the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union in 1940.

S. RES. 138

At the request of Mrs. GILLIBRAND, the names of the Senator from Kansas (Mr. MORAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Florida (Mr. NELSON), the Senator from Pennsylvania (Mr. CASEY), the Senator from Florida (Mr. RUBIO), the Senator from Massachusetts (Mr. BROWN), the Senator from Illinois (Mr. KIRK), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

AMENDMENT NO. 289

At the request of Mr. CARPER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 289 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 802. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, I would like to bring to the Senate's attention The Lake Thunderbird Efficient Use Act of 2011.

This bill allows the Central Oklahoma Master Conservancy District to import and store non-project water into Lake Thunderbird, if the Secretary of the Interior determines there is enough capacity to do so. Allowing additional water to be stored at Lake Thunderbird would help increase municipal and industrial supplies for the cities served by the District, which include Norman, Midwest City, and Del City.

There is no cost associated with this bill. Any additional infrastructure needs will be the responsibility of the non-Federal establishment contracting with the Secretary.

This legislation does not change the capacity of Lake Thunderbird and will help increase water supplies in a growing metropolitan area. Over the last decade, the Norman area grew by 15 percent making it one of the fastest growing areas in the State. As the area continues to grow, and as Tinker Air Force Base requires a growing water supply, there will be a greater need for access to the water supplies of the Lake Thunderbird reservoir.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 806. A bill to require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests; to the Committee on Environment and Public Works.

Mr. BAUCUS. 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. 806

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 Community Flood Protection Act of 2011''.

SEC. 2. RURAL COMMUNITY FLOOD PROTECTION.

(a) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary of the Army (referred to in this section as the ''Secretary'') shall conduct a levee system evaluation and certification of a federally authorized levee or a non-federally authorized levee for purposes of the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) REQUIREMENTS.—A levee system evaluation and certification under subsection (a) shall—

(1) at a minimum, comply with the requirements of section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(2) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.

(c) COST SHARING.—

(1) NON-FEDERAL SHARE.—Subject to paragraph (2), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this section shall be 35 percent.

(2) ADJUSTMENT.—The Secretary shall adjust the non-Federal share under paragraph (1) to zero if—

(A) the non-Federal interest is located in an area with a population of 10,000 or fewer individuals; or

(B) the division of the non-Federal interest with responsibility for the applicable levee is staffed by individuals operating on a volunteer basis.

By Mr. ENZI (for himself, Ms. LANDRIEU, Mr. ISAKSON, and Mr. COBURN):

S. 807. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce legislation with Senator LANDRIEU known as the Voluntary Protection Program Act. This bill will codify the Voluntary Protection Programs, or VPP, expand it to include more small businesses, and incorporate recent GAO recommendations for program improvements.

No program has been more successful in creating such a culture of safety in the workplace than VPP. Since it was created in 1982, Republican and Democrat administrations alike have fostered its growth to more than 2,500 worksites, a quarter of which are unionized, and it covers approximately one million employees. The bipartisan support for VPP continues into this Congress. Last year, the Senate Budget Committee unanimously approved an amendment to preserve VPP budget authority and I have been pleased to work with the Chair of the Senate Small Business Committee, Senator LANDRIEU, on this bill again this Congress. Our bill is also drawing bipartisan support in the House of Representatives. Congressmen TOM PETRI and GENE GREEN are introducing companion legislation today and I thank them for their strong support on this important issue.

Worksites that pass the rigorous evaluation process and become VPP sites have an average Days Away Restricted or Transferred, DART, case rate of 52 percent below the average for its industry. In recent years, smaller worksites have made significant strides in VPP, increasing from 28 percent of VPP sites in 2003 to 44 percent in 2010.

The innovative program doesn't just keep employees safer; as I have noted, it also saves both the VPP companies and the taxpayer's money. In 2007, Federal Agency VPP participants saved the government more than $59 million by avoiding injuries and private sector VPP participants saved more than $300 million. The Department of Defense has estimated that it saves between $73,000 and $8.8 million per site because of VPP. Additionally, when workplaces make the significant commitment to safety required by VPP, it allows OSHA to focus its resources where they are most needed. VPP Participant employers contribute a great deal to the VPP program expenditures. VPP participants have assigned approximately 1,200 of their own employees to act as OSHA Special Government Employees, SGEs, who conduct onsite evaluations for OSHA.

Despite the strong bipartisan support for VPP and its very positive results, the need for this legislation has become painfully clear. Last year, the administration's fiscal year 2011 Budget Request proposed eliminating the small amount it takes to administer VPP—$3.125 million—and sought to transfer the 35 FTE it takes to run the program to other functions. The failure to complete the appropriations process last year thwarted that plan, and the administration did not renew the request in their fiscal year 2012 budget proposal. I hope that Department of Labor officials will note the bipartisan support VPP has and maintain support for the program. Surely, this proven life and cost-saving program is something we can all get behind.

I would like to thank Senator LANDRIEU for working with me on this important legislation and add the following Senators as original cosponsors: Sen. LANDRIEU, Sen. ISAKSON and Sen. COBURN.

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. 807

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 ''Voluntary Protection Program Act''.

SEC. 2. VOLUNTARY PROTECTION PROGRAM.

(a) COOPERATIVE AGREEMENTS.—The Secretary of Labor shall establish a program of entering into cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENTS.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(C) INFORMATION.—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) MONITORING.—To ensure proper controls and measurement of program performance for the voluntary protection program under this section, the Secretary of Labor shall direct the Assistant Secretary of Labor for Occupational Safety and Health to take the following actions:

(A) Develop a documentation policy regarding information on follow-up actions taken by the regional offices of the Occupational Safety and Health Administration in response to fatalities and serious injuries at worksites participating in the voluntary protection program.

(B) Establish internal controls that ensure consistent compliance by the regional offices of the Occupational Safety and Health Administration with the voluntary protection program policies of the Occupational Safety and Health Administration for conducting onsite reviews and monitoring injury and illness rates, to ensure that only qualified worksites participate in the program.

(C) Establish a system for monitoring the performance of the voluntary protection program by developing specific performance goals and measures for the program.

(4) EXEMPTIONS.—A site with respect to which a voluntary protection program has been approved shall, during participation in the program, be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(5) NO PAYMENTS REQUIRED.—The Secretary of Labor shall not require any form of payment for an employer to qualify or participate in the voluntary protection program.

(c) TRANSITION.—The Secretary of Labor shall take such steps as may be necessary for the orderly transition from the cooperative agreements and voluntary protection programs carried out by the Occupational Safety and Health Administration as of the day before the date of enactment of this Act, to the cooperative agreements and voluntary protection program authorized under this section. In making such transition, the Secretary shall ensure that—

(1) the voluntary protection program authorized under this section is based upon and consistent with the voluntary protection programs carried out on the day before the date of enactment of this Act; and

(2) each employer that, as of the day before the date of enactment of this Act, had an active cooperative agreement under the voluntary protection programs carried out by the Occupational Safety and Health Administration and was in good standing with respect to the duties and responsibilities under such agreement, shall have the option to continue participating in the voluntary protection program authorized under this section.

(d) REGULATIONS AND IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall issue final regulations for the voluntary protection program authorized under this section and shall begin implementation of the program.

SEC. 3. EXPANDED ACCESS TO VOLUNTARY PROTECTION PROGRAM FOR SMALL BUSINESSES.

The Secretary of Labor shall establish and implement, by regulation, a program to increase participation by small businesses (as the term is defined by the Administrator of the Small Business Administration) in the voluntary protection program established under section 2 through outreach and assistance initiatives and the development of program requirements that address the needs of small businesses.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

By Mr. DURBIN (for himself, Mr. KIRK, and Ms. LANDRIEU):

S. 809. A bill to provide high-quality charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I am introducing legislation designed to improve educational opportunities for struggling students. The All Students Achieving Through Reform Act, or All-STAR Act, would provide Federal resources to the most successful charter schools to help them grow and replicate.

Across the nation, public charter schools are achieving extraordinary results in low-income communities. I have been particularly impressed by the Noble Street schools in Chicago. Since opening its first campus in 1999, Noble Street has expanded to 10 charter high schools educating over 13,000 students in some of Chicago's most difficult neighborhoods. Noble Street has achieved phenomenal results. Even though more than 75 percent of students enter the schools below grade level, Noble students have the highest ACT scores among Chicago open-enrollment schools. Every year, more than 99 percent of Noble Street's seniors graduate and more than 85 percent go on to college. I see this success in action when I visit Noble Street schools. As soon as you walk in the door, you can tell that everyone in the building is focused on academic success. The students are actively engaged in their learning. Their teachers and principals are demanding and inspiring. Noble Street would like to continue to grow and educate more students in Chicago.

Not all charter schools are excellent. Poor-performing charter schools should be closed. But we also need to replicate and expand the ones that are beating the odds, and we need to learn from their lessons. We need more excellent charters, like the Noble Street schools, in Illinois and around the country.

The bill I am introducing today would help make that possible. Currently, Federal funding for charter schools can only be used to create new schools, not expand or replicate existing schools. My bill would create new grants within the existing charter school program to fund the expansion and replication of the most successful charter schools. Schools that have achieved results with their students will be able to apply for Federal grants to expand their schools to include additional grades or to replicate the model to a new school. Successful charters across the country will be able to grow, providing better educational opportunities to thousands of students.

The bill also incentivizes the adoption of strong charter school policies by states. We know that successful charter schools thrive when they have autonomy, freedom to grow, and strong accountability based on meeting performance targets. The bill would give grant priority to states that provide that environment. The bill also requires new levels of charter school authorizer reporting and accountability to ensure that good charter schools are able to succeed while bad charter schools are improved or shut down.

This bill will improve educational opportunities for students across the nation. Charter schools represent some of the brightest spots in urban education today, and successful models have the full support of the President and Secretary Duncan. We need to help these schools grow and bring their best lessons into our regular public schools so that all students can benefit. Supporting the growth of successful charter schools should be a part of the conversation when we take up reauthorization of the Elementary and Secondary Education Act. I thank Senator KIRK, Senator LANDRIEU, and Representative POLIS in the House for joining me in this effort.

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. 809

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 ''All Students Achieving through Reform Act of 2011'' or ''All-STAR Act of 2011''.

SEC. 2. CHARTER SCHOOL EXPANSION AND REPLICATION.

(a) IN GENERAL.—Subpart 1 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5211;

(2) by redesignating section 5210 as section 5211; and

(3) by inserting after section 5209 the following:

''SEC. 5210. CHARTER SCHOOL EXPANSION AND REPLICATION.

''(a) PURPOSE.—It is the purpose of this section to support State efforts to expand and replicate high-quality public charter schools to enable such schools to serve additional students, with a priority to serve those students who attend identified schools or schools with a low graduation rate.

''(b) SUPPORT FOR PROVEN CHARTER SCHOOLS AND INCREASING THE SUPPLY OF HIGH-QUALITY CHARTER SCHOOLS.—

''(1) GRANTS AUTHORIZED.—From the amounts appropriated under section 5200 for any fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to make subgrants to eligible public charter schools under subsection (e)(1) and carry out the other activities described in subsection (e), in order to allow the eligible public charter schools to serve additional students through the expansion and replication of such schools.

''(2) AMOUNT OF GRANTS.—In determining the grant amount to be awarded under this subsection to an eligible entity, the Secretary shall consider—

''(A) the number of eligible public charter schools under the jurisdiction or in the service area of the eligible entity that are operating;

''(B) the number of openings for new students that could be created in such schools with such grant;

''(C) the number of students eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) who are on waiting lists for charter schools under the jurisdiction or in the service area of the eligible entity, and other information with respect to charter schools in such jurisdiction or service area that suggest the interest of parents in charter school enrollment for their children;

''(D) the number of students attending identified schools or schools with a low graduation rate in the State or area where an eligible entity intends to replicate or expand eligible public charter schools; and

''(E) the success of the eligible entity in overseeing public charter schools and the likelihood of continued or increased success because of the grant under this section.

''(3) DURATION OF GRANTS.—A grant under this section shall be for a period of not more than 3 years, except that an eligible entity receiving such grant may, at the discretion of the Secretary, continue to expend grant funds after the end of the grant period. An eligible entity that has received a grant under this section may receive subsequent grants under this section.

''(c) APPLICATION REQUIREMENTS.—

''(1) APPLICATION REQUIREMENTS.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—The application described in paragraph (1) shall include, at a minimum, the following:

''(A) RECORD OF SUCCESS.—Documentation of the record of success of the eligible entity in overseeing or operating public charter schools, including—

''(i) the performance of the students of such public charter schools on the student academic assessments described in section 1111(b)(3) of the State where such school is located (including a measurement of the students' average academic longitudinal growth at each such school, if such measurement is required by a Federal or State law applicable to the entity), disaggregated by—

''(I) economic disadvantage;

''(II) race and ethnicity;

''(III) disability status; and

''(IV) status as a student with limited English proficiency;

''(ii) the status of such schools under section 1116 in making adequate yearly progress or as identified schools;

''(iii) documentation of demonstrated success by such public charter schools in closing historic achievement gaps between groups of students; and

''(iv) in the case of such public charter schools that are secondary schools, the graduation rates and rates of student acceptance, enrollment, and persistence in institutions of higher education, where possible.

''(B) PLAN.—A plan for—

''(i) replicating and expanding eligible public charter schools operated or overseen by the eligible entity;

''(ii) identifying eligible public charter schools, or networks of eligible public charter schools, to receive subgrants under this section;

''(iii) increasing the number of openings in eligible public charter schools for students attending identified schools and schools with a low graduation rate;

''(iv) ensuring that eligible public charter schools receiving a subgrant under this section enroll students through a random lottery for admission, unless the charter school is using the subgrant to expand the school to serve additional grades, in which case such school may reserve seats in the additional grades for—

''(I) each student enrolled in the grade preceding each such additional grade;

''(II) siblings of students enrolled in the charter school, if such siblings desire to enroll in such grade; and

''(III) children of the charter school's founders, staff, or employees;

''(v)(I) in the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), the manner in which the eligible entity will work with identified schools and schools with a low graduation rate that are eligible to enroll students in a public charter school receiving a subgrant under this section and that are under the eligible entity's jurisdiction, and the local educational agencies serving such schools, to—

''(aa) engage in community outreach, provide information in a language that the parents can understand, and communicate with parents of students at identified schools and schools with a low graduation rate who are eligible to attend a public charter school receiving a subgrant under this section about the opportunity to enroll in or transfer to such school, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(bb) ensure that a student can transfer to an eligible public charter school if the public charter school such student was attending in the previous school year is no longer an eligible public charter school; and

''(II) in the case of an eligible entity described in subparagraph (B) or (D) of subsection (k)(4), the manner in which the eligible entity will work with the local educational agency to carry out the activities described in items (aa) and (bb) of subclause (I);

''(vi) disseminating to public schools under the jurisdiction or in the service area of the eligible entity, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'), the best practices, programs, or strategies learned by awarding subgrants to eligible public charter schools under this section, with particular emphasis on the best practices with respect to—

''(I) focusing on closing the achievement gap; or

''(II) successfully addressing the education needs of low-income students; and

''(vii) in the case of an eligible entity described in subsection (k)(4)(D)—

''(I) supporting the short-term and long-term success of the proposed project, by—

''(aa) developing a multi-year financial and operating model for the eligible entity; and

''(bb) including, with the plan, evidence of the demonstrated commitment of current partners, as of the time of the application, for the proposed project and of broad support from stakeholders critical to the project's long-term success;

''(II) closing public charter schools that do not meet acceptable standards of performance; and

''(III) achieving the objectives of the proposed project on time and within budget, which shall include the use of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

''(C) CHARTER SCHOOL INFORMATION.—The number of—

''(i) eligible public charter schools that are operating in the State in which the eligible entity intends to award subgrants under this section;

''(ii) public charter schools approved to open or likely to open during the grant period in such State;

''(iii) available openings in eligible public charter schools in such State that could be created through the replication or expansion of such schools if the grant is awarded to the eligible entity;

''(iv) students on public charter school waiting lists (if such lists are available) in—

''(I) the State in which the eligible entity intends to award subgrants under this section; and

''(II) each local educational agency serving an eligible public charter school that may receive a subgrant under this section from the eligible entity; and

''(v) students, and the percentage of students, in a local educational agency who are attending eligible public charter schools that may receive a subgrant under this section from the eligible entity.

''(D) TRADITIONAL PUBLIC SCHOOL INFORMATION.—In the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), a list of the following schools under the jurisdiction of the eligible entity, including the name and location of each such school, the number and percentage of students under the jurisdiction of the eligible entity who are attending such school, and such demographic and socioeconomic information as the Secretary may require:

''(i) Identified schools.

''(ii) Schools with a low graduation rate.

''(E) ASSURANCE.—In the case of an eligible entity described in subsection (k)(4)(A), an assurance that the eligible entity will include in the notifications provided under section 1116(c)(6) to parents of each student enrolled in a school served by a local educational agency identified for school improvement or corrective action under paragraph (1) or (7) of section 1116(c), information (in a language that the parents can understand) about the eligible public charter schools receiving subgrants under this section.

''(3) MODIFICATIONS.—The Secretary may modify or waive any information requirement under paragraph (2)(C) for an eligible entity that demonstrates that the eligible entity cannot reasonably obtain the information.

''(d) PRIORITIES FOR AWARDING GRANTS.—

''(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that—

''(A) serves or plans to serve a large percentage of low-income students from identified schools or public schools with a low graduation rate;

''(B) oversees or plans to oversee one or more eligible public charter schools;

''(C) provides evidence of effective monitoring of the academic success of students who attend public charter schools under the jurisdiction of the eligible entity;

''(D) has established goals, objectives, and outcomes for the proposed project that are clearly specified, measurable, and attainable;

''(E) in the case of an eligible entity that is a local educational agency under State law, has a cooperative agreement under section 1116(b)(11); and

''(F) is under the jurisdiction of, or plans to award subgrants under this section in, a State that—

''(i) ensures that all public charter schools (including such schools served by a local educational agency and such schools considered to be a local educational agency under State law) receive, in a timely manner, the Federal, State, and local funds to which such schools are entitled under applicable law;

''(ii) does not have a cap that restricts the growth of public charter schools in the State;

''(iii) provides funding (such as capital aid distributed through a formula or access to revenue generated bonds, and including funding for school facilities) on a per-pupil basis to public charter schools commensurate with the amount of funding (including funding for school facilities) provided to traditional public schools;

''(iv) provides strong evidence of support for public charter schools and has in place innovative policies that support academically successful charter school growth;

''(v) authorizes public charter schools to offer early childhood education programs, including prekindergarten, in accordance with State law;

''(vi) authorizes or allows public charter schools to serve as school food authorities;

''(vii) ensures that each public charter school in the State—

''(I) has a high degree of autonomy over the public charter school's budget and expenditures;

''(II) has a written performance contract with an authorized public chartering agency that ensures that the school has an independent governing board with a high degree of autonomy; and

''(III) in the case of an eligible public charter school receiving a subgrant under this section, amends its charter to reflect the growth activities described in subsection (e);

''(viii) has an appeals process for the denial of an application for a public charter school;

''(ix) provides that an authorized public chartering agency that is not a local educational agency, such as a State chartering board, is available for each individual or entity seeking to operate a public charter school pursuant to such State law;

''(x) allows any public charter school to be a local educational agency in accordance with State law;

''(xi) ensures that each authorized public chartering agency in the State submits annual reports to the State educational agency, and makes such reports available to the public, on the performance of the schools authorized or approved by such public chartering agency, which reports shall include—

''(I) the authorized public chartering agency's strategic plan for authorizing or approving public charter schools and any progress toward achieving the objectives of the strategic plan;

''(II) the authorized public chartering agency's policies for authorizing or approving public charter schools, including how such policies examine a school's—

''(aa) financial plan and policies, including financial controls and audit requirements;

''(bb) plan for identifying and successfully (in compliance with all applicable laws and regulations) serving students with disabilities, students who are English language learners, students who are academically behind their peers, and gifted students; and

''(cc) capacity and capability to successfully launch and subsequently operate a public charter school, including the backgrounds of the individuals applying to the agency to operate such school and any record of such individuals operating a school;

''(III) the authorized public chartering agency's policies for renewing, not renewing, and revoking a public charter school's charter, including the role of student academic achievement in such decisions;

''(IV) the authorized public chartering agency's transparent, timely, and effective process for closing down academically unsuccessful public charter schools;

''(V) the academic performance of each operating public charter school authorized or approved by the authorized public chartering agency, including the information reported by the State in the State annual report card under section 1111(h)(1)(C) for such school;

''(VI) the status of the authorized public chartering agency's charter school portfolio, by identifying all charter schools served by the public chartering agency in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;

''(VII) the authorizing functions provided by the authorized public chartering agency to the public charter schools under its purview, including such agency's operating costs and expenses as detailed through annual auditing of financial statements that conform with general accepted accounting principles; and

''(VIII) the services purchased (such as accounting, transportation, and data management and analysis) from the authorized public chartering agency by the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such services; and

''(xii) has or will have (within 1 year after receiving a grant under this section) a State policy and process for overseeing and reviewing the effectiveness and quality of the State's authorized public chartering agencies, including—

''(I) a process for reviewing and evaluating the performance of the authorized public chartering agencies in authorizing or approving public charter schools, including a process that enables the authorized public chartering agencies to respond to any State concerns; and

''(II) any other necessary policies to ensure effective charter school authorizing in the State in accordance with the principles of quality charter school authorizing, as determined by the State in consultation with the charter school community and stakeholders.

''(2) SPECIAL RULE.—In awarding grants under this section, the Secretary may determine how the priorities described in paragraph (1) will apply to the different types of eligible entities defined in subsection (k)(4).

''(e) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant funds for the following:

''(1) SUBGRANTS.—

''(A) IN GENERAL.—To award subgrants, in such amount as the eligible entity determines is appropriate, to eligible public charter schools to replicate or expand such schools.

''(B) APPLICATION.—An eligible public charter school desiring to receive a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and containing such information as the eligible entity may require.

''(C) USES OF FUNDS.—An eligible public charter school receiving a subgrant under this subsection shall use the subgrant funds to provide for an increase in the school's enrollment of students through the replication or expansion of the school, which may include use of funds to—

''(i) support the physical expansion of school buildings, including financing the development of new buildings and campuses to meet increased enrollment needs;

''(ii) pay costs associated with hiring additional teachers to serve additional students;

''(iii) provide transportation to additional students to and from the school, including providing transportation to students who transfer to the school under a cooperative agreement established under section 1116(b)(11);

''(iv) purchase instructional materials, implement teacher and principal professional development programs, and hire additional non-teaching staff; and

''(v) support any necessary activities associated with the school carrying out the purposes of this section.

''(D) PRIORITY.—In awarding subgrants under this subsection, an eligible entity shall give priority to an eligible public charter school—

''(i) that has significantly closed any achievement gap on the State academic assessments described in section 1111(b)(3)

among the groups of students described in section 1111(b)(2)(C)(v) by improving scores;

''(ii) that—

''(I)(aa) ranks in at least the top 25th percentile of the schools in the State, as ranked by the percentage of students in the proficient or advanced level of achievement on the State academic assessments in mathematics and reading or language arts described in section 1111(b)(3); or

''(bb) has an average student score on an examination (chosen by the Secretary) that is at least in the 60th percentile in reading and at least in the 75th percentile in mathematics; and

''(II) serves a high-need student population and is eligible to participate in a schoolwide program under section 1114, with additional priority given to schools that serve, as compared to other schools that have submitted an application under this subsection—

''(aa) a greater percentage of low-income students; and

''(bb) a greater percentage of not less than 2 groups of students described in section 1111(b)(2)(C)(v)(II); and

''(iii) that meets the criteria described in clause (i) and serves low-income students who have transferred to such school under a cooperative agreement described in section 1116(b)(11).

''(E) DURATION OF SUBGRANT.—A subgrant under this subsection shall be awarded for a period of not more than 3 years, except that an eligible public charter school receiving a subgrant under this subsection may, at the discretion of the eligible entity, continue to expend subgrant funds after the end of the subgrant period.

''(2) FACILITY FINANCING AND REVOLVING LOAN FUND.—An eligible entity may use not more than 25 percent of the amount of the grant funds received under this section to establish a reserve account described in subsection (f) to facilitate public charter school facility acquisition and development by—

''(A) conducting credit enhancement initiatives (as referred to in subpart 2) in support of the development of facilities for eligible public charter schools serving students;

''(B) establishing a revolving loan fund for use by an eligible public charter school receiving a subgrant under this subsection from the eligible entity under such terms as may be determined by the eligible entity to allow such school to expand to serve additional students;

''(C) facilitating, through direct expenditure or financing, the acquisition or development of public charter school buildings by the eligible entity or an eligible public charter school receiving a subgrant under this subsection from the eligible entity, which may be used as both permanent locations for eligible public charter schools or incubators for growing charter schools; or

''(D) establishing a partnership with 1 or more community development financial institutions (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)) or other mission-based financial institutions to carry out the activities described in subparagraphs (A), (B), and (C).

''(3) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—

''(A) IN GENERAL.—An eligible entity may use not more than 7.5 percent of the grant funds awarded under this section to cover administrative tasks, dissemination activities, and outreach.

''(B) NONPROFIT ASSISTANCE.—In carrying out the administrative tasks, dissemination activities, and outreach described in subparagraph (A), an eligible entity may contract with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

''(f) RESERVE ACCOUNT.—

''(1) IN GENERAL.—To assist eligible entities in the development of new public charter school buildings or facilities for eligible public charter schools, an eligible entity receiving a grant under this section may, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the amount of funds described in subsection (e)(2) in a reserve account established and maintained by the eligible entity.

''(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under this subsection shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subsection shall be deposited in the reserve account established under this section and used in accordance with the purpose described in subsection (a).

''(4) RECOVERY OF FUNDS.—

''(A) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(i) all funds in a reserve account established by an eligible entity under this subsection if the Secretary determines, not earlier than 2 years after the date the eligible entity first received funds under this section, that the eligible entity has failed to make substantial progress carrying out the purpose described in paragraph (1); or

''(ii) all or a portion of the funds in a reserve account established by an eligible entity under this subsection if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of funds in such account to accomplish the purpose described in paragraph (1).

''(B) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided under subparagraph (A) to collect from any eligible entity any funds that are being properly used to achieve such purpose.

''(C) PROCEDURES.—Sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subparagraph (A).

''(D) CONSTRUCTION.—This paragraph shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

''(5) REALLOCATION.—Any funds collected by the Secretary under paragraph (4) shall be awarded to eligible entities receiving grants under this section in the next fiscal year.

''(g) FINANCIAL RESPONSIBILITY.—The financial records of each eligible entity and eligible public charter school receiving a grant or subgrant, respectively, under this section shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(h) NATIONAL EVALUATION.—

''(1) NATIONAL EVALUATION.—From the amounts appropriated under section 5200, the Secretary shall conduct an independent, comprehensive, and scientifically sound evaluation, by grant or contract and using the highest quality research design available, of the impact of the activities carried out under this section on—

''(A) student achievement, including State standardized assessment scores and, if available, student academic longitudinal growth (as described in subsection (c)(2)(A)(i)) based on such assessments; and

''(B) other areas, as determined by the Secretary.

''(2) REPORT.—Not later than 4 years after the date of the enactment of the All Students Achieving through Reform Act of 2011, and biannually thereafter, the Secretary shall submit to Congress a report on the results of the evaluation described in paragraph (1).

''(i) REPORTS.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary the following:

''(1) REPORT.—A report that contains such information as the Secretary may require concerning use of the grant funds by the eligible entity, including the academic achievement of the students attending eligible public charter schools as a result of the grant. Such report shall be submitted before the end of the 3-year period beginning on the date of enactment of the All Students Achieving through Reform Act of 2011 and every 2 years thereafter.

''(2) PERFORMANCE INFORMATION.—Such performance information as the Secretary may require for the national evaluation conducted under subsection (h)(1).

''(j) INAPPLICABILITY.—The provisions of sections 5201 through 5209 shall not apply to the program under this section.

''(k) DEFINITIONS.—In this section:

''(1) ADEQUATE YEARLY PROGRESS.—The term 'adequate yearly progress' has the meaning given such term in a State's plan in accordance with section 1111(b)(2)(C).

''(2) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—The term 'administrative tasks, dissemination activities, and outreach' includes costs and activities associated with—

''(A) recruiting and selecting students to attend eligible public charter schools;

''(B) outreach to parents of students enrolled in identified schools or schools with low graduation rates;

''(C) providing information to such parents and school officials at such schools regarding eligible public charter schools receiving subgrants under this section;

''(D) necessary oversight of the grant program under this section; and

''(E) initiatives and activities to disseminate the best practices, programs, or strategies learned in eligible public charter schools to other public schools operating in the State where the eligible entity intends to award subgrants under this section.

''(3) CHARTER SCHOOL.—The term 'charter school' means—

''(A) a charter school, as defined in section 5211(1); or

''(B) a school that meets the requirements of such section, except for subparagraph (D) of the section, and provides prekindergarten or adult education services.

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

''(A) a State educational agency;

''(B) an authorized public chartering agency;

''(C) a local educational agency that has authorized or is planning to authorize a public charter school; or

''(D) an organization, including a nonprofit charter management organization, that has an organizational mission and record of success supporting the replication and expansion of high-quality charter schools and is—

''(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)); and

''(ii) exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

''(5) ELIGIBLE PUBLIC CHARTER SCHOOL.—The term 'eligible public charter school' means a charter school, including a public charter school that is being developed by a developer, that—

''(A) has made adequate yearly progress for 2 of the last 3 consecutive school years; and

''(B) in the case of a public charter school that is a secondary school, has, for the most recent school year for which data is available, met or exceeded the graduation rate required by the State in order to make adequate yearly progress for such year.

''(6) GRADUATION RATE.—The term 'graduation rate' has the meaning given the term in section 1111(b)(2)(C)(vi), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

''(7) IDENTIFIED SCHOOL.—The term 'identified school' means a school identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b).

''(8) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes any charter school that is a local educational agency, as determined by State law.

''(9) LOW-INCOME STUDENT.—The term 'low-income student' means a student eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(10) SCHOOL FOOD AUTHORITY.—The term 'school food authority' has the meaning given the term in section 250.3 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''(11) SCHOOL YEAR.—The term 'school year' has the meaning given such term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

''(12) TRADITIONAL PUBLIC SCHOOL.—The term 'traditional public school' does not include any charter school, as defined in section 5211.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5231; and

(2) by inserting before subpart 1 the following:

''SEC. 5200. AUTHORIZATION OF APPROPRIATIONS FOR SUBPARTS 1 AND 2.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, $700,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) ALLOCATION.—In allocating funds appropriated under this section for any fiscal year, the Secretary shall consider—

''(1) the relative need among the programs carried out under sections 5202, 5205, 5210, and subpart 2; and

''(2) the quality of the applications submitted for such programs.''.

(c) CONFORMING AMENDMENTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 2102(2) (20 U.S.C. 6602(2)), by striking ''5210'' and inserting ''5211'';

(2) in section 5204(e) (20 U.S.C. 7221c(e)), by striking ''5210(1)'' and inserting ''5211(1)'';

(3) in section 5211(1) (as redesignated by subsection (a)(2)) (20 U.S.C. 7221i(1)), by striking ''The term'' and inserting ''Except as otherwise provided, the term'';

(4) in section 5230(1) (20 U.S.C. 7223i(1)), by striking ''5210'' and inserting ''5211''; and

(5) in section 5247(1) (20 U.S.C. 7225f(1)), by striking ''5210'' and inserting ''5211''.

(d) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 is amended—

(1) by inserting before the item relating to subpart 1 of part B of title V the following:

''Sec. 5200. Authorization of appropriations for subparts 1 and 2.'';

(2) by striking the items relating to sections 5210 and 5211;

(3) by inserting after the item relating to section 5209 the following:

''Sec. 5210. Charter school expansion and replication.

''Sec. 5211. Definitions.'';

and

(4) by striking the item relating to section 5231.

By Ms. CANTWELL (for herself, Ms. COLLINS, Mr. SANDERS, and Mr. LIEBERMAN):

S. 810. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Environment and Public Works.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation to end the use of Great Apes in invasive research and urge my Senate colleagues to support the Great Ape Protection and Cost Savings Act.

The Great Ape Protection and Cost Savings Act would prohibit invasive research on all Great Apes, including gorillas, orangutans, and chimpanzees—who are the primary Great Apes used in research today. The bill would also require the immediate retirement of 500 federally-owned chimpanzees to great ape sanctuaries.

Today about 1,000 chimpanzees—half of them federally owned—languish at great taxpayer expense in eight research laboratories across the Nation.

These chimpanzees are being held or used for invasive biomedical research, research that may cause death, bodily injury, pain, distress, fear, and trauma. Invasive research practices include techniques such as injecting a chimpanzee with a drug that would be detrimental to its health, infecting a chimp with a disease, cutting a chimp or removing body parts, and isolation or social deprivation.

The vast majority of these animals—between 80 and 90 percent—aren't actually being used in research, but instead are warehoused, simply wasting away in these facilities. For example, approximately half of the government-owned chimpanzees are being held in a facility in New Mexico where no research is being conducted.

Some chimpanzees have been in labs for more than 50 years, confined in steel cages for most of their lives and enduring sometimes painful and distressing experimental procedures.

The fact that the vast majority of federally-owned chimpanzees are not being used in active research, but instead are warehoused in labs at the taxpayer expense, underlines the futility of their continued confinement.

For a single chimpanzee, lifetime care in a research facility can cost over $1 million, compared with $340,000 for superior care in a sanctuary. Ending invasive research will mean a savings of more than $25 million per year for the American people.

Chimpanzees are poor research models for human illness, and they have been of limited use in the study of human disease. Despite how similar they are to us, significant differences in their immunology and disease progression make them ineffective models for human diseases like HIV, cancer, and heart disease research.

For example, research published in the Journal of Medical Primatology in 2009, on hepatitis C indicates that use of chimpanzees has produced poor results. And the National Center for Research Resources under the National Institutes of Health has prohibited breeding of government-owned chimpanzees for research. In effect, NIH has already decided that the chimpanzee is not an essential animal model for human medical research.

Significant genetic and physiological differences between great apes and humans also make chimpanzees a poor research model for human diseases. We have spent millions of dollars over several decades on chimpanzee-based HIV and Hepatitis C research with no resulting vaccines for those diseases. Chimpanzees largely failed as a model for HIV because the virus does not cause illness in chimpanzees as it does to humans.

These are very social, highly intelligent animals—with the ability, for example, to learn American Sign Language. Their intelligence and ability to experience emotions so similar to humans underscores how chimpanzees suffer intensely under laboratory conditions.

Their psychological suffering in laboratories produces human-like symptoms of stress, depression, and post-traumatic stress disorder after decades of living in isolation in small cages.

Given their social nature and capacity for suffering and boredom due to lack of stimulation, the 500 privately-owned chimpanzees and 500 federally-owned chimpanzees being held in research laboratories would be better off in sanctuaries. And by doing so we would save more than $25 million taxpayer dollars each year. This is because the cost of caring for a chimpanzee in a sanctuary is a fraction of the cost of their housing and maintenance in a laboratory. And many in the scientific community believe this money could be allocated to more effective research.

In my home State of Washington, I am proud that we have Chimpanzee Sanctuary Northwest. Chimpanzee Sanctuary Northwest provides sustainable sanctuary for seven chimpanzees retired in 2008 from decades in research facilities.

The United States is currently behind the rest of the world in outlawing this sad practice.

Australia, Austria, Belgium, Japan, the Netherlands, New Zealand, Sweden, and the United Kingdom have all banned or severely limited experiments on great apes. And several other countries and the European Union are considering similar bans as well.

We are the only country—besides Gabon in West Africa—that is still holding or using chimpanzees for invasive research. It's past time for the United States to catch up with the rest of the world by ending this antiquated use of this endangered species.

We are lagging behind in action, but the desire to end invasive research on Great Apes has been present for more than a decade. In 1997, the National Research Council concluded that there should be a moratorium on further chimpanzee breeding. And the National Institutes of Health (NIH) has already announced an end to funding for the breeding of federally-owned chimpanzees for research, but this should be codified.

Government needs to take action to make invasive research on chimpanzees illegal.

That is why today I am introducing the bipartisan Great Ape Protection and Cost Savings Act, along with my colleagues Senators SUSAN COLLINS, BERNIE SANDERS and JOE LIEBERMAN.

The Great Ape Protection and Cost Savings Act is a commonsense policy reform to protect our closest living relatives in the animal kingdom from physical and psychological harm, and help reduce government spending and our federal deficit.

Specifically, this bill will phase out the use of chimpanzees in invasive research over a three-year period, require permanent retirement to suitable sanctuaries for the 500 federally-owned chimpanzees currently being warehoused in research laboratories, and codifies the current administrative moratorium on government-funded breeding of chimpanzees.

We have been delaying this action for too long. It is time to get this done and end this type of harmful research and end this wasteful government spending.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 144—SUPPORTING EARLY DETECTION FOR BREAST CANCER

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 144

Whereas the 5-year relative survival rate for breast cancer has increased from 74 percent in 1979 to 90 percent in 2011;

Whereas when breast cancer is detected early and confined to the breast, the 5-year relative survival rate is 98 percent;

Whereas the National Breast and Cervical Cancer Early Detection Program (referred to in this preamble as the ''NBCCEDP'') was established by the Breast and Cervical Cancer Mortality Prevention Act of 1990 (42 U.S.C. 300k et seq.) to provide early detection services for low-income women who are uninsured or underinsured and do not qualify for Medicaid;

Whereas the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354; 114 Stat. 1381) allows for breast cancer treatment assistance to be provided through Medicaid to eligible women who were screened through the NBCCEDP;

Whereas NBCCEDP and the provisions of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354; 114 Stat. 1381) have effectively reduced mortality among low-income uninsured and medically underserved women with breast cancer;

Whereas early detection of breast cancer increases survival rates for the disease, as evidenced by a 5-year relative survival rate of 98 percent for breast cancers that are discovered before the cancer spreads beyond the breast, compared to 23 percent for stage IV breast cancers;

Whereas the cost of treating stage IV breast cancers is more than 5 times more expensive than the cost of treating stage I breast cancers;

Whereas as of the date of agreement to this resolution, the economy has placed a strain on State budgets while increasing the demand for safety-net services;

Whereas significant disparities in breast cancer outcomes persist across racial and ethnic groups;

Whereas breast cancer is the most frequently diagnosed cancer and is the leading cause of cancer death among women worldwide;

Whereas in 2011, more than 200,000 women and men will be diagnosed with breast cancer and more than 40,000 will die of breast cancer in the United States;

Whereas every woman should have access to life-saving screening and treatment that is not dependent on where she lives;

Whereas investments in cancer research have improved the understanding of the different types of breast cancer and led to more effective, personalized treatments; and

Whereas organizations such as Susan G. Komen for the Cure® empower women with knowledge and awareness, ensure access to quality care, and energize science to discover and deliver cures for breast cancer: Now, therefore, be it

Resolved, That the Senate—

(1) remains committed to ensuring access to life-saving breast cancer screening, diagnostic, and treatment services, particularly for medically underserved women;

(2) supports increasing awareness and improving education about breast cancer, the importance of early detection, and the availability of screening services for women in need; and

(3) remains committed to discovering and delivering cures for breast cancer and encouraging the development of screening tools that are more accurate and less costly.

AMENDMENTS SUBMITTED AND PROPOSED

SA 294. Ms. LANDRIEU submitted an amendment intended to be proposed by her 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.

TEXT OF AMENDMENTS

SA 294. Ms. LANDRIEU submitted an amendment intended to be proposed by her 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; as follows:

At the end, add the following:

TITLE ____—REGULATORY FLEXIBILITY IMPROVEMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Regulatory Flexibility Improvement Act of 2011''.

SEC. __02. DEFINITIONS.

Section 601 of title 5, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) the term 'rule'—

''(A) has the meaning given that term in section 551(4);

''(B) includes any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment; and

''(C) does not include—

''(i) a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances; or

''(ii) an interpretative rule involving the internal revenue laws of the United States, published in the Federal Register, that does not impose a collection of information requirement;'';

(2) in paragraph (5), by inserting after ''special districts,'' the following: ''or tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)),'';

(3) in paragraph (6), by striking ''and'' at the end; and

(4) by striking paragraphs (7) and (8) and inserting the following:

''(7) the term 'collection of information' has the meaning given that term in section 3502(3) of title 44;

''(8) the term 'recordkeeping requirement' has the meaning given that term in section 3502(13) of title 44;

''(9) the term 'interim final rule' means a rule which will become effective without prior notice and comment, including a rule for which the agency makes a finding under section 553(b)(3)(B) of this title; and

''(10) the term '*impact*', when used to describe the effect of a rule, means—

''(A) the economic effects on small entities directly regulated by the rule; and

''(B) the reasonably foreseeable economic effects of the rule on small entities that—

''(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

''(ii) are directly regulated by other governmental entities as a result of the rule; or

''(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.''.

SEC. __03. REGULATORY AGENDA.

Section 602(a) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking '', and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the list of rules required to be published under section 610(c).''.

SEC. __04. INITIAL REGULATORY FLEXIBILITY ANALYSIS.

Section 603 of title 5, United States Code, as amended by section 1100G of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 2112), is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States'' and inserting ''publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, or publishes an interim final rule''; and