(Mr. BENNET) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3704, a bill to improve the financial safety and soundness of the FHA mortgage insurance program.

S. 3767

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3767, a bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3815, a bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3816

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 603

At the request of Mr. INHOFE, his name was added as a cosponsor of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as ''Citizen Diplomacy Day''.

S. RES. 618

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 618, a resolution designating October 2010 as ''National Work and Family Month''.

AMENDMENT NO. 4627

At the request of Mrs. MURRAY, the names of the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 4627 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3820. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BEGICH. Mr. President, I wish to speak about legislation I am introducing today with support from my fellow senator from Alaska, Senator MURKOWSKI.

It is all too rare that we get to talk about successful partnerships between private industry and the Federal Government. This legislation would cement just such a successful partnership between a subsidiary of an Alaska Native Corporation, Doyon Limited and the National Park Service.

Briefly this measure would authorize a special use permit and over the longer term an equal value land trade to facilitate a micro-hydro project within the non-wilderness portion of the Denali National Park. The microhydro project would allow Kantishna Roadhouse, a backcountry lodge that accommodates thousands of visitors a year, to substantially reduce their diesel use.

Because the lodge is not connected to any utility grid, it must generate its own power. By converting much of the load to a renewable resource, the lodge would improve local air quality and reduce truck traffic on the single park access road, thus improving the experience for visitors to the lodge and park as a whole. It additionally would help the lodge's bottom line.

The legislation has been developed with the assistance of Alaska Region of the National Park Service, and they are supportive of the project. Eureka Creek, the source of the hydro power, is not a fish-bearing stream, and the Park Service is interested in acquiring the lands to be traded from Doyon ownership.

After a good deal of outreach this summer by Doyon and others, we are aware of no opposition to this permit, land trade and the legislation itself. I want to thank the National Park Service for their willingness to come to the table and work constructively to solve problems. Additionally, I particularly want to thank the senior senator from Alaska and her staff for their work on this legislation. It's been a good partnership and I appreciate her help.

By Mr. SPECTER:

S. 3821. A bill to amend title VI of the Civil Rights Act of 1964 to prohibit discrimination on the ground of religion in educational program or activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition to urge support for legislation I am introducing today to amend Title VI of the Civil Rights Act of 1964.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin by any organization, program or activity that receives federal financial assistance, including colleges and universities. If recipients fail to comply, the federal agency providing the assistance may terminate funding, and organizations risk losing their eligibility for future funding.

The Department of Education's Office for Civil Rights, OCR, is tasked with enforcing Title VI as it applies to colleges and universities. OCR, however, believes that it does not have jurisdiction over complaints based solely on religion as opposed to race, color, or national origin. This means that when a Jew, or a Muslim, or a Sikh is harassed or discriminated against for being a Jew, a Muslim, or a Sikh, OCR must first determine whether the harassment or discrimination is a result of the student's religion or a result of her race, color, or national origin.

In most cases involving such discrimination, the perpetrator himself probably wouldn't even know if his hatred stems from prejudice based on religion or prejudice based on race, color, or national origin. Yet, before acting to protect these students, OCR has to determine the motive behind the perpetrator's actions. This wastes valuable time and allows the discrimination to continue pending the determination. Furthermore, it sets a dangerous example to require OCR to make such a determination and then in essence say the harassment and discrimination is okay provided it was based on religion and not on race, color, or national origin.

Many people are not aware that Title VI does not explicitly prohibit discrimination on the basis of religion. This is because discrimination on the basis of religion is prohibited in virtually every other civil rights law and has become such a fundamental principle of our country that we just assume the protection exists. For example, titles other than Title VI of the Civil Rights Act prohibit religious discrimination in other contexts.

In 1941, President Roosevelt issued an executive order prohibiting discrimination in the Federal Government and in the defense industry on grounds of ''race, creed, color, or national origin.'' The Civil Rights Act of 1957 established the U.S. Commission on Civil Rights to investigate discrimination on the basis of ''color, race, religion, or national origin.'' The Civil Rights Act of 1964 itself included numerous prohibitions on religious discrimination, just not in Title VI. For example, Title VII of the 1964 Act prohibits discrimination in employment. The Civil Rights Act of 1968 governing housing, continued to prohibit discrimination on the basis of ''race, color, religion, sex, or national origin.''

When it comes to education, the 1964 Act provides two mechanisms that address religious discrimination. First, the Attorney General is given limited authorization to sue public colleges that deny admission on the basis of race, color, religion, sex, or national origin in a way that limits educational desegregation. Second, the Attorney General is authorized to intervene in certain pending equal protection cases claiming discrimination ''on account of race, color, religion, sex or national origin'' if the case is of sufficient public importance. However, the Justice Department may not institute such actions on its own, and no federal agency is authorized to investigate run-of-the-mill religious discrimination cases at educational institutions or cases in which the victim has been unable to initiate litigation.

Why was religious discrimination left out of Title VI? Key members of Congress wanted to make sure that religiously affiliated colleges maintained their ability to discriminate in favor of co-religionists in admissions and extracurricular activities. The original version of the bill that would become Title VI, drafted by the Department of Justice, did ban religious discrimination in federally assisted programs or activities. However, Emanuel Celler, the House Judiciary Committee Chairman and sponsor of the bill, explained during floor debate that he wanted to permit denominational colleges to engage in certain forms of discrimination in favor of co-religionists. Celler stated that he wanted to ''avoid a good many problems'' relating to funding that ''goes to sectarian schools and universities.'' He explained that ''for these reasons, the subcommittee and, I am sure, the full committee or the majority thereof deemed it wise and proper and expedient—and I emphasize the word 'expedient'—to omit the word 'religion.' ''

Congressman Celler may have been right that eliminating religion made it expedient, but it did not make it correct. Congressman Celler's concerns could have been addressed with some clarifying language that such institutions would still be allowed to favor co-religionists.

The bill that I am introducing contains such language. It states that the amendment is not to limit an educational entity with a religious affiliation, mission, or purpose from applying admissions policies, degree criteria, student conduct regulations, student organization regulations, or policies for faculty and staff employment, when these policies relate to the religious affiliation, mission, or purpose of the institution. Furthermore, it does not require educational entities to provide accommodation to any student's religion obligations such as dietary restrictions and school absences. Finally, if the educational entity permits expressive organizations to exist by funding or otherwise recognizing them, the amendment does not require the entity to limit such organizations from exercising their freedom of expressive association by establishing membership or leadership criteria.

Therefore, I am proposing an amendment to Title VI of the Civil Rights Act of 1964. The amendment simply provides the same protection against discrimination based on religion that this title already provides for discrimination based on race, color, and national origin.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3824. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, on September 9, a gas pipeline underneath a neighborhood in San Bruno, California, just south of San Francisco, exploded, turning a quiet residential area into something resembling a war zone.

The resulting inferno damaged or destroyed 55 homes, injured 66, and killed an estimated 7 people. Three likely victims have yet to be identified.

This tragedy shows the heavy toll, in death and destruction, when high pressure natural gas pipelines fail. The risk is unacceptably high.

So today I join with my colleague, Senator BARBARA BOXER, to introduce the Strengthening Pipeline Safety and Enforcement Act of 2010.

This legislation is drafted to repair clear shortcomings in pipeline oversight that have, unfortunately, come to our attention as the result of a devastating tragedy in San Bruno, CA.

Specifically, this legislation would improve pipeline safety and oversight by expanding Federal inspection capacity; increasing fines for safety violations; adding information to the national pipeline mapping system, to assure greater transparency for the public and the regulator; closing jurisdictional loopholes that allow gathering lines, carbon dioxide pipelines, and biofuel pipelines to operate without oversight; requiring widespread adoption of automatic shut-off valves that could shut off a pipeline immediately in emergency situations; requiring that high-pressure pipelines be inspected on a regular basis with either internal instrumented internal inspection devices, known as smart pigs, or other inspection methods that are certified to be just as effective; prohibiting pipelines that cannot be inspected with the best, most-modern techniques from operating at high pressure; requiring regulators to consider seismicity and the age of pipes when identifying pipelines that deserve the highest level of oversight; and establishing the first standards for effective leak detection systems in natural gas pipelines.

Together, Senator BOXER and I believe these improvements to pipeline safety will bring about a safer national pipeline system in which disasters, such as the tragedy in San Bruno, can be prevented.

At 6:11 p.m. on September 9, 2010, a 30-inch steel natural gas pipeline exploded in San Bruno, California.

The blast in the Crestmoor neighborhood two miles west of San Francisco International Airport shook the ground like an earthquake. The fire raged for more than two hours and burned 15 acres.

The resulting loss of life, serious injuries and property damage are heartbreaking.

Two days after the fire, I visited San Bruno. I walked through the devastation with Christopher Hart, vice chairman of the National Transportation Safety Board.

I was struck by what I saw: Homes leveled or charred; cars burned out; the burned and bent pipeline—now a key part of the investigation—which revealed the intensity of the heat; and a gaping crater that demonstrated the size of the initial blast.

I was saddened by the disaster and I am determined to act to prevent this type of catastrophe from recurring.

I left San Bruno once again impressed by the professionalism of the NTSB.

Their team was on site and in charge, and I am confident they will work meticulously to find out what caused this deadly disaster.

I am confident that their feedback will make pipelines safer in the future.

But I also left San Bruno determined to introduce legislation to address the known weaknesses in our pipeline oversight system.

Let me explain the key provisions in the Bill. First, we propose to double the number of Federal pipeline safety inspectors.

The Department of Transportation's Pipeline and Hazardous Materials Safety Administration currently has 100 pipeline inspectors, responsible for 217,306 miles of interstate pipeline. Each inspector is responsible for 2,173 miles of pipeline—the distance from San Francisco to Chicago.

The vast amount of pipeline per inspector has led to lax oversight of pipeline operators, according to NTSB investigations.

NTSB Chairman Deborah Hersman testified in June that:

NTSB is concerned that the level of . . . oversight currently being exercised is not uniformly applied by . . . PHMSA to ensure that the risk-based safety programs are effective. The NTSB believes that . . . PHMSA must establish an aggressive oversight program that thoroughly examines each operator's decision-making process for each element of its integrity management program.

Doubling the number of inspectors will still require each inspector to oversee more than 1,000 miles of pipeline, but the thoroughness of inspection and oversight will be far greater.

Second, this legislation will require deployment of electronic valves capable of automatically shutting off the gas in a fire or other emergency.

I was shocked to learn that it took hours to turn off the gas in San Bruno.

Manually operated valves had to be located, buildings had to be opened, and workers had to physically turn off the valves. Every minute that passed, a flaming inferno burned on.

In today's era we have electronic water faucets, and furnaces all deploy electronic valves to shut off the supply of natural gas in an emergency.

If electronic valves can be deployed in our homes and offices, I believe they should be deployed on gas pipelines pumping millions of cubic feet of fuel through urban areas. Gas pipeline safety technology should be brought into the modern era.

Third, this legislation will require inspections by ''smart pigs'' in all pipes, or the use of an inspection method certified to be equally effective at finding corrosion.

Department of Transportation accident statistics over the past decade, 2000–2009, identify corrosion as the leading cause of all reported pipeline accidents.

We need to inspect our pipes to find problems before they cause deadly explosions. Every pipe needs effective inspection, regardless of age or design.

Fourth, if natural gas pipelines cannot be inspected using the most effective inspection technology, this bill would require operation at lower pressure.

This precautionary approach to pipeline operations assures that pipelines more likely to have undetected problems are operated at lower risk.

Department of Transportation experts believe that a breach or other major problem with a pipeline operating at lower pressure is more likely to produce a leak instead of a catastrophic or deadly explosion.

The cause of the San Bruno pipeline fire remains under investigation, but we know that this pipe could not be inspected using the most modern smart pigs, and we know it was operating at high pressure.

Had this law been in place, either this pipe would have been inspected by other means certified to be just as effective as a smart pig, or it would have been operating at a pressure far less likely to cause the kind of catastrophe we saw.

Fifth, this legislation will require the Secretary of Transportation to consider pipe age and the seismicity of an area when identifying pipelines deserving the highest level of safety oversight.

Today, regulators consider a pipeline's proximity to homes and buildings. Other risk factors, such as age of pipe, are not a defining consideration.

We know in San Bruno that this pipe was very old.

This old pipe had unique twists and turns, and numerous welds that I was told would not be allowed on a pipe installed today. NTSB identified failed welds as the cause of another major pipeline disaster in 2009, so these deserve special attention.

Sixth, this legislation would require standards for natural gas leak detection equipment and methods to identify pipeline leaks as expeditiously as technologically possible.

In San Bruno, some have asserted that they smelled gas for weeks. Records are still being checked to determine whether consumers reported these leaks, but no equipment on the pipeline clearly demonstrates that no leak existed.

Finally, this legislation adopts a number of commonsense provisions proposed last week by Secretary of Transportation LaHood to improve pipeline safety, including increasing civil penalties for safety violations; expending data collection to be included in the national pipeline mapping system; closing jurisdictional loopholes to assure greater oversight of unregulated pipelines; and requiring consideration of a firm's safety record when considering its request for regulatory waivers.

Senator BOXER and I introduce this legislation today in order to initiate quick action to make our pipeline system safer.

We have put forward our best ideas to improve inspection, address old pipes, and advance modern safety technology. We hope to improve these ideas as new information comes forward about the San Bruno accident.

We look forward to working with the Department of Transportation and the Senate Commerce Committee to move and improve this legislation expeditiously.

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. 3824

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Strengthening Pipeline Safety and Enforcement Act of 2010''.

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

SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. ADDITIONAL RESOURCES FOR PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees of the Pipeline and Hazardous Materials Safety Administration by not fewer than 100 compared to the number of full-time equivalent employees of the Administration employed on the day before the date of the enactment of this Act to carry out the pipeline safety program, of which—

(1) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2011;

(2) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2012;

(3) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2013; and

(4) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training pipeline enforcement personnel.

SEC. 4. CIVIL PENALTIES.

(a) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended by striking subsection (c) and inserting the following:

''(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

''(1) IN GENERAL.—If the Secretary determines, after written notice and an opportunity for a hearing, that a person has committed a major consequence violation of subsection (b) or (d) of section 60114, section 60118(a), or a regulation prescribed or order issued under this chapter such person shall be liable to the United States Government for a civil penalty of not more than $250,000 for each such violation.

''(2) SEPARATE VIOLATIONS.—A separate violation occurs for each day the violation continues.

''(3) MAXIMUM CIVIL PENALTY.—The maximum civil penalty under this subsection for a related series of major consequence violations is $2,500,000.

''(4) DEFINITION.—In this subsection, the term 'major consequence violation' means a violation that contributed to an incident resulting in any of the following:

''(A) One or more deaths.

''(B) One or more injuries or illnesses requiring hospitalization.

''(C) Environmental harm exceeding $250,000 in estimated damage to the environment including property loss.

''(D) A release of gas or hazardous liquid that ignites or otherwise presents a safety threat to the public or presents a threat to the environment in a high consequence area, as defined by the Secretary in accordance with section 60109.''.

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary''; and

(2) by adding at the end the following:

''(2) CIVIL PENALTIES.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out an inspection or investigation under this chapter.''.

(c) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—Section 60120 is amended by adding at the end the following:

''(d) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.''.

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—

(1) IN GENERAL.—Section 60119(a)(1) is amended by striking ''about an application for a waiver under section 60118(c) or (d) of'' and inserting ''under''.

(2) CLERICAL AMENDMENT.—The heading for section 60119(a) is amended to read as follows: ''REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS''.

SEC. 5. COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102 is amended by adding at the end the following:

''(n) COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) IN GENERAL.—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

''(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term 'transportation-related oil flow line' means a pipeline transporting oil off of the grounds of the production facility where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed.

''(3) CONSTRUCTION.—Nothing in this subsection may be construed to authorize the Secretary to prescribe standards for the movement of oil through—

''(A) production, refining, or manufacturing facilities; or

''(B) oil production flow lines located on the grounds of production facilities.''.

SEC. 6. REQUIRED INSTALLATION AND USE IN PIPELINES OF REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.

Section 60102, as amended by section 5, is further amended by adding at the end the following:

''(o) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—

''(1) IN GENERAL.—Not later than 18 months after the date of the Strengthening Pipeline Safety and Enforcement Act of 2010, the Secretary shall prescribe regulations requiring the installation and use in pipelines and pipeline facilities, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source.

''(2) CONSULTATIONS.—In developing regulations prescribed in accordance with paragraph (1), the Secretary shall consult with appropriate groups from the gas pipeline industry and pipeline safety experts.''.

SEC. 7. STANDARDS FOR NATURAL GAS PIPELINE LEAK DETECTION.

Section 60102, as amended by sections 5 and 6, is further amended by adding at the end the following:

''(p) NATURAL GAS LEAK DETECTION.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish standards for natural gas leak detection equipment and methods, with the goal of establishing a pipeline system in which substantial leaks in high consequence areas are identified as expeditiously as technologically possible.''.

SEC. 8. CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.

Section 60109 is amended by adding at the end the following:

''(g) CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.—In identifying high consequence areas under this section, the Secretary shall consider—

''(1) the seismicity of the area;

''(2) the age of the pipe; and

''(3) whether the pipe at issue can be inspected using the most modern instrumented internal inspection devices.''.

SEC. 9. REGULATION BY SECRETARY OF TRANSPORTATION OF GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) GAS GATHERING LINES.—Paragraph (21) of section 60101(a) is amended to read as follows:

''(21) 'transporting gas' means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce.''.

(b) HAZARDOUS LIQUID GATHERING LINES.—Section 60101(a)(22)(B) is amended—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 10. INCLUSION OF NON-PETROLEUM FUELS AND BIOFUELS IN DEFINITION OF HAZARDOUS LIQUID.

Section 60101(a)(4) is amended—

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

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

(3) by inserting after subparagraph (A) the following:

''(B) non-petroleum fuels, including biofuels that are flammable, toxic, corrosive, or would be harmful to the environment if released in significant quantities; and''.

SEC. 11. REQUIRED PERIODIC INSPECTION OF PIPELINES BY INSTRUMENTED INTERNAL INSPECTION DEVICES.

Section 60102(f) is amended by striking paragraph (2) and inserting the following:

''(2) PERIODIC INSPECTIONS.—

''(A) IN GENERAL.—Not later than 270 days after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2010, the Secretary shall prescribe additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109.

''(B) INSPECTION WITH INTERNAL INSPECTION DEVICE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the standards prescribed under subparagraph (A) shall require that an inspection shall be conducted at least once every 5 years with an instrumented internal inspection device.

''(ii) EXCEPTION FOR SEGMENTS WHERE DEVICES CANNOT BE USED.—If a device described in clause (i) cannot be used in a segment of a pipeline, the standards prescribed in subparagraph (A) shall require use of an inspection method that the Secretary certifies to be at least as effective as using the device in—

''(I) detecting corrosion;

''(II) detecting pipe stress; and

''(III) otherwise providing for the safety of the pipeline.

''(C) OPERATION UNDER HIGH PRESSURE.—The Secretary shall a prohibit pipeline segment from operating under high pressure if the pipeline segment cannot be inspected—

''(i) with a device described in clause (i) of subparagraph (B) in accordance with the standards prescribed pursuant to such clause; or

''(ii) using an inspection method described in clause (ii) of such subparagraph in accordance with the standards prescribed pursuant to such clause.''.

SEC. 12. MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE.

Subsection (i) of section 60102 is amended to read as follows:

''(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.''.

SEC. 13. COST RECOVERY FOR PIPELINE DESIGN REVIEWS BY SECRETARY OF TRANSPORTATION.

Subsection (n) of section 60117 is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the construction, expansion, or operation to pay the costs incurred by the Secretary relating to such reviews.

''(2) FEE STRUCTURE AND COLLECTION PROCEDURES.—If the Secretary exercises the authority under paragraph (1) with respect to conducting facility design safety reviews, the Secretary shall prescribe—

''(A) a fee structure and assessment methodology that is based on the costs of providing such reviews; and

''(B) procedures to collect fees.

''(3) ADDITIONAL AUTHORITY.—This authority is in addition to the authority provided under section 60301.

''(4) NOTIFICATION.—For any pipeline construction project beginning after the date of the enactment of this subsection in which the Secretary conducts design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials not later than 120 days prior to the commencement of such project.

''(5) PIPELINE SAFETY DESIGN REVIEW FUND.—

''(A) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the 'Pipeline Safety Design Review Fund' (in this paragraph referred to as the 'Fund').

''(B) ELEMENTS.—There shall be deposited in the fund the following, which shall constitute the assets of the Fund:

''(i) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this subsection.

''(ii) All other amounts received by the Secretary incident to operations relating to reviews described in paragraph (1).

''(C) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to carry out the provisions of this chapter.''.

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION ON PIPELINE SAFETY AND REGULATION.

Section 60117 is amended by adding at the end the following:

''(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

''(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—Subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks if the Secretary determines that such activities would benefit the United States. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

''(2) CONSULTATION.—Subject to guidance from the Secretary of State, the Secretary may, to the extent practicable, consult with interested authorities in Canada, Mexico, and other interested authorities to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

''(3) CONSTRUCTION REGARDING DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section shall be construed to require that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.''.

SEC. 15. WAIVERS OF PIPELINE STANDARDS BY SECRETARY OF TRANSPORTATION.

(a) NONEMERGENCY WAIVERS.—Paragraph (1) of section 60118(c) is amended to read as follows:

''(1) NONEMERGENCY WAIVERS.—

''(A) IN GENERAL.—Upon receiving an application from an owner or operator of a pipeline facility, the Secretary may, by order, waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on such terms as the Secretary considers appropriate, if the Secretary determines that such waiver is not inconsistent with pipeline safety.

''(B) CONSIDERATIONS.—In determining whether to grant a waiver under subparagraph (A), the Secretary shall consider—

''(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

''(ii) the applicant's compliance history;

''(iii) the applicant's accident history; and

''(iv) any other information the Secretary considers relevant to making the determination.

''(C) EFFECTIVE PERIOD.—

''(i) OPERATING REQUIREMENTS.—A waiver of 1 or more pipeline operating requirements under subparagraph (A) shall be effective for an initial period of not longer than 5 years and may be renewed by the Secretary upon application for successive periods of not longer than 5 years each.

''(ii) DESIGN OR MATERIALS REQUIREMENT.—If the Secretary determines that a waiver of a design or materials requirement is warranted under subparagraph (A), the Secretary may grant the waiver for any period the Secretary considers appropriate.

''(D) PUBLIC NOTICE AND HEARING.—The Secretary may waive compliance under subparagraph (A) only after public notice and hearing, which may consist of—

''(i) publication of notice in the Federal Register that an application for a waiver has been filed; and

''(ii) providing the public with the opportunity to review and comment on the application.

''(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a recipient of a waiver under subparagraph (A) and opportunity to show cause, the Secretary may modify, suspend, or revoke such waiver for—

''(i) failure of the recipient to comply with the terms or conditions of the waiver;

''(ii) intervening changes in Federal law;

''(iii) a material change in circumstances affecting safety; including erroneous information in the application; and

''(iv) such other reasons as the Secretary considers appropriate.''.

(b) FEES.—Section 60118(c) is amended by adding at the end the following:

''(4) FEES.—

''(A) IN GENERAL.—The Secretary shall establish reasonable fees for processing applications for waivers under this subsection that are based on the costs of activities relating to waivers under this subsection. Such fees may include a basic filing fee, as well as fees to recover the costs of technical studies or environmental analysis for such applications.

''(B) PROCEDURES.—The Secretary shall prescribe procedures for the collection of fees under subparagraph (A).

''(C) ADDITIONAL AUTHORITY.—The authority provided under subparagraph (A) is in addition to the authority provided under section 60301.

''(D) PIPELINE SAFETY SPECIAL PERMIT FUND.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the 'Pipeline Safety Special Permit Fund' (in this subparagraph referred to as the 'Fund').

''(ii) ELEMENTS.—There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

''(I) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this paragraph.

''(II) All other amounts received by the Secretary incident to operations relating to activities described in subparagraph (A).

''(iii) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to process applications for waivers under this subsection.''.

SEC. 16. COLLECTION OF DATA ON PIPELINE INFRASTRUCTURE FOR NATIONAL PIPELINE MAPPING SYSTEM.

Section 60132 is amended—

(1) in the matter before paragraph (1), by striking ''Not later than 6 months after the date of the enactment of this section, the'' and inserting ''Each'';

(2) in subsection (a), by adding at the end the following:

''(4) Such other geospatial, technical, or other pipeline data, including design and material specifications, as the Secretary considers necessary to carry out the purposes of this chapter, including preconstruction design reviews and compliance inspection prioritization.''; and

(3) by adding at the end the following:

''(d) NOTICE.—The Secretary shall give reasonable notice to the operator of a pipeline facility of any data being requested under this section.''.

SEC. 17. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

(a) AUTHORITY TO CARRY OUT ANALYSIS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation shall conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis shall identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation.

(b) REPORT.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the Secretary with respect to the analysis conducted pursuant to subsection (a).

SEC. 18. CLARIFICATION OF PROVISIONS OF LAW RELATING TO PIPELINE SAFETY.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking ''an intrastate'' and inserting ''a''.

(b) OWNER OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking ''owners and operators'' and inserting ''any or all of the owners or operators''.

(c) ONE CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: ''This limitation shall not apply to proceedings against persons who are pipeline operators.''.

Mrs. BOXER. Mr. President, I am proud to introduce the Strengthening Pipeline Safety and Enforcement Act of 2010 today along with my colleague, Senator FEINSTEIN.

On September 9, 2010, San Bruno, California suffered a terrible tragedy when a natural gas transmission pipeline unexpectedly exploded beneath a busy residential neighborhood.

The catastrophic explosion and the resulting fire was a horrific event, creating a massive fireball that many described as the largest earthquake they had ever felt.

The tragedy killed four people, injured 66, and destroyed nearly three

dozen homes. Preliminary estimates put the cost of the damage and recovery at $65 million.

This tragic incident should not have happened.

Californians and all Americans must feel confident that their communities are safe and that the regulatory agencies responsible for ensuring the safety of natural gas pipelines are doing everything possible to guarantee their safety.

That is why we are introducing this legislation today. Our bill is based on the Department of Transportation's, DOT, proposal for improving pipeline safety and includes additional provisions to address concerns raised by the San Bruno blast.

The Strengthening Pipeline Safety and Enforcement Act of 2010 will increase the number of Federal inspectors and require the Department of Transportation to certify an inspection method for gas lines that cannot use ''smart pig'' technology. ''Smart pig'' technology is used to test the structural integrity of a pipe and identify any defects.

The bill would also require DOT to promulgate regulations for the installation of automatic and remote shutoff valves, update the definition of ''high consequence areas'' to include seismicity of the area, age of the pipe and whether a pipe is able to use the ''smart pig'' technology, and require DOT to set standards for detecting leaks on natural gas lines.

This legislation strengthens pipeline safety standards to ensure that a tragedy like this never happens again. I urge my colleagues to support this legislation and work for final passage as quickly as possible.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 3825. A bill to amend the Endangered Species Act of 1973 to remove certain portions of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

Mr. RISCH. Mr. President, I come here today on behalf of myself and my colleague, Senator CRAPO, from Idaho to introduce the State Wolf Management Act. This act as drawn is aimed at some particular issues we have in Idaho with the management of wolves, and that other adjoining States that share Idaho's boundaries have with the Federal Government.

First of all, I want to thank the Governor of the great State of Idaho, the Honorable Butch Otter, for his assistance in crafting this bill. I can tell you, Governor Otter, as the chief executive of Idaho, his predecessor, who happens to be yours truly, and my predecessor, as Governors of the great State of Idaho have all joined in the effort to obtain delisting of the wolf in Idaho. That is particularly true as we attempt to wrest management of this particular species away from the Federal Government.

What the act does is it identifies as a distinct population a segment of the gray wolf population. Specifically, it identifies this specific population in eastern Washington and eastern Oregon, in which there are few if any wolves, and the State of Montana and the State of Idaho, all of those States in which there are a lot of wolves and indeed are too many wolves.

First of all, let me say, the official estimates, in 2008, for Idaho are that there were 846 wolves in Idaho, with 39 breeding pairs. Virtually everyone in the State agrees that estimate is very low. In the year 2010, again virtually everyone agrees there are well over 1,000 gray wolves in Idaho and well over 39 breeding pairs.

How did we get to where we are?

Wolves have been gone from the State of Idaho and adjoining areas for many years. In 1995, someone—I cannot identify who—in their infinite wisdom, who lived back here on the banks of the Potomac River, decided we in Idaho needed wolves again.

The State of Idaho was indeed not very happy about the decision. The chief executive of the State, the executive branch of the State, the legislative branch of the State, and the vast majority of Idahoans were absolutely opposed to reintroducing wolves back into the State of Idaho.

After litigation, and after the usual things you go through, nonetheless, 34 wolves were captured in Canada and brought to the State of Idaho and introduced into the State of Idaho against the objections of almost everyone. Indeed, there was a group of people who did want to see wolves brought to Idaho, and they got their way.

To give you a little bit of background as to what happened, we in the State of Idaho are very proud of our big game management. Under common law in this country, and indeed in England before this country, all wild game belonged to the sovereign. The United States of America is probably surprised to hear they are not the sovereign, that indeed the States are the sovereign. As a result of that, over the centuries—the couple of centuries we have been in existence as the United States of America—litigation after litigation has determined that indeed all wildlife in the State belongs to the sovereign; that is, the State in which they are located.

Idaho has a long and proud history and culture of hunting and outdoor life. We have managed our wildlife to the point that we are getting—or had been getting—the maximum out of our wildlife for big game harvest every year. Before Europeans inhabited Idaho, there were very few deer and even less elk. Elk were a plains species. They were not a mountain species. After settlement of the State, the elk were pretty much removed from the plains and took up residence in the mountains, where they have done very well and adapted very well.

Again, over the years, the premier species in Idaho, as determined by the people of the State of Idaho, has been elk. Elk are difficult to manage; that is, they are not as easy to manage as deer. They are not as prolific as deer. As a result, they require relatively intensive management.

As a result, the State has broken into many different game units for elk, and each of these units is carefully managed by the fish and game department to determine the birthrate of the elk each year and the survival rate over the winter and a determination of how many elk can be harvested. As a result, we have had a robust and relatively stable population of elk in the State of Idaho.

Fast forward to 1995. The Federal Government released its 34 wolves into the State of Idaho, and contrary to what some people believe, they are not vegetarians. Also contrary to what some people believe, they need to eat every day. And when they eat, they eat our elk.

As a result, there has been considerable depredation on our elk herds and for that matter on domestic livestock. The domestic livestock losses are not large in number, unless, of course, it is your livestock they are preying on, of which a number of us in the livestock business have experienced losses in that regard.

Back to the elk. We want to continue to manage our elk. We want to continue to manage our deer. Indeed, we manage a lot of big game species. We manage moose, we manage bears, we manage cats, we manage all big game in the State of Idaho and do a pretty decent job of that.

On top of the Federal Government's introduction of these 34 wolves into Idaho, which have now exploded into 1,000 wolves, with regulations that at the outset were very, very intrusive, to the point where you couldn't shoot wolves—even if you found them attacking your livestock, it was unlawful to take a wolf. Of course, the regulations that were imposed on us by the Federal Government have created a considerable amount of animosity and bad blood.

What we want at this point is the ability to manage the wolves just as we manage every other population of big game and animal species in Idaho. The fact is that the wolves are there. They are going to be there. We obviously made the effort at the outset to not have them. We did our best to keep them out. We lost that fight, so now we have to accept the fact that they are there. But the fact that they are there does not mean that we, in the sovereign State of Idaho, should not have the ability to manage our own game species.

Recently, because the numbers have exploded in the amount that they have—when I was Governor, I pressed

the U.S. Fish and Wildlife Service to start the delisting process, which happened on my watch. The start of the delisting happened on my watch as Governor. As time went on, my successor, Governor Otter, did an excellent job of continuing to press the case for delisting. After all, the Federal Government has absolutely no business in the State of Idaho dealing with wolves other than the hook it has of the Endangered Species Act. To argue that a species that has been introduced—34 of them—and then explodes to well over 1,000 is endangered simply flies in the face of not only science, but it also flies in the face of logic.

Let me tell my colleagues what we were told and what we were promised by the Federal Government at the time they brought in the wolves. They told us that once we got to the point of 300 wolves and got to the point of 30 breeding pairs, the party was over and they would delist. Well, we reached that point in 3 years, and we have been trying to delist ever since. We got them delisted. The matter went to court. We actually had a hunting season last year. But now it has gone back to court, and, again, those who are trying to protect the number of wolves, to the great disadvantage of elk, won again, and they got the judge to order that the wolves be listed again in Idaho and Montana.

That is as a result of a dispute the State of Wyoming also has with the Federal Government, and they have been unable to reach an agreement as to how wolves should be managed. The Federal Government, the Fish and Wildlife Service, and the Department of the Interior were perfectly happy with the plans from Idaho and Montana, but because they have been unable to settle with Wyoming, we now find ourselves at a tremendous disadvantage. This simply isn't fair.

This bill will very simply turn management of the wolves back over to the State of Idaho unless and until the time that the Federal Government can again or can ever claim that they are an endangered species. When that happens, the State again will be subject to the lawsuits that will inevitably come if, indeed, they are endangered. But in the meantime, I will urge every Senator to vote for this bill. This is a States rights issue. We are a sovereign State. We are entitled to take over management of these wolves. I can promise everyone that the State of Idaho will do a substantially better job, a cheaper job, and a much more efficient job of managing the wolves in the State of Idaho than the Federal Government could ever do or will ever do, and we will be able to do it with due deference to all the other species in the State of Idaho.

By Mr. DURBIN (for himself, Mr. LUGAR, and Mr. LEAHY):

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; read the first time.

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

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

S. 3827

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 ''Development, Relief, and Education for Alien Minors Act of 2010'' or the ''DREAM Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 35 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 638—CELEBRATING THE 30TH ANNIVERSARY OF THE SMALL BUSINESS DEVELOPMENT CENTER NETWORK

Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. VITTER, Mr. LIEBERMAN, Mr. ENZI, Mrs. SHAHEEN, Mr. ISAKSON, Mrs. HAGAN, Mr. THUNE, Ms. CANTWELL, Mr. BOND, Mr. WICKER, Mr. RISCH, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 638

Whereas the Small Business Development Center (referred to in this preamble as ''SBDC'') network will celebrate its 30th anniversary at a conference to be held September 21 through 24, 2010, in San Antonio, Texas;

Whereas the conference will be held to continue the professional development of employees of SBDCs and to commemorate the educational and technical assistance offered by SBDCs to small businesses across the United States;

Whereas for 30 years, SBDCs have been among the preeminent organizations in the United States for providing business advice, one-on-one counseling, and indepth training to small businesses;

Whereas, during the 30 years prior to the approval of this resolution, the SBDC network has grown from 9 fledgling centers to a nationwide network of 63 lead centers, with more than 4,000 business advisors providing services at over 1,000 service locations;

Whereas the SBDC network has worked for 30 years with the Small Business Administration, institutions of higher education, State governments, Congress, and others to significantly enhance the economic health and strength of small businesses in the United States;

Whereas SBDCs have assisted more than 20,000,000 small businesses throughout the 30 years prior to the approval of this resolution and continue to aid and support hundreds of thousands of small businesses annually;

Whereas 33 percent of all SBDC clients are minorities, 43 percent of all SBDC clients are women, and 9 percent of all SBDC clients are veterans;

Whereas, since the inception of SBDCs, SBDCs have continued to redefine and transform the services offered by SBDCs, including training and advising, and have taken on new missions, in order to ensure that small businesses have relevant and significant assistance in all economic conditions; and

Whereas Congress continues to support SBDCs and the role of SBDCs in assisting small businesses and building the economic success of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 30th anniversary of the Small Business Development Center network; and

(2) expresses appreciation for—

(A) the steadfast partnership between the Small Business Development Center network and the Small Business Administration; and

(B) the work of the Small Business Development Center network in ensuring quality assistance to small business and access for all to the American Dream.

SENATE CONCURRENT RESOLUTION 72—RECOGNIZING THE 45TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. BROWNBACK submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 72

Whereas in 1964, John W. Gardner presented the idea of selecting a handful of outstanding men and women to travel to Washington, D.C. to participate in a fellowship program that would educate such men and women about the workings of the highest levels of the Federal Government and about leadership, as they observed Federal officials in action and met with these officials and other leaders of society, thereby strengthening the abilities of such individuals to contribute to their communities, their professions, and the United States;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183 (as amended), to create a program that would select between 11 and 19 outstanding young citizens of the United States every year and bring them to Washington, D.C. for ''first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit'';

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 9 Presidents exceptionally well;

Whereas the 672 White House Fellows who have served have established a legacy of leadership in every aspect of our society, including appointments as cabinet officers, ambassadors, special envoys, deputy and assistant secretaries of departments and senior White House staff, election to the House of Representatives, Senate, and State and local governments, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the largest corporations and law firms in the United States, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a resource that has been relied upon by the Nation during major challenges, including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, providing support to earthquake victims in Haiti, performing military service in Iraq and Afghanistan, and reforming and innovating the national and international securities and capital markets;

Whereas the 672 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service, including creating a White House Fellows Community of Mutual Support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2010, marked the 45th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 45th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4654. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the