

from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 100

At the request of Mr. BENNET, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 100, a resolution designating March 11, 2011, as "World Plumbing Day".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. LUGAR, and Mr. UDALL of Colorado):

S. 565. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

Mr. LUGAR. Mr. President, I rise to support the StartUp Visa Act of 2011, as the leading Republican cosponsor, because I believe this legislation will increase the possibility that companies such as Google, Intel, Yahoo and Proctor & Gamble—which were all started completely or in part by immigrant entrepreneurs—will continue to be founded in America. This legislation will help immigrant entrepreneurs like Paroon Chadha, Purdue University alumnus and cofounder of a company that currently employs more than two dozen American-born Hoosiers and continues to grow—as demonstrated by plans to hire four additional staff members in April 2011. Paroon and I believe America remains the best country in the world to do business and that we should continue attracting immigrant entrepreneurs to help drive innovation and job creation here at home.

At a time when our country struggles to achieve full economic recovery, foreign-born entrepreneurs who wish to establish companies and create jobs in the United States, often with the financial backing of American investors, are instead operating from other countries because they find the process of immigrating to the U.S. too difficult. The logic of our current approach places America at a competitive disadvantage in the global race to attract the very best talent and is counterproductive to our national interest.

According to a 2009 survey of American entrepreneurs conducted by the Kauffman Foundation, an overwhelming majority of the participants felt that "the United States cannot have a sustained economic recovery without another burst of entrepreneurial activity." Over the past 15 years, immigrant entrepreneurs have started 25 percent of venture-backed public companies and 40 percent of companies in the high technology sector. A 2007 report commissioned by the National Venture Capital Association noted that the market capitalization of publically traded venture-backed companies founded by immigrant entrepreneurs exceeded \$500 billion.

The StartUp visa represents a commonsense solution to this problem and does not require the creation of new visas. The bill proposes to draw from existing visas under the EB-5 category, which is a set-aside of visas for immigrants who invest at least \$1 million in the U.S., and thereby create 10 jobs, to obtain a green card. In areas where unemployment is high, foreign nationals need only invest \$500,000 to obtain residency. Many more visas are annually allocated for the EB-5 category than are used, so the addition of immigrant entrepreneurs will not require additional visas.

Better utilizing existing visas, immigrant entrepreneurs living outside the United States would be eligible to apply for a StartUp visa if a qualified American investor agrees to financially sponsor their entrepreneurial venture with a minimum investment of \$100,000. After 2 years, their business must have created five new jobs and raised not less than \$500,000 in additional capital investment or generate not less than \$500,000 in revenue.

Additionally, immigrant entrepreneurs currently residing in the United States on an unexpired H-1B visa or immigrant entrepreneurs currently in the country who have completed a graduate level degree in science, technology, engineering, math, computer science, or other relevant academic discipline from an accredited United States institution of higher education would be eligible for a StartUp visa. Eligibility in each of these cases is contingent upon the immigrant entrepreneur demonstrating that they will be self-sufficient and that a qualified U.S. investor will financially back their entrepreneurial venture with a minimum investment of \$20,000. After 2 years, their business must have created three new jobs and raised not less than \$100,000 in additional capital investment or generate not less than \$100,000 in revenue.

Finally, immigrant entrepreneurs living outside the U.S. who have controlling interest of a company based in a foreign country that has generated, during the most recent 12-month period, not less than \$100,000 in revenue from sales in the U.S. would be eligible to apply for a StartUp visa. At the conclusion of 2 years, this immigrant en-

trepreneur must have created three new jobs in the U.S. and raised not less than \$100,000 in additional capital investment or generate not less than \$100,000 in revenue.

Immigrant entrepreneurs want to come to America, hire Americans, and create jobs right here for Americans—and we should be helping them come. Senator KERRY and I believe that it is in our national interest to encourage those who can help drive the next generation of innovation to do it here, not someplace else. This plan has the support of investors, immigrants, technology organizations, and taxpayers. I ask for your support on passage of this bill.

By Ms. MURKOWSKI:

S. 566. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce a bill and talk about an issue that has, unfortunately, become a regular occurrence in Alaska and holds great interest to the Nation and the world. I am talking about volcano monitoring. While erupting volcanoes are a early constant part of our lives in Alaska, it usually takes a worldwide event such the eruption last year of a volcano in Iceland, which disrupted air traffic in Europe and around the world, to capture the public's attention.

Two years ago it was the eruption of Mount Redoubt, which cancelled hundreds of flights in Alaska that motivated me to introduce the National Volcano Early Warning and Monitoring System Act. I reintroduce the bill now because it is still vitally important to the United States.

The volcanoes in Alaska make up well over three-quarters of U.S. volcanoes that have erupted in the last two hundred years. About 50 volcanic eruptions occur around the world every year, according to the United States Geological Survey, USGS. The United States ranks third, behind Indonesia and Japan, in its number of historically active volcanoes.

That is why it is so important to fund volcano monitoring, which in Alaska is through the Alaska Volcano Observatory. The Alaska Volcano Observatory, AVO, is one of five Volcano observatories in the United States. It is a joint program of the United States Geological Survey, the Geophysical Institute of the University of Alaska Fairbanks, and the State of Alaska Division of Geological and Geophysical Surveys. AVO is unique in the United States and probably the world, in that it is a thoroughly collaborative undertaking of federal scientists, state scientists, and university faculty and students.

AVO was formed in 1988, after an eruption of Mount Augustine, and uses federal, state, and university resources to monitor and study Alaska's hazardous volcanoes, to predict and record

eruptive activity, and to mitigate volcanic hazards to life and property. Alaska has over 30 active volcanoes currently being monitored by the Alaska Volcano Observatory. No other observatory in the world comes even close to that number. AVO also analyzes available satellite data twice daily for thermal anomalies and ash plumes at about 80 volcanoes in the north Pacific. Russian volcanoes frequently put ash into areas where the U.S. has aviation safety responsibilities. Alaska's active volcanoes also offer superb opportunities for basic scientific investigations of volcanic processes. An important component of AVO's program is to conduct research at selected volcanic centers.

Alaska's volcanoes are potentially hazardous to passenger and freight aircraft as jet engines sometimes fail after ingesting volcanic ash. On December 15, 1989, a Boeing 747 flying 240 kilometers, 150 miles, northeast of Anchorage encountered an ash cloud erupted from Redoubt Volcano and lost power in all four jet engines. The plane, with 231 passengers aboard, lost more than 10,000 feet of elevation before the flight crew was able to restart the engines. After landing, it was determined the airplane had suffered about \$80 million in damage. The U.S. Geological Survey said about 100 encounters of aircraft with volcanic ash were documented from 1983 to 2000. In some cases engines shut down briefly after sucking in volcanic debris, but there have been no fatal incidents.

The FAA estimates, based on information provided by the Federal Aviation Administration, that more than 80,000 large aircraft per year, and 30,000 people per day, are in the skies over and potentially downwind of many of Alaska's volcanoes, mostly on the heavily traveled great-circle routes between Europe, North America, and Asia. Along this route, which coincidentally follows the northern portion of the Pacific "ring of fire", are over 100 volcanoes capable of depositing ash into the flight path. Some are in Japan, many are in Russia, but about half are in Alaska. By analyzing satellite imagery and working with the National Weather Service to predict where winds will carry the ash, AVO assists the Federal Aviation Administration in warning aircraft of areas to avoid.

Volcanic eruptions from Cook Inlet volcanoes, Spurr, Redoubt, Iliamna, and Augustine, can have severe impacts, as these volcanoes are nearest to Anchorage, Alaska's largest population center. The last major series of eruptions of Mt. Redoubt occurred in the spring of 2009. The Alaska Volcano Observatory had recorded 26 volcanic eruptions and/or explosions at Redoubt volcano.

There were several impacts from this series of eruptions from Mount Redoubt. Two major lahars, mudflows, moved down the Drift River and partially inundated an oil terminal. Air-

borne ash clouds posed a hazard to aviation and caused multiple flight cancellations and reroutes. Alaska Airlines cancelled approximately 200 flights. FedEx, United Parcel Service and several other cargo airlines rerouted aircraft to Seattle. Ash fall forced Ted Stevens International Airport, the third busiest cargo airport in the world, to close for 20 consecutive hours. Disruption to the aviation industry was significant for passenger travel and cargo transportation between Asia and North America. Minor ash fall impacted several communities as far downwind as Delta Junction, Alaska, 400 miles northeast of Anchorage. Elmendorf Air Force Base assets were temporarily relocated. There were also impacts to oil field operations due to the cessation of oil storage at Chevron's Drift River Oil Terminal. The economic impact is estimated to be less than or equal to the Redoubt eruptions also disrupted air traffic in the region. Hundreds of commercial flights were cancelled and cargo companies were significantly impacted. This resulted in employees being placed on unpaid leave during periods when airport operations were shut down.

International volcano monitoring is also a role of the Federal Government. It likely saved many lives—and significant money—in the case of the 1991 eruption of Mount Pinatubo in the Philippines, where the United States had military bases at the time. The cataclysmic eruption lasted more than 10 hours and sent a cloud of ash as high as 22 miles into the air that grew to more than 300 miles across. The United States Geological Survey spent less than \$1.5 million monitoring the volcano and was able to warn of the impending eruption, which allowed authorities to evacuate residents, as well as aircraft and other equipment from U.S. bases there. The USGS estimates that the efforts saved thousands of lives and prevented property losses of at least \$250 million.

It is not enough to justify a program by just identifying a danger. The more important question is whether something can be done to reduce the impact of a volcanic eruption in terms of property damage and loss of life. That means getting people out of harm's way by providing advance warning. And this is exactly what the USGS Volcano Hazards Program seeks to do through the existing volcano observatories in the United States.

The advances made in monitoring can now provide much more accurate and timely predictions of eruptions. As an example, in 1989, AVO was only able to provide a few days warning before Mount Redoubt erupted. This year, they began to detect activity and notified the public two months before it eventually erupted.

The biggest challenge remains finding an adequate and stable source of funding. The USGS Volcano Hazards Program has been constantly underfunded. Both USGS and the FAA pro-

vide funding, but it is not enough to manage all the observatories or provide for an expansion of the system to cover increased monitoring and volcano research.

It is because of the inadequate funding, and critical importance of this program, that I intend to introduce a bill that will provide the funding stability that volcano monitoring needs. This program shows that with a modest investment, a very large benefit can be produced in reducing the impacts of catastrophic events.

My legislation will establish a National Volcano Early Warning and Monitoring System within the United States Geological Survey to monitor warn and protect citizens from undue and avoidable harm from volcanic activity. The USGS will coordinate a management plan with the other relevant federal departments, including the Department of Transportation, Federal Aviation Administration; the National Oceanic and Atmospheric Administration, the Department of Homeland Security and the Federal Emergency Management Agency.

The legislation authorizes appropriations of \$15 million annually to the Department of Interior to carry out the Act.

By Mr. CONRAD (for himself and Ms. COLLINS):

S. 567. A bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. CONRAD. Mr. President. I am pleased to be joined by my colleague, Senator COLLINS, as we introduce the REAP Reauthorization Act of 2011. Nearly one-third of America's public schools are in rural places, and 23 percent of our students attend these schools. Unfortunately, the unique nature of rural schools creates significant challenges as they work to meet federal education requirements.

Geographic isolation, diseconomies of scale, and poverty are some the challenges commonly cited as major barriers to education delivery in rural places. Unfortunately, Federal education funding programs—which are often based on population—do not provide adequate resources for rural schools to overcome these obstacles and meet programmatic requirements. Additionally, rural school districts often forgo federal education dollars because they lack the capacity to apply for competitive grants.

Senator COLLINS and I began working together a decade ago to ensure equity for rural schools. With bipartisan support, we successfully fought to include the original Rural Education Achievement Program—otherwise known as REAP—in the No Child Left Behind Act.

To date, REAP is the only source of federal funding dedicated to helping

rural school districts overcome financial inequality caused by geographic isolation and poverty. REAP dollars make a critical difference in rural States like North Dakota, where schools with graduating classes of five try to enact the same education reforms and provide the same opportunities as those provided by schools with graduating classes of 500. Since its creation, REAP has provided rural schools with flexibility and over \$1.5 billion to carry out Federal education programs.

With the pending reauthorization of the Elementary and Secondary Education Act, we are reintroducing our REAP Reauthorization Act in the 112th Congress. The REAP Reauthorization Act makes improvements to the Rural Education Achievement Program that will more closely target Federal resources to geographically isolated and high-poverty rural districts.

The program-wide changes made in this bill will provide many districts with access to necessary resources by allowing eligible districts that do not receive funds under the Small Rural Schools Program to participate in the Rural Low Income Schools Program. Our bill also incorporates new locale codes to make the program consistent with those developed by the National Center for Education Statistics.

Additionally, the bill makes program-specific improvements to the Small, Rural School Achievement Program to increase minimum and maximum grant allocations when REAP is funded at \$200 million or above. Lastly, our REAP Reauthorization proposal incorporates a more accurate measurement of poverty to determine eligibility for the Rural and Low-Income Schools Program. With these changes, more school districts and students in rural America will benefit from REAP resources.

I am pleased that Senator COLLINS is joining me again this year as an original cosponsor of this bill, and I look forward to working with my colleagues to pass this important legislation.

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

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

S. 567

*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 "Rural Education Achievement Program Reauthorization Act of 2011".

#### SEC. 2. SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM.

Sections 6211 and 6212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345, 7345a) are amended to read as follows:

##### "SEC. 6211. USE OF APPLICABLE FUNDING.

"(a) ALTERNATIVE USES.—  
 "(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding that the agency is eligible to receive

from the State educational agency for a fiscal year to carry out local activities authorized under any of the following provisions:

- "(A) Part A of title I.
- "(B) Part A or D of title II.
- "(C) Title III.
- "(D) Part A or B of title IV.
- "(E) Part A of title V.

"(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1), by a date that is established by the State educational agency for the notification.

##### "(b) ELIGIBILITY.—

"(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

"(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

"(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

"(ii) all of the schools served by the local educational agency are designated with a school locale code of Fringe Rural, Distant Rural, or Remote Rural, as determined by the Secretary; or

"(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

"(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

"(c) APPLICABLE FUNDING DEFINED.—In this section, the term 'applicable funding' means funds provided under any of the following provisions:

"(1) Subpart 2 and section 2412(a)(2)(A) of title II.

"(2) Section 4114.

"(3) Part A of title V.

"(d) DISBURSEMENT.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

"(e) APPLICABLE RULES.—Applicable funding under this section shall be available to carry out local activities authorized under subsection (a).

##### "SEC. 6212. GRANT PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

- "(1) Part A of title I.
- "(2) Part A or D of title II.
- "(3) Title III.
- "(4) Part A or B of title IV.
- "(5) Part A of title V.

##### "(b) ALLOCATION.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 6211(b)

for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 6211(c) for the preceding fiscal year.

##### "(2) DETERMINATION OF INITIAL AMOUNT.—

"(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to \$100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus \$20,000, except that the initial amount may not exceed \$60,000.

"(B) SPECIAL RULE.—For any fiscal year for which the amount made available to carry out this part is \$100,000,000 or more, subparagraph (A) shall be applied—

"(i) by substituting '\$25,000' for '\$20,000'; and

"(ii) by substituting '\$80,000' for '\$60,000'.

##### "(3) RATABLE ADJUSTMENT.—

"(A) IN GENERAL.—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(C) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

"(d) SPECIAL ELIGIBILITY RULE.—A local educational agency that receives a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2."

#### SEC. 3. RURAL AND LOW-INCOME SCHOOL PROGRAM.

Section 6221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended to read as follows:

##### "SEC. 6221. PROGRAM AUTHORIZED.

##### "(a) GRANTS TO STATES.—

"(1) IN GENERAL.—From amounts appropriated under section 6234 for this subpart for a fiscal year that are not reserved under subsection (c), the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 6223 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 6222(a).

"(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

##### "(3) SPECIALLY QUALIFIED AGENCIES.—

"(A) ELIGIBILITY AND APPLICATION.—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 6223 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

"(B) DIRECT AWARDS.—The Secretary may award, on a competitive basis or by formula,

the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

“(C) SPECIALLY QUALIFIED AGENCY DEFINED.—In this subpart, the term ‘specially qualified agency’ means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

“(b) LOCAL AWARDS.—

“(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

“(A) 40 percent or more of the children ages 5 through 17 years served by the local educational agency are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act; and

“(B) all of the schools served by the agency are designated with a school locale code of Distant Town, Remote Town, Fringe Rural, Distant Rural, or Remote Rural, as determined by the Secretary.

“(2) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

“(A) on a competitive basis;

“(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

“(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

“(c) RESERVATIONS.—From amounts appropriated under section 6234 for this subpart for a fiscal year, the Secretary shall reserve—

“(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Affairs, to carry out the activities authorized under this subpart; and

“(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this subpart.

“(d) SPECIAL ELIGIBILITY RULE.—A local educational agency that is eligible to receive a grant under this subpart and is also eligible to receive a grant under subpart 1, may receive a grant under this subpart for a fiscal year only if the local educational agency does not receive a grant under subpart 1 for such fiscal year.”

Ms. COLLINS. Mr. President, I rise today to speak about a program designed to address the unique needs of rural schools. The Rural Education Achievement Program, or REAP, is designed to help level the playing field for small and high-poverty rural school systems. It is the only dedicated Federal funding stream to aid rural school districts in overcoming the increased expenses caused by geographic isolation.

Nearly one-third of America’s public schools are in rural places, and more than 21 percent of our public school

students attend these schools. Students in rural America should have the same access to Federal dollars and a good education as those students who attend school in urban and suburban communities. For this reason, I worked with Senator KENT CONRAD in 2001 to author the law creating the REAP program. REAP created two grant programs including the Small and Rural Schools Achievement Program, SRSA, which provides additional funding and flexibility to small rural school districts, and the Rural and Low-Income School Program, RLIS, which provides additional funding for poor rural school districts.

Prior to enactment of this law, rural school districts received funds calculated on school enrollment. In many of these districts, Federal formula programs, which are based on population, do not produce enough resources to carry out the purposes the grant is intended to fund. One school district in Maine, for example, received only \$28 in 2001 to fund a districtwide safe and drug-free school program.

In addition, small and rural school districts often forgo Federal education dollars because they lack the personnel and the resources to apply for competitive grants. Having fewer personnel also creates additional challenges in providing professional development opportunities. Small rural districts are often located long distances from other districts, towns, and universities, drastically reducing opportunities to partner or collaborate. By allowing rural school districts to combine funds, as well as providing additional funds, REAP gives these districts the levels of resources required to undertake significant reform. Funds from this program have already helped to support new technology in classrooms, distance learning opportunities, and professional development activities, as well as a vast array of other programs which will help rural districts make progress towards the goals of the No Child Left Behind Act.

In 2007 and 2009, along with Senator CONRAD, I cosponsored legislation to reauthorize this important program. Unfortunately, no action has been taken. The REAP Reauthorization Act of 2011 would reauthorize and enact a few focused changes to the law. These changes will allow Federal funds to be even more closely targeted to geographically isolated districts. One important change will allow program eligible districts to participate in the Rural and Low-Income School Program if they would not receive financial benefits from the Small and Rural Schools Achievement Program.

Education is an essential driver for economic development. This rings true especially in rural America, where schools are the linchpin of rural communities. I am encouraged to see that the Maine School Management Association has spoken in support of the REAP Reauthorization Act of 2011. As cochair of the Senate Rural Education

Caucus, I will continue to work towards our goal of advancing the educational interests of rural schools and districts.

Mr. President. I ask unanimous consent to have printed in the RECORD a letter from the Maine School Management Association.

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

MAINE SCHOOL  
MANAGEMENT ASSOCIATION,  
Augusta, Maine, March 1, 2011.

Re Reauthorization of REAP.

Hon. SUSAN COLLINS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS: The Maine School Boards Association and the Maine School Superintendents Association want to thank you for your continued sponsorship of the REAP Program. Specifically, our Associations are pleased to support the 2011 Reauthorization of REAP. Throughout the years, REAP funding has helped to provide equity for many small schools in Maine and our expectation is that will continue with this Reauthorization.

Both, the National School Boards Association and the American Association of School Administrators also are supportive of the Reauthorization of REAP.

The Maine School Boards Association and the Maine School Superintendents Association appreciate your continued support for public education. We want to commend you for your willingness to pay attention to various legislative issues that may impact Maine public schools. We also want to praise your staff for their expertise and accessibility to our organizations. As always, our Associations are available as a resource to you and to your staff.

Thank you again.

Sincerely,

TERRY McCABE,  
Associate Executive Director.

By Mrs. FEINSTEIN (for herself,  
Mr. HATCH, Mr. LEAHY, Mr.  
GRAHAM, Mr. REID, Mr. LEE, Mr.  
INOUE, Mr. BINGAMAN, Mr.  
LIEBERMAN, and Mr. KERRY):

S. 569. A bill to provide for fairness for the Federal judiciary; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Federal Judicial Fairness Act of 2011.

I want to thank Senator HATCH, as well as Senators LEAHY, GRAHAM, REID, LEE, INOUE, BINGAMAN, LIEBERMAN, and KERRY, for working with me as co-sponsors of this important bill.

The Federal Judicial Fairness Act is a straightforward bill that would ensure that Federal judges receive cost-of-living adjustments to their salaries on the same terms as other Federal civilian employees.

Let me be clear from the outset: This bill would not provide a judicial pay raise. In fact, it would not even guarantee a cost-of-living adjustment for this year, the next year, or the next. Instead, it would simply guarantee that in years in which other Federal civilian employees receive cost-of-living adjustments to their salaries to account for inflation, Federal judges will as well.

Under current law, two procedural requirements prevent this from happening.

First, the “linking” of judicial and Congressional salaries means that judges cannot receive a cost-of-living adjustment unless Congress first votes to provide an adjustment for its own Members.

Second, due to a 1981 provision known as “Section 140,” even if Congress votes to adjust its own Members’ salaries, Congress must pass a second, special provision stating that judges should receive this adjustment as well.

The Federal Judicial Fairness Act’s would amend this pay structure and provide that Federal judges should receive adjustments on the same term as other Federal civilian employees.

Why is this important?

Article III of the United States Constitution requires that Federal judges shall “receive for their services, a compensation, which shall not be diminished during their continuance in office.”

This is a constitutional guarantee, entitled to due respect. Serious concerns arise when, as is the current system, political pressures result in the real value of judicial salaries diminishing and declining over time. Justice Kennedy expressed it this way in his 2007 testimony before the Senate Judiciary Committee:

Please accept my respectful submission that, to keep good faith with our basic charter, you have the unilateral constitutional obligation to act when another branch of government needs your assistance for the proper performance of its duties. It is both necessary and proper, furthermore, that we as judges should, and indeed must, advise you if we find that a threat to the judiciary as an institution has become so serious and debilitating that urgent relief is necessary. In my view, the present Congressional compensation policy for judicial officers is one of these matters.

Additionally, as members of the Senate, I believe we have a responsibility to make every effort to recruit and retain the very best for the Federal bench. Both recruitment and retention become far more difficult when we cannot assure candidates that the salary provided at the beginning of a life appointment will hold its value over time. This assurance is basic for other Federal employees and should be for our Federal judges as well.

The Federal Judicial Fairness Act is a commonsense, good government bill. I urge my colleagues to join me in supporting it.

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

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

S. 569

*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 “Federal Judicial Fairness Act of 2011”.

#### SEC. 2. JUDICIAL COST-OF-LIVING INCREASES.

(a) REPEAL OF STATUTORY REQUIREMENT RELATING TO JUDICIAL SALARIES.—Section 140 of the resolution entitled “A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.”, approved December 15, 1981 (Public Law 97-92; 95 Stat. 1200; 28 U.S.C. 461 note), is repealed.

(b) AUTOMATIC SALARY ADJUSTMENTS.—Section 461(a) of title 28, United States Code, is amended to read as follows:

“(a) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under sections 5303 and 5304 of title 5 in the rates of pay under the General Schedule, each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100) equal to the percentage of such salary rate which corresponds to the overall average percentage of the adjustment in the rates of pay under the General Schedule.”.

By Mrs. MURRAY (for herself,

Mr. FRANKEN, and Mr. BEGICH):

S. 571. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I rise to talk about legislation that I have introduced that is essential to the academic success of millions of vulnerable children and youth.

The Educational Success for Children and Youth Without Homes Act responds to the growing crisis of homelessness in our nation. The legislation will help homeless children and youth thrive in school, despite the constant moves, trauma, and loss associated with homelessness.

The recession has contributed to homelessness among two groups of students: children who are homeless with their families, and youth who are homeless on their own. This reality was brought starkly to light in a recent CBS 60 Minutes special about homeless children. The series documented several Florida families that have fallen on hard times, yet are doing their best to make ends meet and keep their children in school. It was heartbreaking to see these families who are struggling. However, it increased my resolve and determination to introduce this legislation, which will provide much-needed support for kids across the country.

The numbers of homeless children are shocking. During the 2008–2009 academic year, there were almost 1 million homeless children enrolled in public schools across the nation. That was a 41 percent increase over the previous two years. Unfortunately, this alarming trend shows no sign of abating. Many states are reporting increases between 5 and 35 percent for the 2009–2010 school year. We owe it to these children to provide them with a safe place where they can learn and become successful adults.

We know that school offers homeless children and youth structure, normalcy, support, and hope—it is a place where they can obtain the skills that they will need to avoid poverty and homelessness as adults. Yet these students face great educational challenges. High mobility, precarious living conditions, and severe poverty combine to create major barriers to school enrollment and regular attendance. Many homeless children and youth lack basic supplies and a reasonable environment where they can do homework. As a result of their circumstances, homeless students often perform below their peers in math and reading and are more likely to be held back.

We must do more to assist these students so they do not continue to be left behind. The Educational Success for Children and Youth Without Homes Act of 2011 would do just that. The bill amends the McKinney-Vento Act’s Education for Homeless Children and Youth program. It makes a strong law even stronger by reinforcing and expanding the law’s key provisions: school stability, enrollment, and support for academic achievement.

My legislation will enhance the right of homeless children to stay in the same school, so that children who have lost their homes do not also lose their schools. It will assist schools in meeting the challenges of transporting homeless students by increasing the authorized funding level and allowing other federal funds for educating low-income students to be used for homeless transportation. When staying in the same school is not possible, or not in a child’s best interest, the legislation will help the student make a seamless transition to a new school.

One of the most successful features of the McKinney-Vento program is the requirement for every school district to designate a liaison for homeless children and youth. Liaisons identify homeless students, ensure their enrollment and attendance, and connect them to community resources. Liaisons are the backbone of this program, the unsung heroes who have become a lifeline for children and youth in crisis. Yet most liaisons do not have the capacity to carry out their required duties; they wear many hats and struggle to meet the growing demands of this population. As a result, too many homeless children and youth are falling through the cracks and missing out on school. The Educational Success for Children and Youth Without Homes Act will strengthen the critical position of homeless liaison by ensuring that liaisons have the time, resources, and training to fulfill their mandated duties.

The Educational Success for Children and Youth Without Homes Act also recognizes the unique needs of certain groups of homeless children: preschool-aged homeless children, and unaccompanied homeless youth.

Young children who are homeless have higher rates of developmental

delays and other problems that set them back as they start out life, yet they face numerous barriers to participating in early childhood programs. They miss out on services that can mitigate the harmful effect of homelessness on their development. This legislation will increase homeless children's participation in preschool programs by requiring public preschool programs to identify and prioritize homeless children for enrollment, and to develop the capacity to serve all identified homeless children.

Unaccompanied homeless youth struggle to go to school without the basic necessities of life or a parent to guide them. We must assist unaccompanied homeless youth to overcome the unique educational challenges related to being without a home and without a parent or guardian. This legislation will help ensure that unaccompanied homeless youth have the supports necessary to stay in school, graduate with their peers, and move on to a brighter future.

The history of litigation under the McKinney-Vento Act makes clear that we must do a better job helping educators learn about homelessness and support them in implementing the law. To this end, the legislation provides funding for technical assistance and training, and requires participation in professional development activities.

As we work on the reauthorization of the Elementary and Secondary Education Act, we must recognize that children who do not know where they will sleep at night, or where their next meal will come from, face far greater challenges than simply remembering to do their homework. We must acknowledge that children who bounce between schools with each change of residence have little hope of taking advantage of even the best school programs. The most qualified teacher, or the most exceptional math or reading program, will not benefit children who are not enrolled in school, not attending regularly, and not assisted to overcome the barriers caused by homelessness. The Educational Success for Children and Youth Without Homes Act builds upon the proven successes of the McKinney-Vento Act's Education of Homeless Children and Youth program, while addressing remaining challenges. It is critical legislation that will help ensure that the homeless children of today do not become the homeless adults of tomorrow.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—EX-PRESSING THE SENSE OF THE SENATE RELATING TO THE MARCH 11, 2011, EARTHQUAKE AND TSUNAMI IN JAPAN

Mr. REID of Nevada (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. LUGAR, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS,

Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 101

Whereas at 2:46 pm on March 11, 2011, an earthquake initially reported as measuring 8.9 on the Richter scale, the strongest recorded in more than 100 years in Japan, occurred near the Tohoku region of Northeast Japan, 81 miles off the coast from Sendai City;

Whereas intense shaking could be felt from Tokyo to Kamaishi, an arc of roughly 360 miles;

Whereas the earthquake generated a massive tsunami that caused widespread damage to a swath of the northeast Japanese coastline and traveled across the Pacific Ocean, causing damage to coastal communities as far away as the States of Hawaii, Oregon, and California;

Whereas authorities in Japan confirm at least 2,800 deaths from the earthquake and resulting tsunami, a toll that is expected to rise as many thousands remain missing as of the date of approval of this resolution;

Whereas approximately 400,000 people have been displaced from their homes and are now living in shelters or with relatives;

Whereas within minutes of the earthquake, the National Oceanic and Atmospheric Administration alerted emergency workers in the States of Hawaii, California, Oregon, Washington, and Alaska that a potentially catastrophic tsunami was heading toward those States and mobilized the Tsunami Warning System in the Pacific;

Whereas the earthquake forced the emergency shutdown of 4 nuclear power facilities in Japan, representing a significant loss of electric generation capacity for Japan and necessitating rolling blackouts in portions of Tokyo;

Whereas the earthquake and the resulting tsunami severely damaged the Fukushima Daiichi nuclear power station, precipitating

a loss of power for cooling systems at that facility and necessitating emergency measures to prevent serious radiation leakages;

Whereas emergency management experts at the International Atomic Energy Agency, the Department of Energy, and the Nuclear Regulatory Commission are continuing to work with authorities in Japan to address the challenges posed by the damage to the Daiichi nuclear facility;

Whereas international response to the disaster has been swift, with search and rescue teams arriving from the United States, the United Kingdom, Australia, New Zealand, France, and China, among other countries;

Whereas the USS Ronald Reagan aircraft carrier and its support vessels have deployed to the earthquake region to participate in search and rescue and relief operations;

Whereas elements of the III Marine Expeditionary Force (MEF), a United States Agency for International Development Disaster Assistance Response Team (DART), and other United States military and civilian personnel have deployed to Japan to render aid and help coordinate United States relief efforts;

Whereas January 19, 2011, marked the 51st anniversary of the signing of the United States-Japan Treaty of Mutual Cooperation and Security, which has played an indispensable role in ensuring the security and prosperity of both the United States and Japan, as well as in promoting regional peace and stability;

Whereas the United States-Japan alliance is based upon shared values, democratic ideals, free markets, and a mutual respect for human rights, individual liberties, and the rule of law;

Whereas Japan is among the most generous donor nations, providing billions of dollars of foreign assistance, including disaster relief, annually to developing countries; and

Whereas the Self-Defense Forces of Japan have contributed broadly to global security missions, including relief operations following the tsunami in Indonesia in 2005, reconstruction in Iraq from 2004 to 2006, and relief assistance following the earthquake in Haiti in 2010; Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life resulting from the earthquake and tsunami in Japan on March 11, 2011;

(2) expresses its deepest condolences to the families of the victims of this tragedy;

(3) expresses its sympathies to the survivors who are still suffering in the aftermath of this natural disaster;

(4) commends the government of Japan for its courageous and professional response to this natural disaster;

(5) supports the efforts already underway by the United States Government, relief agencies, and private citizens to assist the government and people of Japan in their time of need; and

(6) urges the United States and the international community to provide additional humanitarian assistance to aid the survivors and support reconstruction efforts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 161. Mr. JOHANNIS (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 162. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.