S. 865

At the request of Mrs. MURRAY, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 865, a bill to provide grants to promote financial literacy.

S. 868

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. RISCH), the Senator from South Dakota (Mr. THUNE), the Senator from Alabama (Mr. SHELBY), the Senator from Kentucky (Mr. PAUL), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. LEE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 868, a bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program.

S. RES. 86

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 138

At the request of Mrs. GILLIBRAND, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

S. RES. 144

At the request of Mrs. HUTCHISON, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 144, a resolution supporting early detection for breast cancer.

S. RES. 151

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. Res. 151, a resolution congratulating the University of Minnesota Duluth men's ice hockey team on winning their first National Collegiate Athletic Association (NCAA) Division I Men's Hockey National Championship.

AMENDMENT NO. 299

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. COATS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 299 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. GRASSLEY (for himself, Mr. CONRAD, Mr. JOHANNS, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. JOHNSON of South Dakota, Mr. HARKIN, and Mr. NELSON of Nebraska).

S. 884. A bill to amend the Internal Revenue Code of 1986 to provide for a variable VEETC rate based on the price of crude oil, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased today to be joined by a number of my colleagues in introducing the Domestic Energy Promotion Act of 2011, an important piece of legislation that I believe is a good starting point in how tax policies for ethanol should evolve. I am joined in this effort by Senators CONRAD, JOHANNS, KLOBUCHAR, FRANKEN, TIM JOHNSON, HARKIN and BEN NELSON.

Over the years, I have supported domestic ethanol production as a means to improve the environment, reduce our dependence on foreign oil, increase our national security, and bring economic activity to rural America. Those efforts have undoubtedly been an enormous success. Domestic biofuels now supply more than 13 billion gallons of homegrown fuel, accounting for nearly 10 percent of our Nation's transportation fuel needs.

In 2010, Congress enacted a one-year extension of the Volumetric Ethanol Excise Tax Credit, or VEETC, also known as the blenders' credit. This 1-year extension has allowed Congress and the domestic biofuels industry to determine the best path forward for Federal support for biofuels. The legislation we are introducing today is a serious, responsible first step to reducing and redirecting Federal tax incentives for biofuels.

This legislation will reduce VEETC to a fixed rate of 20 cents in 2012, and 15 cents in 2013. It will then convert to a variable tax incentive for the remaining 3 years, based on the price of crude oil. When crude oil is more than $90 a barrel, there will be no blenders' credit. When crude oil is $50 and below, the blenders' credit will be 30 cents. The rate will vary when the price of crude is between $50 and $90 a barrel. When oil prices are high, a natural incentive should exist in the market to drive ethanol use.

It also would extend, through 2016, the alternative fuel refueling property credit; the cellulosic producers' tax credit; and the special depreciation allowance for cellulosic biofuel plant property. The bill would modify the alternative fuel refueling property credit to allow the credit for ethanol blends from E20 to E85. The credit would apply to 100 percent of the cost of the property, so long as dual-use pumps are used partly for alternative fuels. Finally, the bill would extend the ethanol import tariff, through 2016, stepping it down to 20 cents for 2012 and 15 cents for 2013 through 2016.

This legislation is a responsible approach that will reduce the existing blenders' credit and put those valuable resources into investing in alternative fuel infrastructure, including alternative fuel pumps. It would responsibly and predictably reduce the existing tax incentive, and help get alternative fuel infrastructure in place so consumers can decide which fuel they would prefer. I know that when American consumers have the choice, they will choose domestic, clean, affordable renewable fuel. They will choose fuel from America's farmers and ranchers, rather than oil sheiks and foreign dictators.

Some of my colleagues have argued that it is time to end the incentives for biofuels immediately and entirely. Not only is this bad energy policy, poor tax policy, and dangerous to our national security, it is also intellectually dishonest. I believe a discussion concerning our Nation's energy and tax policy should be debated in a comprehensive manner. Biofuels are not the only form of energy that receives incentives or supportive policies from the Federal Government.

How about the incentives for wind, oil, natural gas, nuclear, and geothermal? If the Senate intends to consider reforms to biofuels incentives, it should be in the context of a comprehensive review of all energy tax incentives. This bill is meant to serve as a first step in the process. This bill demonstrates a significant reduction in biofuels incentives over the next 5 years. I challenge my colleagues to find any other energy source that is contributing as much to our economy and energy supply that is willing to step up and do that in the current legislative debate.

Now is not the time to pull the rug out from under the only domestic renewable energy source that is making significant contributions to our energy supply. I thank my colleagues for their support, and I look forward to a comprehensive discussion to advance sensible, responsible energy tax policies.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 885. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my distinguished colleague Senator UDALL of New Mexico to introduce the Indian School Bus Route Safety Reauthorization Act of 2011. This bill continues an important federal program begun in 1998 that addresses a unique problem with the roads in and around the Nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by roads that were often impassable are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I would like to begin with some statistics on this unique problem and why

I believe a Federal solution continues to be necessary. The Navajo Nation is by far the nation's largest Indian Reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three states: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the state of West Virginia is about 24,000 square miles. In fact, 10 states are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,700 miles of public roads serve the Navajo nation. Only about 1/3 of these roads are paved. The remaining 6,500 miles, 67 percent, are dirt roads. Every day school buses use nearly all of these roads to transport Navajo children to and from school.

About 6,200 miles of the roads on the Navajo reservation are BIA roads, and about 3,300 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian Reservation Road System. However, only BIA and tribal roads are eligible for Federal maintenance funding from BIA. Moreover, the funding for road construction from the Federal Lands Highways Program in SAFETEA is generally applied only to BIA or tribal roads. Thus, the states and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the three States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, ¾ of McKinley County is either tribal or federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, Utah, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four preschools.

The situation is similar in neighboring San Juan County, New Mexico, and Apache, Navajo, and Coconino Counties, Arizona. In light of the counties' limited resources, I do believe the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy or snowy. If the school buses don't get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without Federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. In 2005, the program was reauthorized in SAFETEA through 2009, and now extended through 2011.

Under this program, $1.8 million is made available each year to be shared equally among the three states. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to the reservation, that are on the State or county maintenance system, and that are used by school buses.

This program has been very successful. For 14 years, the counties have used the annual funding to help maintain the routes used by school buses to carry children to school and to Headstart programs. I have had an opportunity to see firsthand the importance of this funding when I rode in a school bus over some of the roads that are maintained using funds from this program.

The bill we are introducing today provides a simple 6 year reauthorization of that program, for fiscal years 2012 through 2017, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the three states.

I believe that continuing this program for 6 more years is fully justified because of the vast area of the Navajo reservation, by far the nation's largest, and the unique nature of this need that only the Federal Government can deal with effectively.

I don't believe any child wanting to get to and from school should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough hurdles to getting a good education. I ask my colleagues to join me again this year in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

I look forward to working with Chairman BOXER and Ranking Member INHOFE of the Environment and Public Works Committee, and Chairman BAUCUS and Ranking Member VITTER of the Transportation and Infrastructure Subcommittee, to incorporate this legislation once again into the next comprehensive 6 year reauthorization of surface transportation programs.

Mr. President, I ask unanimous consent that 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. 885

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 ''Indian School Bus Route Safety Reauthorization Act of 2011''.

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206; 119 Stat. 1460) is amended by striking ''$1,800,000 for each of fiscal years 2005 through 2009'' and inserting ''$2,000,000 for each of fiscal years 2012 through 2017''.

By Mr. UDALL of New Mexico:

S. 886. A bill to amend the Interstate Horseracing Act of 1978 to prohibit the use of performance-enhancing drugs in horseracing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the Interstate Horseracing Improvement Act. This legislation addresses an issue affecting interstate commerce and an iconic American animal. I am pleased to be working on this in a bipartisan manner with Representative ED WHITFIELD of Kentucky.

Although many recognize the horse as an iconic American animal, particularly for the West, there are probably few who know how long horseracing has been a part of our nation's history. My colleagues in Kentucky, Maryland, and New York can boast of the Sport of Kings' long tradition in their States. Yet the first recorded horserace in what is now the United States took place in New Mexico. In 1541, the Spanish explorer Coronado challenged one of his officers to a match race while they were camped near Bernalillo.

The Spanish brought not only horses, but also horseracing to what is now the United States. Decades before the Pilgrims arrived at Plymouth Rock, Don Juan de Oñate crossed into present day New Mexico with Spanish colonists who were not just settlers but caballeros, or ''horse'' men. Native American petroglyphs record early encounters with these new arrivals travelling on horseback. Horseracing became a tradition in the Southwest as it later did in Eastern states.

That tradition continues today at racetracks in New Mexico and over 30 other States across the nation. With the Kentucky Derby this Saturday,

many Americans will turn their attention to Churchill Downs for the most exciting two minutes in sports. Some of the best of horseracing will be on display. Away from the crowds, however, horseracing finds itself facing an unattractive reality. Too many of its equine athletes are overmedicated and doped. The Sport of Kings is no place for such a drug problem.

American horseracing stands apart from the rest of the world when it comes to permissive medication rules and tolerance of doping. Unlike other countries that ban race day medications, racing jurisdictions here allow injecting horses just hours before post time. There are trainers who violate medication rules multiple times, seemingly with impunity. According to a recent Racing Commissioners International, RCI, letter, one trainer has been sanctioned at least 64 times for various rule violations, including medication violations involving the class 2 painkiller mepivacaine and the class 3 drug clenbuterol. According to the New York Times, only two of the top 20 trainers, by racing purses won, have never been cited for a medication violation. This tolerance of doping represents a shameful abuse of an iconic American animal, and it is time to put an end to it.

Anyone who goes to the track outside of a Triple Crown or Breeders' Cup race knows that attendance is down across the country. The decline is especially stark considering that horseracing was once the No. 1 spectator sport in the United States. One poll of sports industry insiders found that most think horseracing is in decline or dying. With the loss of fans, comes the loss of revenue that ultimately sustains a $40 billion industry and 400,000 jobs nationwide, including 10,000 jobs in my home State. As current fans leave the sport, many potential new fans will probably never come to the track while doping is rampant.

Although a horse may need therapeutic medication from time to time, there is no excuse for injecting almost all thoroughbreds hours before they race. As RCI Chairman William Koester rightly noted, that just does not pass the smell test with the public or anyone else. While medicating sound horses on race day is concerning, the doping of sore horses is appalling. Sore and lame horses should not be raced. Feeling no pain, an injured horse on drugs may continue to charge down the track, endangering every horse and jockey in the race. Drugs may account for the fact that the U.S. horse fatality rate is more than three times higher than in comparable British flat racing. Trainers or anyone else caught doping racehorses should face stiff penalties, including fines and meaningful suspensions.

This is a matter of concern to me as a senator from a state where quarterhorse and thoroughbred racing is an important industry. But it should be of concern to all my Senate colleagues since Congress granted a special privilege to horseracing that no other U.S. gambling enterprise enjoys: interstate and online wagering. The Interstate Horseracing Act of 1978, IHA, allows off-track, or ''simulcast,'' wagering across state lines. Internet wagering on horseraces subject to the IHA was granted a special exemption from the Unlawful Internet Gambling Enforcement Act of 2006, UIGEA. Given the benefits of the IHA, the horse racing industry should not only protect the safety and welfare of its animals and jockeys, but also ensure the integrity of the sport.

I reluctantly believe that Congressional action is needed to address this critical challenge facing the industry. Unlike other sports, horseracing lacks a governing body that can issue uniform medication rules and ban performance enhancing drugs. That is why recent calls from the RCI and the Jockey Club to phase out race day medication are not enough to save American horseracing. Despite repeated pledges from the racing industry to address this issue, horseracing's drug problem has festered for decades.

The legislation Representative WHITFIELD and I are introducing today would amend the Interstate Horseracing Act to ban performance-enhancing drugs and require stiff penalties for doping. Under the Interstate Horseracing Improvement Act, anyone who knowingly provides or races a horse on performance enhancing drugs faces minimum fines and suspensions. The winner of each race plus one additional horse must be tested for performance enhancing drugs. To ensure quality testing, the bill requires that test labs are accredited to quality standards. This legislation envisions that individual state racing commissions would continue to enforce horseracing rules within their jurisdiction, including the new anti-doping rules. However, the Federal Trade Commission can also enforce the anti-doping rules if there is inadequate enforcement. The new rules would apply only to those races that are already governed by the IHA.

In addition to the animal welfare issues that doping creates, I know how important drug reform is for those who make their living from the sport. Passing this legislation will help bring integrity back to racing, benefitting everyone involved and, most importantly, the health and safety of the horses at the center of it all.

I urge my colleagues to support the Interstate Horseracing Improvement Act.

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

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

S. 886

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 ''Interstate Horseracing Improvement Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress enacted the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.) to regulate interstate commerce with respect to parimutuel wagering on horseracing in order to protect and further the horseracing industry of the United States.

(2) The horseracing industry represents approximately $40,000,000,000 to the United States economy annually and generates nearly 400,000 domestic jobs.

(3) The use of performance-enhancing drugs in horseracing adversely affects interstate commerce, creates unfair competition, deceives horse buyers and the wagering public, weakens the breed of the American Thoroughbred, is detrimental to international sales of the American Thoroughbred, and threatens the safety and welfare of horses and jockeys.

(4) The use of performance-enhancing drugs in horseracing is widespread in the United States, where no uniform regulations exist with respect to the use of, and testing for, performance-enhancing drugs in interstate horseracing.

(5) The use of performance-enhancing drugs in horseracing is not permitted in most jurisdictions outside the United States. In the internationally competitive sport of horseracing, the United States stands alone in its permissive use of performance-enhancing drugs.

(6) The use of performance-enhancing drugs is illegal in the United States in every sport other than horseracing.

(7) To protect and further the horseracing industry of the United States, it is necessary to prohibit the use of performance-enhancing drugs in interstate horseracing.

SEC. 3. PROHIBITIONS ON USE OF PERFORMANCE-ENHANCING DRUGS.

(a) IN GENERAL.—The Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.) is amended—

(1) by redesignating section 9 as section 11; and

(2) by inserting after section 8 the following:

''SEC. 9. PROHIBITIONS ON USE OF PERFORMANCE-ENHANCING DRUGS.

''(a) DEFINITIONS.—In this section:

''(1) ACCREDITED THIRD PARTY CONFORMITY ASSESSMENT BODY.—The term 'accredited third party conformity assessment body' means a testing laboratory that has an accreditation—

''(A) meeting International Organization for Standardization/International Electrotechnical Commission standard 17025:2005 entitled 'General Requirements for the Competence of Testing and Calibration Laboratories' (or any successor standard);

''(B) from an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement; and

''(C) that includes testing for performance-enhancing drugs within the scope of the accreditation.

''(2) PERFORMANCE-ENHANCING DRUG.—The term 'performance-enhancing drug'—

''(A) means any substance capable of affecting the performance of a horse at any time by acting on the nervous system, cardiovascular system, respiratory system, digestive system, urinary system, reproductive system, musculoskeletal system, blood system, immune system (other than licensed vaccines against infectious agents), or endocrine system of the horse; and

''(B) includes the substances listed in the Alphabetized Listing of Drugs in the January 2010 revision of the Association of Racing Commissioners International, Inc., publication entitled 'Uniform Classification Guidelines for Foreign Substances'.

''(b) PROHIBITION ON ENTERING HORSES UNDER THE INFLUENCE OF PERFORMANCE-ENHANCING DRUGS IN RACES SUBJECT TO INTERSTATE OFF-TRACK WAGERING.—A person may not—

''(1) enter a horse in a race that is subject to an interstate off-track wager if the person knows the horse is under the influence of a performance-enhancing drug; or

''(2) knowingly provide a horse with a performance-enhancing drug if the horse, while under the influence of the drug, will participate in a race that is subject to an interstate off-track wager.

''(c) REGULATIONS OF THE HOST RACING ASSOCIATION BANNING PERFORMANCE-ENHANCING DRUGS.—A host racing association may not conduct a horserace that is the subject of an interstate off-track wager unless the host racing association has a policy in place that—

''(1) bans any person from providing a horse with a performance-enhancing drug if the horse will participate in such a horserace while under the influence of the drug;

''(2) bans the racing of a horse that is under the influence of a performance-enhancing drug;

''(3) requires, for each horserace that is the subject of an interstate off-track wager, that an accredited third party conformity assessment body test for any performance-enhancing drug—

''(A) the first-place horse in the race; and

''(B) one additional horse, to be randomly selected from the other horses participating in the race; and

''(4) requires the accredited third party conformity assessment body performing tests described in paragraph (3) to report any test results demonstrating that a horse may participate, or may have participated, in a horserace that is the subject of an interstate off-track wager while under the influence of a performance-enhancing drug—

''(A) to the Federal Trade Commission; and

''(B) if the host racing commission has entered into an agreement under subsection (e), to the host racing commission.

''(d) PENALTIES.—

''(1) CIVIL PENALTIES.—

''(A) IN GENERAL.—A person that provides a horse with a performance-enhancing drug or races a horse in violation of subsection (b) shall be—

''(i) for the first such violation—

''(I) subject to a civil penalty of not less than $5,000; and

''(II) suspended for a period of not less than 180 days from all activities relating to any horserace that is the subject of an interstate off-track wager;

''(ii) for the second such violation—

''(I) subject to a civil penalty of not less than $20,000; and

''(II) suspended for a period of not less than 1 year from all activities relating to any horserace that is the subject of an interstate off-track wager; and

''(iii) for the third or subsequent such violation—

''(I) subject to a civil penalty of not less than $50,000; and

''(II) permanently banned from all activities relating to any horserace that is the subject of an interstate off-track wager.

''(B) HORSERACING ACTIVITIES.—For purposes of subparagraph (A), activities relating to a horserace that is the subject of an interstate off-track wager include being physically present at any race track at which any such horserace takes place, placing a wager on any such horserace, and entering a horse in any such horserace.

''(C) PAYMENT OF CIVIL PENALTIES.—A civil penalty imposed under this paragraph shall be paid to the United States without regard to whether the imposition of the penalty results from the initiation of a civil action pursuant to section 10.

''(2) SUSPENSION OF HORSES.—A horse that is provided with a performance-enhancing drug or is raced in violation of subsection (b) shall—

''(A) for the first such violation, be suspended for a period of not less than 180 days from racing in any horserace that is the subject of an interstate off-track wager;

''(B) for the second such violation, be suspended for a period of not less than 1 year from racing in any horserace that is the subject of an interstate off-track wager; and

''(C) for the third or subsequent such violation, be suspended for a period of not less than 2 years from racing in any horserace that is the subject of an interstate off-track wager.

''(3) VIOLATIONS IN MULTIPLE STATES.—A person shall be subject to a penalty described in clause (ii) or (iii) of paragraph (1)(A), and a horse shall be subject to suspension under subparagraph (B) or (C) of paragraph (2), for a second or subsequent violation of subsection (b) without regard to whether the prior violation and the second or subsequent violation occurred in the same State.

''(e) AGREEMENTS FOR ENFORCEMENT BY HOST RACING COMMISSIONS.—

''(1) IN GENERAL.—The Federal Trade Commission may enter into an agreement with a host racing commission under which the host racing commission agrees to enforce the provisions of this section with respect to horseraces that are the subject of interstate off-track wagers in the host State.

''(2) CONDITIONAL AVAILABILITY OF CIVIL PENALTIES TO HOST RACING COMMISSIONS.—If a host racing commission agrees to enforce the provisions of this section pursuant to an agreement under paragraph (1), any amounts received by the United States as a result of a civil penalty imposed under subsection (d)(1) with respect to a horserace that occurred in the State in which the host racing commission operates shall be available to the host racing commission, without further appropriation and until expended, to cover the costs incurred by the host racing commission in enforcing the provisions of this section.

''(f) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

''(1) IN GENERAL.—The Federal Trade Commission shall enforce the provisions of this section—

''(A) with respect to horseraces that are the subject of interstate off-track wagers that occur—

''(i) in any State in which the host racing commission does not enter into an agreement under subsection (e); and

''(ii) in any State in which the host racing commission has entered into an agreement under subsection (e) if the Federal Trade Commission determines the host racing commission is not adequately enforcing the provisions of this section; and

''(B) with respect to violations of subsection (b) by a person, or with respect to a horse, in multiple States.

''(2) UNFAIR OR DECEPTIVE ACT OR PRACTICE; ACTIONS BY FEDERAL TRADE COMMISSION.—In cases in which the Federal Trade Commission enforces the provisions of this section pursuant to paragraph (1)—

''(A) a violation of a prohibition described in subsection (b) or (c) shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)); and

''(B) except as provided in paragraph (3), the Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

''(3) ENFORCEMENT WITH RESPECT TO NONPROFIT ORGANIZATIONS.—Notwithstanding any provision of the Federal Trade Commission Act (15 U.S.C. 41 et seq.), the Federal Trade Commission shall have the authority to enforce the provisions of this section pursuant to paragraph (1) with respect to organizations that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and that are exempt from taxation under section 501(a) of such Code.

''(g) RULEMAKING.—The Federal Trade Commission shall prescribe such rules as may be necessary to carry out the provisions of this section in accordance with the provisions of section 553 of title 5, United States Code.

''(h) EFFECT ON STATE LAWS.—Nothing in this section preempts a State from adopting or enforcing a law, policy, or regulation prohibiting the use of performance-enhancing drugs in horseracing to the extent that the law, policy, or regulation imposes additional requirements or higher penalties than are provided for under this section.

''SEC. 10. PRIVATE RIGHT OF ACTION FOR CERTAIN VIOLATIONS.

''Notwithstanding sections 6 and 7, in any case in which a person has reason to believe that an interest of that person is threatened or adversely affected by the engagement of another person in a practice that violates a provision of section 9 or a rule prescribed under section 9, the person may bring a civil action in an appropriate district court of the United States or other court of competent jurisdiction—

''(1) to enjoin the practice;

''(2) to enforce compliance with the provision or rule;

''(3) to enforce the penalties provided for under section 9(d);

''(4) to obtain damages or restitution, including court costs and reasonable attorney and expert witness fees; and

''(5) to obtain such other relief as the court considers appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to horseraces occurring on or after that date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 162—EXPRESSING THE SENSE OF THE SENATE THAT STABLE AND AFFORDABLE HOUSING IS AN ESSENTIAL COMPONENT OF AN EFFECTIVE STRATEGY FOR THE PREVENTION, TREATMENT, AND CARE OF HUMAN IMMUNODEFICIENCY VIRUS, AND THAT THE UNITED STATES SHOULD MAKE A COMMITMENT TO PROVIDING ADEQUATE FUNDING FOR THE DEVELOPMENT OF HOUSING AS A RESPONSE TO THE ACQUIRED IMMUNODEFICIENCY SYNDROME PANDEMIC

Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. FRANKEN, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Ms. SNOWE, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs: