this space and continues to build on partnerships between the private sector and the Federal Government to ensure that we have the appropriate medical countermeasures to prepare for or respond to a public health emergency.

Underlying all of our preparedness activities is the issue of how we ensure that our most vulnerable citizens will be protected should disaster strike. We know that many populations—including individuals with disabilities, seniors, and children—may have unique needs that we have the responsibility to address during a public health emergency. In the past, when faced with catastrophic events, we have too often seen such needs go unmet. Now we must use lessons learned to ensure more efficient, effective, and equitable responses in the future.

Something that I am especially proud of is that the PAHPA Reauthorization of 2011 requires that these individuals are an integrated part of our preparedness efforts. This means that we continue to address the unique needs of at-risk populations—such providing information in a way that it is understandable to all Americans, including those with cognitive limitations—and plan for these unique needs when it comes to drafting preparedness plans and conducting preparedness drills and exercises. This bill truly focuses on addressing the need of our most vulnerable citizens by considering them as critical part of our overall preparedness planning—not as an afterthought.

This bill represents a true bipartisan effort and had the support of a number of important stakeholders. For example, we have already received the endorsements of the Alliance for Biosecurity, American Academy of Pediatrics, and the American Dental Association. In the coming days and weeks, we expect many more endorsements. Because the bill is so critical to our ability to prepare for and respond to public health and medical emergencies, I urge my colleagues to support this bill.

By Mr. AKAKA:

S. 1859. A bill to provide that section 3330a, 3330b, and 3330c of title 5, United States Code, relating to administrative and judicial redress and remedies for preference eligibles, shall apply with respect to the Federal Aviation Administration and the Transportation Security Administration; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation that will provide certain of our Nation's veterans with the ability to enforce their statutorily protected veterans' preference rights in the Federal Government.

The Veterans' Preference Act, which became law in 1944, was intended to provide a preference in hiring in the Executive Branch to returning servicemembers who acquired valuable skills during their service in the Second World War. Before signing this legislation into law, President Franklin D. Roosevelt referred to the great responsibility our Nation owes its veterans:

> I believe that the Federal Government, functioning in its capacity as an employer, should take the lead in assuring those who are in the armed forces, that when they return, special consideration will be given to them in their efforts to obtain employment. It is absolutely impossible to take millions of our young men out of their normal pursuits for the purpose of fighting to preserve the Nation, and then expect them to resume their normal activities without having any special consideration shown them.

By 1998, it had become clear that providing veterans with a preference in hiring was an effective way to attract and retain qualified veterans in government service. However, it was apparent that veterans needed a mechanism to enforce their veterans' preference rights where an agency was not applying the law as Congress intended. Recognizing this need, Congress enacted the Veterans Employment Opportunities Act, which created a mechanism

for preference eligible veterans to appeal violations of their veterans' preference rights to the Department of Labor, the Merit Systems Protection Board, and Federal court. The Veterans Employment Opportunities Act also extended veterans' preference rights to reductions in force in the Federal Government.

It has come to my attention that, unfortunately, not all of our veterans have the ability to enforce their rights under the Veterans Employment Opportunities Act. Last year, in a case called Morse v. Merit Systems Protection Board, the United States Court of Appeals for the Federal Circuit ruled that preference eligible applicants and employees at the Federal Aviation Administration and the Transportation Security Administration are not covered by the Veterans Employment Opportunities Act, and thus do not have the same appeal rights as most other applicants and employees in the Federal Government. The court's ruling is puzzling because applicants and employees at both of these Federal agencies have veterans' preference rights under current Federal law, but it may reflect a drafting error in the Veterans Employment Opportunities Act. At a time when thousands of our servicemembers are returning home and seeking employment in the Federal Government, we must correct this unacceptable result.

Recently, our country observed the 10th anniversary of the tragic attacks of September 11, 2001. Since that horrific day, more than 5 million Americans have served in our military, with more than 2 million Americans serving in warzones. As these servicemembers return home, we must be mindful of our sacred commitment to assist those who serve our country and later seek employment in the Federal Government. Specifically, we must ensure that all of our federal agencies are honoring the sacrifice made by servicemembers and their families by complying with veterans' preference laws.

Accordingly, I am introducing legislation to correct the problem recently brought to light by the Morse decision by providing preference-eligible applicants and employees at the Federal Aviation Administration and the Transportation Security Administration with rights under the Veterans Employment Opportunities Act. I look forward to working with my colleagues to pass this important legislation, and more fully honoring the commitment of our Nation's veterans.

I urge my colleagues to support 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. 1859

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

SECTION 1. ADMINISTRATIVE AND JUDICIAL REDRESS AND REMEDIES FOR PREFERENCE ELIGIBLES.

Section 3330a of title 5, United States Code, is amended by adding at the end the following:

''(f) For purposes of this section and sections 3330b and 3330c, the Federal Aviation Administration and the Transportation Security Administration are agencies. This section and sections 3330b and 3330c shall apply to any individual who is a preference eligible with respect to the Federal Aviation Administration and the Transportation Security Administration.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—DESIGNATING NOVEMBER 26, 2011, AS ''SMALL BUSINESS SATURDAY'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. HAGAN, Ms. AYOTTE, Ms. CANTWELL, Mr. ENZI, Mr. CARDIN, Mr. RISCH, Mr. PRYOR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mr. CARPER, Mr. UDALL of New Mexico, Mr. MERKLEY, Mrs. BOXER, Mr. WYDEN, Mr. TESTER, Mr. BEGICH, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. WEBB, Ms. STABENOW, Mr. BOOZMAN, Mr. BARRASSO, Mr. LUGAR, Mr. ALEXANDER, Ms. COLLINS, Mr. KIRK, Ms. MURKOWSKI, Mr. ROBERTS, and Mr. HOEVEN) submitted the following resolution; which was considered and agreed to:

S. RES. 320

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as ''employer firms'') in the United States;

Whereas small businesses employ ½ of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, nonfarm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every $100 spent with locally owned, independent stores, $68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a ''buy local'' movement: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 26, 2011, as ''Small Business Saturday''; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

SENATE RESOLUTION 321—COMMEMORATING THE 50TH ANNIVERSARY OF THE FEDERAL EXECUTIVE BOARDS

Mr. AKAKA (for himself, Mr. INOUYE, Mr. LEVIN, and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 321

Whereas the Federal Executive Boards were established through a presidential directive signed by President John F. Kennedy in 1961;

Whereas, the Federal Executive Boards increase effectiveness and economy of Federal agencies through coordination of local approaches to national programs and shared management needs;

Whereas, the Federal Executive Boards serve over 780,000 Federal civilian employees in 28 locations across the Nation;

Whereas, the Federal Executive Boards provide a forum for the exchange of information between Washington, D.C. and agencies in the field about programs, management methods, and administrative issues;

Whereas, the Federal Executive Boards improve the continuity of Government operations by facilitating planning and coordination among local Federal agencies;

Whereas, the Federal Executive Boards increase the efficiency of Federal spending through cost-avoidance on coordinated training and alternative dispute resolution programs;

Whereas, the Federal Executive Boards serve as the Federal point of contact for intergovernmental collaboration and community outreach in their locales;

Whereas commemorating the 50th anniversary of the Federal Executive Boards will recognize members and staff of Federal Executive Boards for their unyielding dedication and commitment to public service, as well as the Federal agencies whose support over the years has helped Federal Executive Boards provide Federal employees with low-cost training, emergency preparedness plans, and performance recognition through interagency awards events: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 50th anniversary of the Federal Executive Boards;

(2) commends the Federal Executive Boards for their unyielding dedication to the Federal community;

(3) encourages Federal leaders to continue support of, and participation in, activities of the Federal Executive Boards; and

(4) urges the people of the United States to observe the 50th anniversary of Federal Executive Boards with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 930. Ms. KLOBUCHAR submitted an amendment intended to be proposed to