States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 275

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 275, a bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

S. 357

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 357, a bill to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, and for other purposes.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of, dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 616

At the request of Mr. SANDERS, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 616, a bill to amend the Elementary and Secondary Education Act of 1965 in order to support the community schools model.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 701

At the request of Mr. BENNET, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 701, a bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students.

S. 705

At the request of Mr. CARPER, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 720

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 740

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 758

At the request of Mr. FRANKEN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 758, a bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program.

S. 763

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 763, a bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs.

S. 781

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 781, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Missouri (Mr. BLUNT) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 844

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 844, a bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes.

S. 868

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 868, a bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program.

S. RES. 133

At the request of Mr. FRANKEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 133, a resolution to require that new war funding be offset.

S. RES. 144

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 144, a resolution supporting early detection for breast cancer.

S. RES. 153

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 153, a resolution recognizing the 25th anniversary of the Chernobyl nuclear disaster.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. COCHRAN, Mr. WHITEHOUSE, and Ms. STABENOW):

S. 889. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Mother's Day Centennial Coin Commemorative Coin Act. I am proud to be joined by a bipartisan group of cosponsors including Senators MANCHIN, COCHRAN, STABENOW, and WHITEHOUSE.

With Mother's Day set for Sunday, May 8th, this is a special event for all of West Virginia because this annual tribute to our mothers began in West Virginia. In 1908, a West Virginian woman by the name of Anna Jarvis petitioned her local church to declare May 9th as Mother's Day. She hoped that this holiday would serve as a remembrance for mothers and a reminder for peace. Within a year, all 46 current States held some sort of Mother's Day and a mere 5 years later, Congress and the President declared the second Sunday of May national Mother's Day. The centennial for the national recognition of Mother's Day will occur in 2014, and this bill provides an opportunity to commemorate the centennial of this great holiday and further recognize the millions of American mothers whose essential role in life cannot be overstated.

The legislation I am introducing today would recognize the centennial of Mother's Day by authorizing the Treasury to mint commemorative Mother's Day coins. Profits generated from the sale of these coins would be donated to Susan G. Komen for the Cure and The National Osteoporosis Foundation. Susan G. Komen for the Cure has raised nearly $2 billion for breast cancer research since 1982, and the National Osteoporosis Foundation is considered our Nation's leading voluntary health organization.

Each year, more than 200,000 women are diagnosed with breast cancer and nearly 40,000 die of this devastating disease. This legislation not only honors our Nation's mothers, but also helps to raise funds to fight the second most prevalent cancer in women. Thousands of mothers have benefited from the efforts of these organizations and they are well deserving of our support. Therefore, I encourage my colleagues' support for this legislation to honor every mother in our country and to prepare for the upcoming centennial. Celebrating Mother's Day by helping to promote the health of American mothers seems to be a fitting tribute.

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By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 890. A bill to establish the supplemental fraud fighting account, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to join with Senator GRASSLEY to introduce the Fighting Fraud to Protect Taxpayers Act of 2011. Combating fraud is a vital issue on which Senator GRASSLEY and I have a long track record of working together, and with great success. In these trying economic times, cracking down on the fraud which has harmed so many hard-working Americans is more important than ever. I look forward to working with Senator GRASSLEY, and with Senators from both parties, to quickly pass this crucial legislation.

In the last Congress, one of the first major bills the Senate Judiciary Committee considered, and one of the first bills President Obama signed into law, was the Leahy-Grassley Fraud Enforcement and Recovery Act. That bill gave fraud investigators and prosecutors additional tools and resources to better hold those who commit fraud accountable. We heard about the significant success that has already resulted from the Fraud Enforcement and Recovery Act and other key fraud fighting provisions we championed in a Judiciary Committee hearing earlier this year, but it is clear that our work is not done.

In the past two years, we have learned much more about the scourges of financial fraud, mortgage fraud, government contracting fraud, health care fraud, and oil and gas fraud. I have also been very disturbed by the ongoing reports about inaccurate, forged, or fraudulent documents in the housing foreclosure process. Today's bill reflects the ongoing need to invest in enforcement to better protect hard-working taxpayers from all of these insidious types of fraud.

In the last fiscal year alone, the Department of Justice recovered well over $6 billion through fines, penalties, and recoveries from fraud cases—far more than it costs to investigate and prosecute these matters. The recovery of these vast sums of money demonstrates that investment in fraud enforcement pays for itself many times over.

The Fighting Fraud to Protect Taxpayers Act capitalizes on this rate of return by ensuring that a percentage of money recovered by the Government through fines and penalties in fraud cases and other criminal cases is reinvested in the investigation and prosecution of fraud cases. That means that we can ensure more fraud enforcement, more returns to the government, and more savings to taxpayers, all without spending new taxpayer money.

The bill also makes other modest changes to ensure that prosecutors and investigators have the tools they need to combat fraud. It extends the international money laundering bill statute to tax evasion crimes. This will deter individuals from evading our tax laws by hiding their money overseas. It also protects American consumers from identity theft by strengthening the prohibition against trafficking in passwords and the federal identity theft statute. As more and more business is conducted online, we must ensure that consumers' personal information remains protected.

The Secret Service has responsibility for investigating a variety of complex financial fraud crimes, including identity theft. This bill gives the Secret Service additional tools to conduct critical undercover investigations. Fraud cases are often complex and difficult to prove, so undercover investigations can be a key way to ferret out criminal activity.

In the last Congress, Senator GRASSLEY and I worked together to strengthen the False Claims Act, which empowers whistleblowers to shine a light on fraud and recover stolen tax dollars that would otherwise go undiscovered. These new laws are already paying off. Since January 2009, the Department of Justice has recovered more than $6.8 billion in False Claims Act cases, far more than any other 2-year period. Today's legislation asks the Attorney General to report to Congress on False Claims Act settlements, which will help ensure that the False Claims Act remains a valuable tool for fighting fraud.

Finally, the bill promotes accountability within Government. Along with requiring reporting, it takes modest steps to ensure that the resources already entrusted to the Justice Department are used responsibly by strengthening oversight of the Department's Working Capital Fund.

Major fraud cases take time to investigate and prosecute. The renewed focus on fraud enforcement we have seen from this administration and from Congress will continue to yield significant results. But we must continue to give law enforcement agencies the tools and resources necessary to root out fraud so that they can continue to recoup losses and protect taxpayer funds. Everyday, taxpaying Americans deserve to know that their Government is doing all it can to hold responsible those who commit fraud and to prevent future fraud.

Americans are worried about their budgets at home. We need to protect their investment in their government. Fighting fraud and protecting taxpayer dollars are issues Democrats and Republicans have worked together to address in the past, and in these difficult economic times, we need to continue in that spirit of bipartisanship. I look forward to working with Senator GRASSLEY, the administration, and Senators of both parties to crack down on fraud by passing the Fighting Fraud to Protect Taxpayers Act.

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. 890

*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 ''Fighting Fraud to Protect Taxpayers Act of 2011''.

**SEC. 2. DEPARTMENT OF JUSTICE WORKING CAPITAL FUND REFORMS.**

Section 11013(a) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered amounts' means—

''(i) the unobligated balances in the debt collection management account; and

''(ii) the unobligated balances in the supplemental fraud fighting account;

''(B) the term 'debt collection management account' means the account established in the Department of Justice Working Capital Fund under paragraph (2);

''(C) the term 'fraud offense' includes—

''(i) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) and an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2 and 78dd–3);

''(ii) a securities fraud offense, as defined in section 3301 of title 18, United States Code;

''(iii) a fraud offense relating to a financial institution or a federally related mortgage loan, as defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602), including an offense under section 152, 157, 1004, 1005, 1006, 1007, 1011, or 1014 of title 18, United States Code;

''(iv) an offense involving procurement fraud, including defective pricing, bid rigging, product substitution, misuse of classified or procurement sensitive information, grant fraud, fraud associated with labor mischarging, and fraud involving foreign military sales;

''(v) an offense under the Internal Revenue Code of 1986 involving fraud;

''(vi) an action under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act'), and an offense under chapter 15 of title 18, United States Code;

''(vii) an offense under section 1029, 1030, or 1031 of title 18, United States Code; and

''(viii) an offense under chapter 63 of title 18, United States Code; and

''(D) the term 'supplemental fraud fighting account' means the supplemental fraud fighting account established in the Department of Justice Working Capital Fund under paragraph (3)(A).

''(2) DEBT COLLECTION MANAGEMENT ACCOUNT.—Notwithstanding'';

(2) by striking ''Such amounts'' and inserting ''Subject to paragraph (4), such amounts''; and

(3) by adding at the end the following:

''(3) SUPPLEMENTAL FRAUD FIGHTING ACCOUNT.—

''(A) ESTABLISHMENT.—There is established as a separate account in the Department of Justice Working Capital Fund established under section 527 of title 28, United States Code, a supplemental fraud fighting account.

''(B) CREDITING OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the supplemental fraud fighting account up to 0.5 percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice.

''(C) USE OF FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), the Attorney General may use amounts in the supplemental fraud fighting account for the cost (including equipment, salaries and benefits, travel and training, and interagency task force operations) of the investigation of and conduct of criminal, civil, or administrative proceedings relating to fraud offenses.

''(ii) LIMITATION.—The Attorney General may not use amounts in the supplemental fraud fighting account for the cost of the investigation of or the conduct of criminal, civil, or administrative proceedings relating to—

''(I) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1); or

''(II) an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2 and 78dd–3).

''(D) CONDITIONS.—Subject to paragraph (4), amounts in the supplemental fraud fighting account shall remain available until expended and shall be subject to the terms and conditions of the Department of Justice Working Capital Fund.

''(4) MAXIMUM AMOUNT.—

''(A) IN GENERAL.—There are rescinded all covered amounts in excess of $175,000,000 at the end of fiscal year 2012 and the end of each fiscal year thereafter.

''(B) RATIO.—For any rescission under subparagraph (A), the Secretary of the Treasury shall rescind amounts from the debt collection management account and the supplemental fraud fighting account in a ratio of 6 dollars to 1 dollar, respectively.

''(5) ANNUAL REPORT.—Not later than 6 months after the date of enactment of the Taxpayer Protection and Fraud Enforcement Act of 2011, and every year thereafter, the Attorney General shall submit to Congress a report that identifies, for the most recent fiscal year before the date of the report—

''(A) the amount credited to the debt collection management account and the amount credited to the supplemental fraud fighting account from civil debt collection litigation, which shall include, for each account—

''(i) a comprehensive description of the source of the amount credited; and

''(ii) a list the civil actions and settlements from which amounts were collected and credited to the account;

''(B) the amount expended from the debt collection management account for civil debt collection, which shall include a comprehensive description of the use of amounts in the account that identifies the amount expended for—

''(i) paying the costs of processing and tracking civil and criminal debt-collection litigation;

''(ii) financial systems;

''(iii) debt-collection-related personnel expenses;

''(iv) debt-collection-related administrative expenses; and

''(v) debt-collection-related litigation expenses;

''(C) the amounts expended from the supplemental fraud fighting account and the justification for the expenditure of such amounts; and

''(D) the unobligated balance in the debt collection management account and the unobligated balance in the supplemental fraud fighting account at the end of the fiscal year.''.

**SEC. 3. REIMBURSEMENT OF COSTS AWARDED IN FALSE CLAIMS ACT PROSECUTIONS.**

Section 3729(a)(3) of title 31, United States Code, is amended by adding at the end the following: ''Any costs paid under this paragraph shall be credited to the appropriations accounts of the executive agency from which the funds used for the costs of the civil action were paid.''.

**SEC. 4. INTERLOCUTORY APPEALS OF SUPPRESSION OR EXCLUSION OF EVIDENCE.**

Section 3731 of title 18, United States Code, is amended in the second undesignated paragraph by inserting ''Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the'' after ''an indictment or information, if the''.

**SEC. 5. EXTENSION OF INTERNATIONAL MONEY LAUNDERING STATUTE TO TAX EVASION CRIMES.**

Section 1956(a)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''intent to promote—'' and inserting the following: ''intent to—

''(i) promote''; and

(2) by adding at the end the following

''(ii) engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or''.

**SEC. 6. STRENGTHENING THE PROHIBITION AGAINST TRAFFICKING IN PASSWORDS.**

Section 1030(a)(6) of title 18, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting ''protected'' before ''computer''; and

(2) by striking '', if—'' and all that follows and inserting ''; or''.

**SEC. 7. CLARIFYING VENUE FOR FEDERAL MAIL FRAUD OFFENSES.**

(a) IN GENERAL.—Section 3237(a) of title 18, United States Code, is amended in the second undesignated paragraph by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—Section 3237 of title 18, United States Code, is amended in the section heading by striking ''**begun**'' and all that follows and inserting ''**taking place in more than one district**''.

(c) TABLE OF SECTIONS.—The table of sections for chapter 211 of title 18, United States Code, is amended by striking the item relating to section 3237 and inserting the following:

''3237. Offenses taking place in more than one district.''.

**SEC. 8. EXPANSION OF AUTHORITY OF SECRET SERVICE.**

Section 3056 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''641, 656, 657,'' after ''510,''; and

(ii) by striking ''493, 657,'' and inserting ''493,''; and

(B) in paragraph (3), by striking ''federally insured''; and

(2) by adding at the end the following:

''(h)(1) For any undercover investigative operation of the United States Secret Service that is necessary for the detection and prosecution of a crime against the United States, the United States Secret Service may—

''(A) use amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, to—

''(i) purchase property, buildings, and other facilities and lease space within the United States (including the District of Columbia and the territories and possessions of the United States), without regard to sections 1341 and 3324 of title 31, section 8141 of title 40, and sections 3901, 4501 through 4506, 6301, and 6306(a) of title 41; and

''(ii) establish, acquire, and operate on a commercial basis proprietary corporations and business entities as part of the undercover investigative operation, without regard to sections 9102 and 9103 of title 31;

''(B) deposit in banks and other financial institutions amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, and the proceeds from the undercover investigative operation, without regard to section 648 of this title and section 3302 of title 31; and

''(C) use the proceeds from the undercover investigative operation to offset necessary and reasonable expenses incurred in the undercover investigative operation, without regard to section 3302 of title 31.

''(2) The authority under paragraph (1) may be exercised only upon a written determination by the Director of the United States Secret Service (in this subsection referred to as the 'Director') that the action being authorized under paragraph (1) is necessary for the conduct of an undercover investigative operation. A determination under this paragraph may continue in effect for the duration of an undercover investigative operation, without fiscal year limitation.

''(3) If the Director authorizes the proceeds from an undercover investigative operation to be used as described in subparagraph (B) or (C) of paragraph (1), as soon as practicable after the proceeds are no longer necessary for the conduct of the undercover investigative operation, the proceeds remaining shall be deposited in the general fund of the Treasury as miscellaneous receipts.

''(4) As early as the Director determines practicable before the date on which a corporation or business entity established or acquired under paragraph (1)(A)(ii) with a net value of more than $50,000 is to be liquidated, sold, or otherwise disposed of, the Director shall notify the Secretary of Homeland Security regarding the circumstances of the corporation or business entity and the liquidation, sale, or other disposition. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the general fund of the Treasury as miscellaneous receipts.

''(5)(A) The Director shall—

''(i) on a quarterly basis, conduct detailed financial audits of closed undercover investigative operations for which a written determination is made under paragraph (2); and

''(ii) submit to the Secretary of Homeland Security a written report of the results of each audit conducted under clause (i).

''(B) On the date on which the budget of the President is submitted under section 1105(a) of title 31 for each year, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report summarizing the audits conducted under subparagraph (A)(i) relating to the previous fiscal year.''.

**SEC. 9. FALSE CLAIMS SETTLEMENTS.**

(a) REPORTS BY ATTORNEY GENERAL.—Not later than November 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

(1) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all settlements of alternative remedies); and

(2) results from a claim for damages of more than $100,000.

(b) CONTENTS OF REPORTS.—The description of each settlement or compromise required to be included in an annual report under subsection (a) shall include—

(1) the total amount of the settlement or compromise and the portions of the settlement attributable to violations of various statutory authorities;

(2) the amount of actual damages, or if the amount of actual damages is not available a good faith estimate of the damages, that have been sustained and the minimum and maximum potential civil penalties that may be incurred as a consequence of the conduct of the defendant that is the subject of the settlement or compromise;

(3) the basis for any estimate of damages sustained and the potential civil penalties incurred;

(4) the amount of the settlement that represents damages and the multiplier or percentage of the actual damages used in determining the amount to be paid under the settlement or compromise;

(5) the amount of the settlement that represents civil penalties and the percentage of the maximum potential civil penalty to be paid under the settlement or compromise;

(6) the amount of the settlement that represents criminal fines and a statement of the basis for the fines;

(7) a description of the period during which the matter to which the settlement or compromise relates was pending, including—

(A) the date on which the complaint was originally filed;

(B) a description of the period the matter remained under seal;

(C) the date on which the Department of Justice determined whether to intervene in the case; and

(D) the date on which the settlement or compromise was finalized;

(8) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant had previously entered into a settlement or compromise relating to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and, if so, the date of and amount to be paid under each such settlement or compromise;

(9) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant—

(A) entered into a corporate integrity agreement relating to the settlement or compromise;

(B) entered into a deferred prosecution agreement or nonprosecution agreement relating to the settlement or compromise; or

(C)(i) previously entered into—

(I) a corporate integrity agreement relating to a settlement or compromise relating to a different violation of section 3730(b) of title 31, United States Code; or

(II) a deferred prosecution agreement or nonprosecution agreement relating to a settlement or compromise relating to a different violation of section 1031 of title 18, United States Code; and

(ii) if the defendant had entered an agreement described in clause (i), whether the agreement applied to the conduct that is the subject of the settlement or compromise described in the report or similar conduct;

(10) for a settlement involving Medicaid, the amounts paid to the Federal Government and to each State participating in the settlement or compromise;

(11) whether civil investigative demands were issued in process of investigating the matter to which the settlement or compromise relates;

(12) for a qui tam action—

(A) the percentage of the settlement amount awarded to the relator; and

(B) whether the relator requested a fairness hearing relating to the percentage received by the relator or the total amount of the settlement;

(13) the extent to which officers of the agency that was the victim of the loss resolved by the settlement or compromise participated in the settlement negotiations; and

(14) the extent to which a relator or counsel for a relators participated in the settlement negotiations.

**SEC. 10. AGGRAVATED IDENTITY THEFT AND FRAUD.**

(a) IN GENERAL.—Section 1028A of title 18, United States Code, is amended in the section heading by adding ''**and fraud**'' at the end.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028A and inserting the following:

''1028A. Aggravated identity theft and fraud.''.

**SEC. 11. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH IDENTIFICATION DOCUMENTS, AUTHENTICATION FEATURES, AND INFORMATION.**

(a) IN GENERAL.—Section 1028(a)(7) of title 18, United States Code, is amended by inserting ''(including an organization)'' after ''person''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028 and inserting the following:

''1028. Fraud and related activity in connection with identification documents, authentication features, and information.''.

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By Ms. LANDRIEU:

S. 893. A bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, I rise today to introduce a bill that will be a critical component in our efforts to recover and rebuild Louisiana's vast coastal wetlands. My bill works to address the threatening problem of coastal wetland deterioration in Louisiana caused by non-native, invasive feral swine populations. Few are aware that the marsh and wetlands along Louisiana's coast comprise some 40 percent of the Nation's total salt marshes. Louisiana's coastline is a national treasure. Yet, this national treasure is disappearing at an alarming rate due to a number of natural and man-made factors, including the destruction of wetlands caused by non-native feral pig populations that are literally eating away the coast.

Louisiana's coastline is an increasingly fragile and finite source of protection. It protects against storm surges, the varied effects of climate change, and it protects the many communities that thrive on the coastal plains of Louisiana. The survival of the affected acreage is crucial not only to the continued existence of my State and the states directly above mine—which will be affected if Louisiana's wetlands continue to deteriorate—but also to our Nation's energy independence and security. Forty percent of America's refining capacity flows from the Gulf Coast to service the rest of our Nation, and if Louisiana's coastline continues to disappear, our Nation's refiners and energy infrastructure will be jeopardized. As such, the loss of our

wetlands threatens not only our teeming wildlife, but also land, lives, energy infrastructure, and navigation.

That is why I rise today to introduce the Feral Swine Eradication and Control Pilot Program Act of 2011, to address the challenges these species pose to our efforts to reverse coastal wetland deterioration.

Every 30 minutes, a portion of Louisiana's coast the size of a football field is converted from healthy marsh into open water. Since 1930, 1.2 million acres have been lost. That is an area roughly the size of Delaware. Scientists predict that Louisiana will lose another 700 square miles of coastal wetlands by 2050. That is an area the size of the greater Washington, D.C. and Baltimore metro areas.

Exacerbating this problem is the irresponsible introduction of the feral hog to Louisiana. This invasive species has caused extensive damage to our natural wildlife habitat. In Louisiana, the wild omnivores compete with native wildlife for food resources; prey on young domestic animals and wildlife; and carry diseases that can affect pets, livestock, wildlife and people. Scientists now believe that the feral hogs are not only imposing enormous damage to the marsh, but are also negatively impacting native freshwater mussels and insects by contributing E. coli to water systems.

According to the Louisiana Department of Wildlife and Fisheries, the wild pig is the most prolific large mammal in North America and given adequate nutrition, its populations in an area can double in just four months.

Louisiana's landscape has already been ravaged by the nutria rodent. In 2002, the first program was created to combat the increasing nutria populations. This program, the Coast-wide Nutria Control Program, CNCP, incentivized trappers to catch nutria in return for monetary compensation. This program has proven successful at decreasing nutria populations and significantly reducing their impact to coastal wetlands.

However, more effort was needed to further reduce the nutria damage to wetlands, both in Louisiana and in other marshy environments, including Maryland's Chesapeake Bay. The Nutria Eradication and Control Act was enacted in 2003 to provide a critical supplement of funding to strengthen the Coast-wide Nutria Control Program. In July of 2009, I joined my friend and colleague Senator CARDIN in introducing the re-authorization of the Nutria Eradication and Control Act. These two measures to combat nutria populations have been instrumental in reducing the nutria damage to Louisiana's wetlands.

Unfortunately, now Louisiana has another pest eroding its marshes and wetlands. Feral swine are listed by the World Conservation Union, IUCN, as one of the top 100 invasive species worldwide. If action is not taken to control the feral swine population, our biologists fear these animals will undo much of the progress Louisiana has made in controlling the nutria population. It is my hope that with the help of my colleagues, we can pass this bill to help eradicate these pests from our vanishing coastline once and for all.

For these reasons, it is imperative that we control the feral swine in Louisiana. As such, the bill I am introducing today authorizes the Secretary of the Interior to allocate funding to create a pilot program modeled off of the Nutria Eradication and Control Act. This program will assess the nature and extent of damage to the wetlands in Louisiana and develop methods to eradicate or control the feral swine population, and restore the coastal areas damaged by this invasive species. It is a small program, but the benefits are potentially vast. It is my hope that by creating this program, we can achieve similar success at combating feral hogs as we have had at controlling nutria populations.

It is for all of these reasons that this legislation is crucial. I ask that my colleagues support its prompt passage.

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By Mrs. MURRAY (for herself, Mr. BURR, Mr. ROCKEFELLER, Mr. AKAKA, Mr. SANDERS, Mr. BROWN of Ohio, Mr. WEBB, Mr. TESTER, Mr. BEGICH, Mr. ISAKSON, Mr. WICKER, Mr. JOHANNS, Mr. BROWN of Massachusetts, Mr. MORAN and Mr. BOOZMAN):

S. 894. A bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the Veterans' Compensation Cost-of-Living Adjustment Act of 2011.

Effective December 1, 2011, this measure directs the Secretary of Veterans Affairs to increase the rates of veterans' compensation to keep pace with a rise in the cost-of-living, should an adjustment be prompted by an increase in the Consumer Price Index, CPI. Referred to as the COLA, this important legislation would make an increase available to veterans at the same level as an increase provided to recipients of Social Security benefits.

All of my colleagues on the Committee on Veterans' Affairs: Senators BURR, ROCKEFELLER, AKAKA, SANDERS, BROWN of Ohio, WEBB, TESTER, BEGICH, ISAKSON, WICKER, JOHANNS, BROWN of Massachusetts, MORAN, and BOOZMAN join me in introducing this important legislation. I look forward to our continued work together to improve the lives of our Nation's veterans.

Last year, Congress passed, and the President signed into law, Public Law 111–247, which would have increased veterans' compensation rates had there been an increase in the CPI. While there was no cost-of-living increase in 2011 due to a decline in the CPI, the 2012 adjustment was projected to be .9 percent in the President's fisal year 2012 budget submission.

The COLA affects so many important benefits, including veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. It is projected that over 3.5 million veterans and survivors will receive compensation benefits in fiscal year 2012.

As the daughter of a disabled veteran, I understand the critical nature of these benefits as many recipients depend upon these tax-free payments for their most basic needs, in addition to the needs of their spouses and children. We have an obligation to the men and women who have sacrificed so much to serve our country and who now deserve nothing less than the full support of a grateful Nation. The COLA brings us one step closer to fulfilling our Nation's promise to care for our brave veterans and their families.

I ask our colleagues to show their continued support for our Nation's veterans by working together to ensure this benefit remains available and is not diminished by the effects of inflation.

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. 894

*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 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2011''.

**SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) RATE ADJUSTMENT.—Effective on December 1, 2011, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2011, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described

in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2011, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2012.

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By Mr. BINGAMAN (for himself, Mr. BENNET, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, and Mr. LEE):

S. 897. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain non-coal reclamation projects and acid mine remediation programs; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce a bill important to public health and safety and the environment. This legislation addresses an interpretation by the Department of the Interior, DOI, which restricts the ability of states to use certain funds under the Abandoned Mine Land, AML, Program authorized by the Surface Mining Control and Reclamation Act, SMCRA, for non-coal abandoned mine reclamation and for the remediation of acid mine drainage. This bill is identical to legislation that was reported by voice vote by the Senate Committee on Energy and Natural Resources last Congress.

Amendments to SMCRA, passed as part of the Tax Relief and Health Care Act of 2006, Pub. L. No. 109–432, reauthorized collection of an AML fee on coal produced in the United States and made certain modifications to the AML program. The amendments also provided that so-called ''make-up'' funds, amounts that had accrued to the states and tribes for several years under the formula in SMCRA but had not been previously appropriated, be paid out to the states and tribes over a period of years as mandatory payments.

Under the AML program, which is administered by DOI, funds are expended to reclaim abandoned mine lands, with top priority for protecting public health, safety, general welfare, and property, and restoration of land and water resources adversely affected by past mining practices. The program is largely directed to abandoned coal mine reclamation, but beginning in 1977 when SMCRA was first enacted, funds have been available pursuant to section 409 to address abandoned non-coal mine sites. A review of the legislative history of this provision and the long-standing administrative interpretation of section 409 reveals that the section is intended to address ''non-coal mine reclamation'' on abandoned mine lands.

Western states such as New Mexico, Colorado, and Utah have prioritized the use of AML funds to undertake the most pressing reclamation work on both abandoned coal and non-coal mine sites. While activities on non-coal mine sites have consumed a relatively insignificant portion of the funding provided for the overall AML program, the results in terms of public health and safety in these states is considerable, and there is significant work yet to be done.

Similarly, the use of AML funds for remediation of acid mine drainage has been important in many areas, especially in the Appalachian states, such as Kentucky, Pennsylvania, and West Virginia. Until enactment of the 2006 amendments to SMCRA, states and tribes with approved AML programs had been able to set aside up to 30 percent of their AML funds for acid mine drainage remediation without respect to time limitations that would otherwise apply.

In 2007, the Solicitor at the Department of the Interior interpreted the amendments as limiting the ability of uncertified states and tribes to use the ''make-up'' AML funds for priority non-coal abandoned mine reclamation and acid mine drainage set-aside programs. See Memorandum Opinion M–37014. The Solicitor found that these make-up funds cannot be used for priority non-coal mine reclamation in the case of states and tribes that had not certified completion of their coal reclamation work and likewise cannot be used for acid mine drainage set-aside programs.

The bill that I am introducing today would correct what I believe is an unfortunate and unintended interpretation of the 2006 amendments by modifying the language of SMCRA to clarify that the funding would be available for non-coal abandoned mine reclamation and acid mine drainage set-aside programs as it was prior to the passage of the amendments in 2006.

I want to underscore that the bill does not increase funding to the states and tribes. It simply clarifies that states and tribes can have flexibility to use AML funds that they receive under existing law for these two important uses, as was the case prior to the 2006 amendments. I hope that my colleagues will support this legislation, which has important implications nationwide.

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. 897

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

**SECTION 1. ABANDONED MINE RECLAMATION.**

(a) RECLAMATION FEE.—Section 402(g)(6)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)(A)) is amended by inserting ''and section 411(h)(1)'' after ''paragraphs (1) and (5)''.

(b) FILLING VOIDS AND SEALING TUNNELS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting ''and section 411(h)(1)'' after ''section 402(g)''.

(c) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by striking ''section 403'' and inserting ''section 402(g)(6), 403, or 409''.

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By Mr. CARDIN:

S. 898. A bill to amend title 23, United States Code, to direct the Secretary to establish a comprehensive design standard program to prevent, control, and treat polluted stormwater runoff from federally funded highways and roads, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am reintroducing legislation that will help prevent millions of gallons of pollution from entering our Nation's precious water resources. The season we are in makes my legislation particularly timely. Spring is one of the wettest times of year, and with every Spring shower polluted stormwater runoff washes a myriad of chemicals pollutants, sediment, debris, oil and grease, and other contaminates from our nation's roads and highways into our lakes, rivers, streams, bays, and coastal waters.

Stormwater is the Nation's largest source of water pollution. While rain itself contains air pollution particulates that are deposited in every drop, most stormwater pollution is picked up on the surface and carried off as runoff. Stormwater washes contaminants like oil, grease, heavy metals, nutrients, asbestos, sediments, road salts and other de-icing agents, brake dust, and road debris from the millions of miles of America's roads and into storm drains that discharge into nearby waters. Almost all of this polluted stormwater is discharged without any treatment.

When rain falls on these hard, impervious surfaces it often has no where to go but down the channels created by curbs and retaining walls, into storm drains and into the nearest natural water body. According to research compiled by the National Oceanic & Atmospheric Administration's, NOAA, National Geophysical Data Center, the U.S. is covered by more than 112,600 square kilometers of impervious surfaces. That is a space larger than the State of Ohio. With 985,139 miles of Federal aid highways stretching from every corner of the country, polluted highway runoff is no small problem facing our Nation's waters.

The effects of polluted stormwater runoff are real. For example, the Anacostia River—Washington's ''other'' and often forgotten river—can be seen from the Capitol Dome as it flows out of Prince George's County, MD, and into the District and on to its confluence with the Potomac. Runoff from within the 176 square mile watershed of the Anacostia, most of which is in Maryland, but also includes the east side of D.C. and the entire Capitol complex, all makes its way into the Anacostia. The stormwater that enters the Anacostia is extremely polluted from the thousands of acres of road surfaces that cover the watershed, which exacerbates the incidence of combined sewer overflows and has impaired the Anacostia for many years. It is no coincidence that the U.S. Fish & Wildlife Service has found the Anacostia's bottom-feeder catfish to have the highest incidence of liver tumors than any other population of catfish in the country. The cause of the tumors are the high levels of polycyclic aromatic hydrocarbons, a by-product of fuel combustion, that come from vehicle tailpipe emissions and are deposited on the road and in the air and then washed into the river with every shower or thunderstorm.

This is not a problem unique to Maryland or the Chesapeake Bay region, nor is it a problem unique to urban environments as opposed to rural environments. Polluted runoff is a problem that affects any watershed where impervious paved road and highway surfaces have altered the natural hydrology of a watershed. Over time, federal highway policy has come to recognize the drastic impacts highways and surface transportation can have on the environment and on water quality. Title 23 of the U.S. Code states: ''transportation should play a significant role in promoting economic growth, improving the environment, and sustaining the quality of life'' through the use of ''context sensitive solutions.'' The Intermodal Surface Transportation Efficiency Act, ISTEA, authorized using transportation enhancement funds for ''environmental mitigation to address water pollution due to highway runoff.'' It is important to note, however, that this is just one of 12 types of eligible enhancement projects and only 1.1 percent of enhancement project funds have gone toward environmental mitigation projects since 1992.

In 2008, at the request of the House Transportation & Infrastructure Committee, the Government Accountability Office issued a report examining key issues and challenges that need to be addressed in the next reauthorization of the transportation bill. That report highlighted the clear link between transportation policy and the environment. Taking a policy approach to require that the planning, design, and construction of highways are done in an environmentally responsible manner, with an eye toward mitigating the water quality impacts highways have on our Nation's water resources, will help address this issue and better meet our Nation's transportation goals. This legislation also helps advance the October 5, 2009, Executive Order affirming that Federal policy and Federal agencies shall ''conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; and leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products and services.''

Over the years, The U.S. Department of Transportation has established design standards for federal-aid highways to improve the performance and safety of our highway infrastructure. These design standard improvements were the result of obvious safety and engineering problems that needed to be addressed. These design standard are essential to ensuring that the Federal Government's investment in transportation infrastructure is resulting in a well-designed, safe and reliable ''product'' for the benefit of the American people.

The same can be said for the need for establishing environmental design standards for Federal-aid highways as a means of protecting water quality. While stormwater runoff from highways may be classified as non-point source pollution, it is unquestionably the source of a wide range of contaminants that impair rivers, lakes, streams and coastal waters; create costly remedial situations; and detract from the value and health of our precious water resources. Requiring Federal-aid highways to meet an environmental standard for protecting water quality will improve the value of the Federal Government's investment in our Nation's highway infrastructure.

The approach my legislation takes to mitigate polluted highway runoff is through the implementation of a design standard, developed by the United States Department of Transportation, requiring the maintenance or restoration of the pre-development hydrology of a federal-aid highway project site. This same approach was made law by the Energy Independence & Security Act of 2007 for the development of new Federal buildings and facilities.

My bill would require that all substantial federal highway projects must be planned and designed ''to ensure that covered projects are sited, constructed and maintained in accordance with design standards intended to protect surface and ground water quality and ensure the long-term management of stormwater originating from Federal-aid highways.'' This would be achieved by approaches that avoid and minimize alteration of natural features and hydrology and maximize the use of onsite pollution control measures using existing terrain and natural features.

My bill also recognizes that geography and other physical characteristics of the land may not always allow on-site treatment of polluted highway runoff. When conditions are impracticable my legislation would allow for an ''appropriate off-site runoff pollution mitigation program'' within the watershed of a Federal-aid highway project site that can protect against the water quality impacts of the project.

The Clean Water Act requires that we protect the waters of the United States. As with most pollution abatement strategies, preventing stormwater pollution is cheaper, more effective, and easier to implement than trying to clean up and remediate the problem after contamination has occurred.

Not addressing stormwater pollution at its source just kicks the proverbial can down the road for someone else to deal with. When water resources are contaminated by polluted highway runoff, mitigating the pollution, which is a preventable discharge in the first place, should not be the responsibility of local goverments, wastewater treatment facilities, or drinking water utilities.

Water pollution has many sources and our nation's highways produce a tremendous volume of contaminated stormwater. Time and time again, experience has taught us that addressing pollution at its source is the most effective means of abating pollution. It is time we applied this principle to our Nation's Federal-aid highways. I urge my colleagues to support my legislation and help move our country closer to meeting the goals of the Clean Water Act and the goals of our national transportation policy.

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By Mr. CARDIN (for himself, Ms. LANDRIEU, Ms. MIKULSKI, Mr. MERKLEY, and Mrs. HAGAN):

S. 899. A bill to provide for the eradication and control of nutria; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am proud to reintroduce the Nutria Eradication and Control Act of 2011 along with my colleagues, Senator LANDRIEU, Senator MIKULSKI, Senator MERKLEY, and Senator HAGAN. This legislation will build on the successful Nutria Eradication and Control Act of 2003. This program encourages habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of coastal wetlands from destruction caused by nutria.

Invasive species are one of the largest threats to biodiversity in the United States today. As invasive species go, the nutria is one of the most destructive creatures we have, especially in my home State of Maryland and in Louisiana.

The nutria is a large, semi-aquatic rodent that was originally brought to the United States to bolster the fur trade in the early 20th century. Unfortunately, we underestimated their strong appetite and high reproductive

potential. Since their introduction, the nutria have damaged millions of acres of wetlands and countless miles of shoreline and have even earned a spot among the International Union for Conservation of Nature's list of the world's 100 worst invasive alien species. By the early 1990s, the Chesapeake Bay/Delmarva Peninsula population was estimated to exceed 150,000 animals.

These ''eating machines'' can consume up to 25 percent of their body weight in plants per day, feasting directly on plant roots. This wrecks havoc on our wetlands, turning our once productive lands into barren mud flats. The destruction exacerbates the damaging impacts of ongoing land subsidence and sea level rise.

We understand how important our wetlands are and provide numerous ecosystem services to our society. They provide fish and wildlife habitat, flood protection, erosion control, and water quality preservation.

In my own State of Maryland, nutria invaded the Blackwater National Wildlife Refuge nearly 6 decades ago, destroying vital habitat for native shorebirds, muskrats, and blue crabs. They are responsible for the loss of more than 5,000 acres of wetlands in this refuge alone.

We must remember this has a significant impact on people—people who depend on it for their livelihood and for people who use it for recreation. The loss of Blackwater wetlands, that are vital to the fishery, was estimated to cost Maryland's economy nearly $4 million annually. Millions of Americans spend billions of dollars pursuing their fishing, hunting and wildlife watching activities, which contribute to millions of jobs in industries and businesses that support wildlife-related recreation.

In 2000, Congress established a Federal funding source to develop a successful public-private partnership program to address nutria in Maryland. This financial support has directly led to the successful eradiation of nutria from 150,000 acres of the approximate 400,000 acres of wetland habitats that they infest. The project success is due to strategic planning, permanent and dedicated staff members, and cooperation with private landowners.

In Louisiana, an incentive program is used to encourage trappers to trap nutria. Since the implementation of the program, the damage to coastal wetlands has been reduced from 90,000 to 20,000 acres.

The management techniques developed in Maryland and Louisiana have already been exported to other states like Oregon and Washington to control their own nutria populations and minimize the damage done to their marsh habitats. Healthy wetlands are returning to places where nutria have been removed. But the job is not yet done.

Last Congress, I introduced the Nutria Eradication and Control Act of 2009 to continue and improve the successful nutria eradication program in Maryland and Louisiana and expand it to other significantly impacted states like Oregon and Washington. This bill passed out of the Senate Environment and Public Works Committee in 2009 and had the support of the U.S. Fish and Wildlife Service, the Maryland Department of Natural Resources, the Louisiana Department of Wildlife & Fisheries, and the Nature Conservancy.

Today, I proudly rise again and rededicate myself to passing the Nutria Eradication Control Act of 2011. This bill will authorize the Secretary of the Interior to provide financial assistance to the states of Maryland, Louisiana, Delaware, Oregon, Washington, the Commonwealth of Virginia, and North Carolina to eradicate and control nutria populations and restore nutria-damaged wetlands.

We know how valuable our wetlands are. We know how destructive the nutria is. We know what we can do to stop the nutria and that these programs work. I urge my colleagues to remember that we have a responsibility to be good stewards of the earth and to join me in supporting this bill.

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. 899

*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 ''Nutria Eradication and Control Act of 2011''.

**SEC. 2. FINDINGS; PURPOSE.**

Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and in Louisiana'' and inserting '', the State of Louisiana, and other coastal States'';

(B) in paragraph (2), by striking ''in Maryland and Louisiana on Federal, State, and private land'' and inserting ''on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States''; and

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

''(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

''(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

''(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States''; and

(2) by striking subsection (b) and inserting the following:

''(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

''(1) to eradicate or control nutria; and

''(2) to restore nutria damaged wetlands.''.

**SEC. 3. DEFINITIONS.**

The Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

**''SEC. 3. DEFINITIONS.**

''In this Act:

''(1) COASTAL STATE.—The term 'coastal State' means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

''(2) PROGRAM.—The term 'program' means the nutria eradication program established by section 4(a). ''

''(3) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.'

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

**SEC. 4. NUTRIA ERADICATION PROGRAM.**

Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by section 3) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

''(1) to eradicate or control nutria; and

''(2) to restore wetlands damaged by nutria.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''the State of'' before ''Maryland'';

(B) in paragraph (2), by striking ''other States'' and inserting ''the coastal States''; and

(C) in paragraph (3), by striking ''marshland'' and inserting ''wetlands'';

(3) in subsection (c)—

(A) by striking ''(c) ACTIVITIES'' and inserting ''(c) ACTIVITIES IN THE STATE OF MARYLAND''; and

(B) by inserting '', and updated in March 2009'' before the period at the end;

(4) in subsection (e), by striking ''financial assistance provided by the Secretary under this section'' and inserting ''the amounts made available under subsection (f) to carry out the program''; and

(5) by striking subsection (f) and inserting the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), for each of fiscal years 2012 through 2016, there are authorized to be appropriated to the Secretary to carry out the program such sums as are necessary.''.

**SEC. 5. REPORT.**

Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by section 3) is amended—

(1) in paragraph (1), by striking ''2002 document entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds'; and'' and inserting ''March 2009 update of the document entitled 'Eradication Strategies for Nutria in the Chesapeake and

Delaware Bay Watersheds' and originally dated March 2002;'';

(2) in paragraph (2)—

(A) by striking ''develop'' and inserting ''continue''; and

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

(3) by adding after paragraph (2) the following:

''(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

''(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

''(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.''.

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By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 900. A bill to authorize the Secretary of Education to award grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce the Simon Wiesenthal Holocaust Education Assistance Act. This important legislation would provide competitive grants for educational organizations to make Holocaust education more accessible and available throughout this Nation.

I would like to commend my former colleague in the House, Congresswoman MALONEY, for her leadership on this issue. I also want to thank my colleague from New Jersey, Senator LAUTENBERG, for agreeing to be an original cosponsor.

This past Monday, we solemnly commemorated Holocaust Remembrance Day, in memorial of perhaps the greatest crime ever perpetrated against humanity. As we reflect upon the tragedies of the events surrounding the Holocaust, the lives lost, the families destroyed, the potential unfulfilled, we must renew our oath to never forget, so this dark chapter in history will never be repeated.

We must forever remember the approximately six million Jewish men, women and children, as well as millions of others who faced persecution, displacement, and death at the hands of the Nazis. We must remember their stories not just to honor their lives, but more importantly, to educate the next generation about the dangers of intolerance, ignorance, and bigotry. I could not think of a better namesake for this bill, Simon Wiesenthal, who honored the memories of those lost by dedicating his life to bringing those responsible to justice.

Some people might ask why we need to learn more about something that happened over 65 years ago and an entire ocean away. The same critics might argue that anti-Semitism, while terrible, is a relic of the past that will never be repeated. Unfortunately, this is not the case, and we, as a Nation, must not ignore this appalling truth.

Even to this day, we do not have to go half way around the world to find examples of intolerance and hate; rather we can look into our own neighborhoods and communities. According to the FBI, there were 1,376 hate crimes motivated by religious bias in 2009. More than 7 out of 10 of these crimes were perpetrated against Jews because of their religion. In fact, even in my own State of New Jersey, a State of immense diversity, tolerance and understanding, we have seen a number of incidents that tear at the fabric of our society.

In July of 2010, a Rabbi and his 12 year old son were subject to anti-Semitic slurs from an unidentified man in a sedan as they walked towards their synagogue in Edison, NJ.

A few days after, the Edison Police Department investigated a second anti-Semitic incident at a Lexus dealership where eight cars had been vandalized with swastikas.

Last year in Chatham, New Jersey, anti-Semitic leaflets with the words ''Kill Jews'' were littered throughout the town. Local police found the culprit and arrested him. However, Chatham Township Police said they could only charge the offender with littering because he was not apparently targeting an individual.

New Jersey college students at Rutgers University have also experienced this terrible discrimination on numerous occasions. This past fall, when a guest speaker came to present at a Jewish event on campus, he was continually harassed by a large group of students that shouted slurs and disrupted his speech several times. Since then, there has been an escalation of anti-Semitic incidents. One of which included a student event this past January that attempted to exploit the Holocaust and accuse Israel of ethnic cleansing. When students showed up in peaceful protest, they were charged an admission fee, while supporters of the event were admitted for free.

These troubling events do not occur in a vacuum. They are fed by bigotry, hatred, and above all else: ignorance. This ignorance is fueled by provocative, dangerous, and bigoted rhetoric that both threaten the safety and well being of individuals, while also insulting the honor of millions of Jewish people. So called academics seek to rewrite history to minimize and spin the facts surrounding the Holocaust; the government of Iran has waged campaigns not just to rewrite, but to simply erase an inconvenient truth. This is not an academic issue shrouded in intellectualism; Holocaust denial is bald-faced anti-Semitism, rooted in hate, and it has no place in our society.

We cannot sit idly by and hope that time alone will heal these wounds. We must take proactive steps to ensure that our society may properly study and take lessons from the Holocaust. Holocaust education is essential for school children so that we may achieve this goal.

Although some States now require the Holocaust to be taught in public schools, the Simon Wiesenthal Holocaust Education Assistance Act goes further and makes grants available to organizations that instruct students, teachers, and communities about the dangers of hate and the importance of tolerance in our society. This legislation would give educators the appropriate resources and training to teach accurate historical information about the Holocaust and convey the lessons that the Holocaust can teach us today.

However, while much growth and healing have come about in the 66 years since Auschwitz was liberated, there remains a significant barrier that we must break through. After 6 decades, many of our youth may view the Holocaust as an event that occurred in the distant past. Only by proper acknowledgement of the incredible loss of life during the Holocaust, will we ever be able to ensure that such an event never happens again.

It is in our common interest to raise our voices against anti-Semitism and against all hatred and discrimination. Funding accurate educational programs on the Holocaust is a step toward winning this battle.

So as America stands with Israel and all followers of the Jewish faith in condemning anti-Semitism, let us do everything in our power to end discrimination and educate future generations about the danger of hatred and bigotry.

I urge my colleagues to support this legislation.

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By Mr. HARKIN:

S. 902. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, safe, modern, healthy school buildings are essential to creating an environment where students can reach their full academic potential. Today, too many students in the United States, particularly those most at risk of being left behind, attend school in facilities that are old, overcrowded and run-down. The 2009 Infrastructure Report Card compiled by the American Society of Civil Engineers gives public schools a D grade. Too many of our Nation's schools were built over a half century ago, and are not equipped to meet the needs of 21st Century students and teachers. School-facility needs are impacting the preparedness of our children for work in critical fields, such as mathematics and science.

The National Center for Education Statistics reported in 2000 that the Nation's elementary and secondary

schools required approximately $127 billion to repair or upgrade their facilities. A 2008 State-by-State analysis by the American Federation of Teachers found that the Nation's school infrastructure needs total an estimated $255 billion. While the condition of public school buildings is primarily a state and local responsibility, the Federal Government can and should help, especially when it comes to closing disparities between affluent and disadvantaged school districts. The current economic environment makes it exceedingly difficult for States and school districts to renovate and in some cases build new schools to meet this important need.

That is why I am pleased to introduce the School Building Fairness Act. This legislation provides $1 billion to States for competitive matching grants to local educational agencies; LEAs, for school repair, renovation, and construction. In awarding the grants, States must consider poverty, condition of school facilities, capacity, adherence to green building standards, and likelihood of maintenance. I have seen this work in Iowa with the success of the Iowa Demonstration Construction Grant Program, which provided over $121 million in federal assistance to over 300 school districts and leveraged more than $600 million of additional local funding through the matching requirement. I am sure that it will work across the rest of the country. 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. 902

*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 ''School Building Fairness Act of 2011''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Providing safe, healthy, and up-to-date public elementary and secondary school facilities is a crucial component of improving student academic performance and retaining high-quality, committed educators.

(2) The 2009 Infrastructure Report Card compiled by the American Society of Civil Engineers gives public schools a D grade.

(3) The National Center for Education Statistics, in 2000, reported that the Nation's elementary and secondary schools required approximately $127,000,000,000 to repair or upgrade facilities.

(4) A State-by-State analysis by the American Federation of Teachers in 2008 concluded that the Nation's school infrastructure needs an estimated $254,600,000,000.

(5) The Department of Education documented in 1998 that the average age of a public elementary or secondary school building was estimated at 42 years old, past the age when schools tend to deteriorate rapidly.

(6) School districts spent more than $304,000,000,000 for public school construction contracts from 1995 through 2004, according to data collected by McGraw-Hill Construction.

(7) According to a 2006 report by the Building Educational Success Together coalition, the per-student investment made in the most affluent school districts to repair or construct schools was nearly double the amount of the per-student investment made in the most disadvantaged school districts.

(8) Since 1998, the Iowa Demonstration Construction Grant Program has provided $121,000,000 in Federal assistance to over 300 school districts for school repair and construction. That Federal investment in school repair and construction has leveraged more than $600,000,000 of additional local funding through a match required by the State government.

(9) Green schools use an average of 33 percent less energy than conventionally built schools, and generate financial savings of about $70 per square foot, according to the 2006 report ''Greening America's Schools: Costs and Benefits''.

**SEC. 3. GRANTS FOR SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.**

Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

**"Subpart 22—School Facilities**

**"SEC. 5621. GRANTS FOR SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.**

''(a) DEFINITIONS.—In this section:

''(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given the term in section 5210.

''(2) CHPS CRITERIA.—The term 'CHPS Criteria' means the green building rating criteria developed by the Collaborative for High Performance Schools.

''(3) EARLY LEARNING FACILITY.—The term 'early learning facility' means a public facility that—

''(A) serves children who are not yet in kindergarten; and

''(B) is under the jurisdiction of a local educational agency.

''(4) ENERGY STAR.—The term 'Energy Star' means the Energy Star program of the Department of Energy and the Environmental Protection Agency.

''(5) GREEN GLOBES.—The term 'Green Globes' means the Green Building Initiative environmental design and rating system.

''(6) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' has the meaning given the term in section 2102(3)(A).

''(7) LEED GREEN BUILDING RATING SYSTEM.—The term 'LEED Green Building Rating System' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating system.

''(8) PUBLIC SCHOOL FACILITY.—The term 'public school facility' means a public elementary or secondary school facility, including a public charter school facility or an existing facility planned for adaptive reuse as a public charter school facility.

''(9) RURAL LOCAL EDUCATIONAL AGENCY.—The term 'rural local educational agency' means a local educational agency that meets the eligibility requirements under—

''(A) section 6211(b) for participation in the program described in subpart 1 of part B of title VI; or

''(B) section 6221(b) for participation in the program described in subpart 2 of part B of title VI.

''(10) STATE.—The term 'State' means each of the several states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(b) ALLOCATION OF FUNDS.—

''(1) RESERVATIONS.—From the funds appropriated under subsection (i) for a fiscal year, the Secretary shall reserve 1 percent to provide assistance to the outlying areas and for payments to the Secretary of the Interior to provide assistance to schools funded by the Bureau of Indian Education. Funds allocated under this paragraph shall be reserved by the Secretary for distribution among the outlying areas and the Secretary of the Interior on the basis of their relative need for public elementary school and secondary school repair, renovation, and construction, as determined by the Secretary.

''(2) ALLOCATION TO STATE EDUCATIONAL AGENCIES.—From the funds appropriated under subsection (i) for a fiscal year that are not reserved under paragraph (1) for the fiscal year, the Secretary shall allocate to each State educational agency serving a State an amount that bears the same relation to the funds as the amount the State received under part A of title I for the fiscal year preceding the fiscal year for which the determination is made bears to the amount all States received under such part for such preceding fiscal year, except that no such State educational agency shall receive less than 0.5 percent of the amount allocated under this subsection.

''(c) WITHIN-STATE DISTRIBUTIONS.—

''(1) ADMINISTRATIVE AND OTHER COSTS.—

''(A) STATE EDUCATIONAL AGENCY ADMINISTRATION AND OTHER COSTS.—Except as provided in subparagraph (D), each State educational agency may reserve not more than 1 percent of the State educational agency's allocation under subsection (b) for the purposes of administering the distribution of grants under this subsection and awarding grants under subparagraph (C)(v).

''(B) REQUIRED USES.—The State educational agency shall use a portion of the funds reserved under subparagraph (A)—

''(i) to provide technical assistance to local educational agencies; and

''(ii) to establish or support a State-level database of public school facility inventory, condition, design, and utilization.

''(C) PERMISSIBLE USES.—The State educational agency may use a portion of the funds reserved under subparagraph (A) for—

''(i) developing a statewide public school educational facility master plan;

''(ii) developing policies, procedures, and standards for high-quality, energy efficient public school facilities;

''(iii) supporting interagency collaboration that will lead to broad community use of public school facilities, and school-based services for students served by high-need local educational agencies or rural local educational agencies;

''(iv) helping to defray the cost of issuing State bonds to finance public elementary school and secondary school repair, renovation, and construction; and

''(v) awarding grants to State-operated or State-supported schools, such as a State school for the deaf or for the blind, to enable such schools to carry out school repair, renovation, and construction activities in accordance with subsection (d).

''(D) STATE ENTITY ADMINISTRATION AND OTHER COSTS.—If the State educational agency transfers funds to a State entity described in paragraph (2)(A), the State educational agency shall transfer to such State entity not less than 75 percent of the amount reserved under subparagraph (A) for the purpose of carrying out the activities described in subparagraph (C).

''(2) DISTRIBUTION OF COMPETITIVE SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—Of the funds allocated to a State educational agency under subsection (b) that are not reserved under paragraph (1), the State educational agency shall distribute 100 percent of such funds to local educational agencies or, if the State educational agency is not responsible for the financing of public

school facilities, the State educational agency shall transfer such funds to the State entity responsible for the financing of public school facilities (referred to in this section as the 'State entity') for distribution by such State entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (d), for public elementary school or secondary school repair, renovation, and construction.

''(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The State educational agency or State entity shall carry out a program to award grants, on a competitive basis, to local educational agencies for public elementary school or secondary school repair, renovation, and construction. Of the total amount available for distribution to local educational agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the grant competition—

''(i) award to high-need local educational agencies, in the aggregate, not less than an amount which bears the same relationship to such total amount as the aggregate amount such high-need local educational agencies received under part A of title I for the fiscal year preceding the fiscal year for which the determination is made bears to the aggregate amount received for such preceding fiscal year under such part by all local educational agencies in the State;

''(ii) award to rural local educational agencies in the State, in the aggregate, not less than an amount which bears the same relationship to such total amount as the aggregate amount such rural local educational agencies received under part A of title I for the fiscal year preceding the fiscal year for which the determination is made bears to the aggregate amount received for such preceding fiscal year under such part by all local educational agencies in the State; and

''(iii) award the remaining funds to local educational agencies in the State that did not receive a grant award under clause (i) or (ii), including to high-need local educational agencies and rural local educational agencies that did not receive a grant award under clause (i) or (ii).

''(C) CRITERIA FOR AWARDING GRANTS.—In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

''(i) PERCENTAGE OF POOR CHILDREN.—The percentage of children served by the local educational agency who are between 5 to 17 years of age, inclusive, and who are from families with incomes below the poverty line.

''(ii) NEED FOR SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.—The need of a local educational agency for school repair, renovation, and construction, as demonstrated by the condition of the public school facilities of the local educational agency or the local educational agency's need for such facilities.

''(iii) GREEN SCHOOLS.—The extent to which a local educational agency will make use, in the repair, renovation, or construction to be undertaken, of green practices that are certified, verified, or consistent with any applicable provisions of—

''(I) the LEED Green Building Rating System;

''(II) Energy Star;

''(III) the CHPS Criteria;

''(IV) Green Globes; or

''(V) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

''(iv) FISCAL CAPACITY.—The fiscal capacity of a local educational agency to meet the needs of the local educational agency for repair, renovation, and construction of public school facilities without assistance under this section, including the ability of the local educational agency to raise funds through the use of local bonding capacity and otherwise.

''(v) LIKELIHOOD OF MAINTAINING THE FACILITY.—The likelihood that a local educational agency will maintain, in good condition, any public school facility whose repair, renovation, or construction is assisted under this section.

''(vi) CHARTER SCHOOL EQUITABLE ACCESS TO FUNDING.—In the case of a local educational agency that proposes to fund a repair, renovation, or construction project for a public charter school, the extent to which the public charter school lacks access to funding for school repair, renovation, and construction through the financing methods available to other public schools or local educational agencies in the State.

''(D) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—A State educational agency or State entity shall require local educational agencies to match funds awarded under this paragraph.

''(ii) MATCH AMOUNT.—The amount of a match described in clause (i) may be established by using a sliding scale that takes into account the relative poverty of the population served by the local educational agency.

''(d) RULES APPLICABLE TO SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.—With respect to funds made available under this section that are used for school repair, renovation, and construction, the following rules shall apply:

''(1) PERMISSIBLE USES OF FUNDS.—School repair, renovation, and construction shall be limited to 1 or more of the following:

''(A) Upgrades, repair, construction, or replacement of public elementary school or secondary school building systems or components to improve the quality of education and ensure the health and safety of students and staff, including—

''(i) repairing, replacing, or constructing early learning facilities at public elementary schools (including renovation of existing facilities to serve children under 5 years of age);

''(ii) repairing, replacing, or installing roofs, windows, doors, electrical wiring, plumbing systems, or sewage systems;

''(iii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

''(iv) bringing such public schools into compliance with fire and safety codes.

''(B) Public school facilities modifications necessary to render public school facilities accessible in order to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(C) Improvements to the environmental conditions of public elementary school or secondary school sites, including asbestos abatement or removal, and the reduction or elimination of human exposure to lead-based paint, mold, or mildew.

''(D) Measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution.

''(E) Modifications necessary to reduce the consumption of electricity, natural gas, oil, water, coal, or land.

''(F) Upgrades or installations of educational technology infrastructure to ensure that students have access to up-to-date educational technology.

''(G) Measures that will broaden or improve the use of public elementary school or secondary school buildings and grounds by the community in order to improve educational outcomes.

''(2) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—

''(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section;

''(B) purchase or upgrade of vehicles;

''(C) improvement or construction of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities;

''(D) purchase of information technology hardware, including computers, monitors, or printers;

''(E) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

''(F) purchase of carbon offsets.

''(3) SUPPLEMENT, NOT SUPPLANT.—A local educational agency or State-operated or State-supported school shall use Federal funds subject to this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for school repair, renovation, and construction.

''(e) QUALIFIED BIDDERS; COMPETITION.—Each local educational agency that receives funds under subsection (c)(2) shall ensure that, if the local educational agency carries out repair, renovation, or construction through a contract, any such contract process ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition.

''(f) PUBLIC COMMENT.—Each local educational agency receiving funds under subsection (c)(2)—

''(1) shall provide an opportunity for public comment, and ensure that parents, educators, and all other interested members of the community in which the school to be assisted is located have the opportunity to consult, on the use of the funds received under such subsection;

''(2) shall provide the public with adequate and efficient notice of the opportunity described in paragraph (1) in a widely read and distributed medium; and

''(3) shall provide the opportunity described in paragraph (1) in accordance with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public.

''(g) REPORTING.—

''(1) LOCAL REPORTING.—Each local educational agency receiving funds under subsection (c)(2) shall submit a report to the State educational agency, at such time as the State educational agency may require, describing the use of such funds for school repair, renovation, and construction.

''(2) STATE REPORTING.—Each State educational agency receiving funds under subsection (b) shall submit to the Secretary, at such time as the Secretary may require, a report on the use of funds received under this section and made available to local educational agencies (and, if applicable, to State-operated or State-sponsored schools) for school repair, renovation, and construction.

''(h) REALLOCATION.—If a State educational agency does not apply for an allocation of funds under subsection (b) for a fiscal year, or does not use the State educational agency's entire allocation for such fiscal year, then the Secretary may reallocate the amount of the State educational agency's allocation (or the remainder thereof, as the case may be) for such fiscal year to the remaining State educational agencies in accordance with subsection (b).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,000,000,000 for fiscal year 2012, and such sums as may be necessary for each of fiscal years 2013 through 2016.

**''SEC. 5622. NATIONAL CENTER FOR EDUCATION STATISTICS STUDY.**

''(a) IN GENERAL.—The National Center for Education Statistics shall conduct a study of the condition of public school facilities in the United States.

''(b) ESTIMATES AND MEASURES.—In conducting the study, the National Center for Education Statistics shall—

''(1) estimate the costs needed to repair and renovate all public elementary schools and secondary schools in the United States to good overall condition; and

''(2) measure recent expenditures of Federal, State, local, and private funds for public elementary school and secondary school repair, renovation, and construction costs in the United States.

''(c) ANALYSIS.—In conducting the study, the National Center for Education Statistics shall examine trends in expenditures of Federal, State, local, and private funds since fiscal year 2001 for repair, renovation, and construction activities for public elementary schools and secondary schools in the United States, including examining the differences between the types of schools assisted, and the types of repair, renovation, and construction activities conducted, with those expenditures.

''(d) REPORT.—The National Center for Education Statistics shall prepare and submit to Congress a report containing the results of the study.

**''SEC. 5623. NATIONAL CLEARINGHOUSE FOR EDUCATIONAL FACILITIES.**

''(a) IN GENERAL.—From the funds appropriated under subsection (c), the Secretary shall award a grant or contract to maintain a clearinghouse that will collect and disseminate information on effective, best educational practices, and the latest research, regarding the planning, design, financing, construction, improvement, operation, and maintenance of safe, healthy, high-performance school facilities for nursery and prekindergarten, kindergarten through grade 12, and higher education.

''(b) DURATION.—The grant or contract under subsection (a) shall be awarded for a period of 5 years.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2012 through 2016.''.

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By Mr. HATCH:

S. 904. A bill to improve jobs, opportunity, benefits, and services for unemployed Americans, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to announce the introduction of a bill that, if enacted, would empower the States to more wisely spend the $31 billion in unemployment funds that have been allocated to them for the remainder of this year. This bill will allow states to avoid job-killing unemployment tax hikes while strengthening the safety net program for unemployed workers. I am honored to introduce this legislation simultaneously with a bill being introduced today in the House by The Honorable DAVE CAMP, Chairman of the House Ways and Means Committee.

The Jobs, Opportunity, Benefits and Services Act of 2011, or JOBS Act for short, is just that. A pro jobs bill that goes to the heart of what unemployment benefits are meant to be: not a permanent welfare payment, but a bridge to help unemployed workers until they can find a new job. A hand up, not a hand out. This bill is sorely needed. Since the recession began, 33 States have borrowed $48 billion in Federal funds to pay for unemployment benefits. These loans, if gone unpaid, will result in increased taxes on employers and job creators. Three States already have been forced to do so, and experts predict that 21 additional States will be required to raise taxes on jobs this year if nothing is done.

The JOBS Act allows states the flexibility to manage their unemployment funds to pay benefits, reduce their borrowings, or establish programs to help unemployed workers get jobs. The States can decide for themselves where their greatest needs lie. Under current law, States don't have the flexibility they need to adapt. The Federal Government pays for up to 73 weeks of unemployment, an all-time record. But not every state needs to spend the money the way Washington dictates. For example, North Dakota has only a 3.6 percent rate of unemployment, but the unemployed can collect up to 34 weeks of unemployment paid for with Federal funds, in addition to the normal 26 weeks under pre-recession law. This bill would allow States to more wisely direct those Federal funds.

How does the bill work? The $31 billion in Federal funds already allocated to the States will be advanced to them and will remain available for unemployment benefits or, if the State chooses, some or all can be used to repay their loans in order to avoid raising taxes, or enact programs that will lead to the rapid reemployment of unemployed workers. What this bill will not do is add any new Federal spending or reduce the amount of Federal funds a State is already scheduled to receive for unemployment insurance or mandate that States change the way they use those funds. It is up to the States to decide what is best for them and their citizens based on local conditions. This bill truly is a ''win, win'' for States, workers and the businesses struggling to expand and hire.

I urge all my colleagues to support this legislation.

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By Mr. INOUYE:

S. 907. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I rise to introduce legislation to restore the 80 percent tax deduction for business meals and entertainment expenses.

By way of background, business meals previously were fully deductible. In 1986, the Congress reduced the allowable tax deduction for business meals and entertainment from 100 percent to 80 percent. In 1993, the deduction was further reduced to its current level of 50 percent. The business meal deduction should be reformed to better reflect the basic principle that business expenses should be fully deductible. Increasing the limitation to 80 percent would better align the provision with these objectives.

More importantly, at a time when the Nation is getting back on stronger economic footing, the legislation is particularly critical especially for the small businesses and self-employed individuals that depend so heavily on the business meal to conduct business. Small companies often use restaurants as ''conference space'' to conduct meetings or close deals. Meals are their best, and sometimes only, marketing tool. Certainly, an increase in the meal and entertainment deduction would have a significant impact on a small business's bottom line.

In addition, the effects on the overall economy would be significant. Research has shown that increasing the business meal deduction to 80 percent would increase business meal sales by over $7 billion and increase the number of jobs by over 200,000. Moreover, restaurants service more than 130 million guests every day. Every dollar spent dining out generates $2.05 in business to other industries, totaling more than $1.7 trillion in overall economic impact.

The impact of the restaurant industry on the Nation's economy is considerable and felt in every State. Accompanying my statement is the National Restaurant Association's, NRA's, State-by-State chart reflecting the estimated economic impact of increasing the business meal deductibility from 50 percent to 80 percent.

I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and a State-by-State chart be printed in the RECORD.

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

S. 907

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

**SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.**

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking ''50 percent'' and inserting ''80 percent''.

(b) CONFORMING AMENDMENT.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(c) CLERICAL AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking ''ONLY 50 PERCENT'' and inserting ''PORTION''.

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

ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%

| State | Increase in business meal spending 50% to 80% deductibility (in millions) | Total economic impact in the State (in millions) | Total employment impact in the State (number of jobs created) |
|---|---|---|---|
| Alabama | $92 | $186 | 2,952 |
| Alaska | 19 | 33 | 452 |
| Arizona | 151 | 300 | 3,984 |
| Arkansas | 50 | 101 | 1,689 |
| California | 967 | 2,267 | 26,315 |
| Colorado | 136 | 313 | 3,943 |
| Connecticut | 88 | 165 | 2,019 |
| Delaware | 24 | 43 | 499 |
| District of Columbia | 39 | 53 | 313 |
| Florida | 472 | 957 | 12,522 |
| Georgia | 230 | 532 | 6,732 |
| Hawaii | 54 | 104 | 1,402 |
| Idaho | 28 | 55 | 933 |
| Illinois | 313 | 744 | 8,786 |
| Indiana | 135 | 278 | 4,272 |
| Iowa | 51 | 102 | 1,669 |
| Kansas | 56 | 112 | 1,606 |
| Kentucky | 90 | 183 | 2,618 |
| Louisiana | 98 | 193 | 2,888 |
| Maine | 29 | 55 | 848 |
| Maryland | 148 | 307 | 3,594 |
| Massachusetts | 193 | 388 | 4,649 |
| Michigan | 191 | 380 | 5,872 |
| Minnesota | 119 | 272 | 3,714 |
| Mississippi | 50 | 95 | 1,630 |
| Missouri | 134 | 298 | 4,084 |
| Montana | 21 | 40 | 710 |
| Nebraska | 35 | 73 | 1,190 |
| Nevada | 83 | 147 | 1,974 |
| New Hampshire | 34 | 63 | 784 |
| New Jersey | 205 | 442 | 4,993 |
| New Mexico | 45 | 82 | 1,331 |
| New York | 482 | 954 | 11,251 |
| North Carolina | 222 | 467 | 6,849 |
| North Dakota | 12 | 22 | 373 |
| Ohio | 252 | 540 | 8,081 |
| Oklahoma | 74 | 157 | 2,491 |
| Oregon | 94 | 194 | 2,611 |
| Pennsylvania | 258 | 582 | 7,688 |
| Rhode Island | 29 | 53 | 706 |
| South Carolina | 108 | 221 | 3,329 |
| South Dakota | 15 | 30 | 509 |
| Tennessee | 143 | 322 | 4,191 |
| Texas | 576 | 1,405 | 17,036 |
| Utah | 50 | 113 | 1,682 |
| Vermont | 13 | 22 | 335 |
| Virginia | 200 | 423 | 5,312 |
| Washington | 157 | 340 | 4,160 |
| West Virginia | 32 | 54 | 950 |
| Wisconsin | 107 | 224 | 3,629 |
| Wyoming | 12 | 19 | 346 |

Source: National Restaurant Association estimates, 2011

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 908. A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; to the Committee on Indian Affairs.

Mr. WYDEN. Mr. President, today I am pleased to introduce a bill that will address the cumbersome and time consuming process under existing law within the Bureau of Indian Affairs. This piece of legislation will streamline the land acquisition process for the Confederated Tribe of Siletz Indians. The current process for taking land into trust is not working, and I believe there are changes that need to be revived in the existing process. I am pleased to be joined by Senator MERKLEY in this effort.

The original Siletz Coastal Treaty Reservation, established by the Executive Order on November 9, 1955 was diminished and then eliminated by the Federal Government's allotment and termination policies. Tribal members and tribal government have worked to rebuild the Siletz community since the Western Oregon Termination Act of August 1954 stripped the Siletz people of Federal tribal recognition, and since then the tribe has been struggling to rebuild its land base. This legislation would work to facilitate the tribe's land into trust process within the original Siletz coast reservation to overcome the chronic Bureau of Indian Affairs, BIA, delay in processing applications. Instead of having two processes to bring each piece of former reservation land back into the reservation after purchase, one to bring the land into trust, and another, to make it reservation land, allows the tribe to combine the process.

In this case, because the original reservation was disassembled, the tribe terminated and provided a very small land base upon restoration, virtually every tract of land the tribe seeks to place into trust today is considered by BIA pursuant to ''off reservation'' procedures. ''Off reservation'' requests would mean that the ''. . . secretary gives greater scrutiny to the tribe's justification of anticipated benefits . . .''

By applying the on-reservation fee-to-trust criteria for lands within the Siletz Tribe's original reservation, this legislation allows the Tribe to take land into trust that will ultimately provide for vital tribal programs such as housing, government administration, and jobs—for both tribal and county residents. In addition, the bill emphasizes the importance and the intent of the Indian Reorganization Act of 1934—which allows the Secretary of Interior, in his or her discretion, to take land into trust for the benefit of an Indian tribe or of individual Indians. Essentially, reversing the loss of tribal lands and restoring some of the Tribe's original land base by allowing the Tribe to take land into trust under the same provisions as other Indian tribes within their reservations.

This bill underscores the importance of economic stability and self-determination for the confederated tribe of Siletz Indians and its members. Oregon Tribal communities suffer some of the greatest hurdles, whether it is health care, education, or crime on reservations, this bill would alleviate much of the cost and much needed resources associated with the bureaucratic hoops the tribe has had to jump through for years—which mean a significant savings of time and resources.

As a result of the great working relationships, the Siletz Tribe has approached all six involved counties, and obtained their support. This legislation establishes and confirms a positive and beneficial partnership between the Federal Government, Siletz Tribe and local counties Lincoln, Lane, Tillamook, Yamhill, Benton, and Douglas.

That is why I am introducing—the process has not sped up and we recognize the need for more action. It's always great to see Tribes and local counties work together to come up with proactive, inventive solutions for their communities to tackle challenging economic conditions.

I want to express my thanks to all the citizens and community and tribal leaders who have worked to build their communities. They represent the pioneering spirit and vision that defines my state.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 165—DESIGNATING JULY 23, 2011, AS ''NATIONAL DAY OF THE AMERICAN COWBOY''

Mr. ENZI (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. CONRAD, Mr. HATCH, Mr. CRAPO, Mr. INHOFE, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. Reid of Nevada, Mr. RISCH, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 165

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of the culture of the United States for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the Nation who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, and rodeo is one of the most-watched sports in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an icon in the United States; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 23, 2011, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

### SENATE RESOLUTION 166—COMMEMORATING MAY 8, 2011, AS THE 66TH ANNIVERSARY OF V-E DAY, THE END OF WORLD WAR II IN EUROPE

Mr. JOHANNS (for himself, Mr. BEGICH, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to: