807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 975

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 975, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 1013

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1013, a bill to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1120

At the request of Mr. CARDIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1120, a bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1188

At the request of Mr. BROWN of Ohio, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1188, a bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government.

S. 1228

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1228, a bill to prohibit trafficking in counterfeit military goods or services.

At the request of Mr. WHITEHOUSE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1228, supra.

S. 1280

At the request of Mr. ISAKSON, the names of the Senator from Colorado (Mr. UDALL), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S. 1308

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1308, a bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

S. 1368

At the request of Mr. ROBERTS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1368, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1378

At the request of Mr. NELSON of Nebraska, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1378, a bill to ensure that Social Security and Tier 1 Railroad Retirement benefits are properly taken into account for purposes of determining eligibility for Medicaid and for the refundable credit for coverage under a qualified health plan.

S. 1392

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Tennessee (Mr. CORKER), the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SHELBY), the Senator from Louisiana (Mr. VITTER) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 228

At the request of Mr. LAUTENBERG, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. Res. 228, a resolution expressing the sense of the Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 PM Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001.

AMENDMENT NO. 476

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 476 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself, Mr. ALEXANDER, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. INHOFE, Mrs. HUTCHISON, Mr. CORNYN, and Mr. GRASSLEY):

S. 1395. A bill to ensure that all Americans have access to waivers from the Patient Protection and Affordable Care Act; to the Committee on Finance.

Mr. BARRASSO. Mr. President, I come to the floor, as I have just about every week since the health care law has been passed, with a doctor's second opinion about the health care law. I have great concerns about the law that was forced through this Senate.

I come to the floor because it seems that the more Americans find out and learn about this health care law, the less they like it. A majority of Americans now in national polls say they want out. They absolutely want out.

Since October of 2010, the administration has granted waivers—waivers—to unions, businesses, insurers, and actually to whole States because they cannot afford the health care law's burdensome mandates.

The Secretary of Health and Human Services continues to release more waivers and did so again last Friday. They have now granted a total of 1,471 annual benefit limit waivers, and this has covered 3.2 million Americans.

That is why I come to the floor to introduce a bill that will allow every American—every American—to apply for a waiver from the President's health care law.

Under my bill, any American can submit a waiver application seeking relief from any or all of the health care law's mandates. All those Americans will have to do is simply show what unions and corporations have shown in order to get their waivers—nothing more, nothing less.

Waivers will be granted to individuals who show that the health care law is either increasing their insurance premiums or decreasing their access to benefits. That is all they have to show.

So far, this administration has ignored most Americans demand for a way out of the health care law, and Americans are looking for a way out of it. Instead, this administration has granted half the waivers—half the waivers—to people who get their health coverage through unions. Although those people represent a very small percentage of the workers in America, they got half of all the waivers. It is neither fair nor is it reasonable.

These are the same unions—the same unions—that lobbied for and supported the health care law. But now that they have actually read it and found out what is in it, even though it has been passed—too late now; we thought too late—but they have been getting waivers so they do not have to live under the mandates of the health care law.

We are talking about unions such as the Service Employees International Union. This is what they said about the health care law. These are people who lobbied for the health care law. Now they have found out what is in it, and they say to live under it would be financially impossible. A union that lobbied for the health care law now says it would be financially impossible to live under it.

It does not just apply to that union; it applies to Americans all across this great land. So I do not think any Americans should have to bear financially impossible costs because of the law.

The financially impossible mandates and elements of this bill have absolutely become more obvious to more Americans as they have taken the time to look at the rules and the regulations. That is why, frankly, this steady drip of waivers coming out of Health and Human Services—giving waivers to many of their friends—has become such an embarrassment for this administration and why they actually recently abruptly changed the rules.

In June, the Centers for Medicare and Medicaid Services announced that all employees and organizations that cannot afford the law's crushing mandates—and there are many—must jump through a new set of hoops. It used to be that they would get a 1-year waiver. Now all employers and organizations, even those that have already gotten a waiver, must apply for long-term waivers by September of this year. The long-term waivers will last all the way until 2014.

Instead of ending the waiver process, the administration should extend the waiver process to include all Americans. That is what my bill does. If not, families, companies, and organizations of all sizes will soon be hit with these crushing mandates.

Under the administration's current plan, employers will be forced to provide $750,000 worth of coverage to every employee this year. By next September, that number balloons to $2 million. Beyond that, there is no limit—it continues to go higher and higher. So if you are an employer and you cannot afford $2 million in coverage next year, well, you better apply for your waiver now, that long-term waiver, before September of this year; otherwise, you are going to be stuck with costs that only get higher and higher. This, to me, is what the administration wants to do because they do not want to put out waivers in 2012, an election year, which is going to cause additional attention to how unpopular this health care law continues to be.

Let's talk about some Americans who get together—people in any community, in my State, in your State, Mr. President—and want to start a new business. They are thinking about starting a new business after September, thinking about, Do we do it this summer? Do we wait until the fall? If these people want to start a new business and hire people and they want to start that business after September, they are going to be faced with two difficult choices: They can offer high-cost, government-approved health insurance—that is what the health care law says—making it very expensive for them to try to open a new business, to try to hire workers, to put America back to work—we are at a time when there is 9.2 percent unemployment in this country—or these people trying to start a new business can refuse to offer coverage at all because they can't afford the health care law's sky-high mandates.

So the incentives in the health care law will encourage businesses to do what? Well, to drop insurance coverage if they are providing it right now. Under the law, businesses are permitted to drop out of paying for employer-provided coverage as long as they pay a fine. The fine is going to be $2,000 per employee. The fine is far smaller than the exploding costs imposed by the health care law. So I think this explains why McKinsey & Company recently reported that up to 50 percent of employers are expected to stop offering employer-provided health care coverage.

The employees who are dumped—what happens to them? Well, they will be forced to get their insurance through a government exchange, an exchange run by Washington, which is heavily subsidized by the American taxpayers. They are going to be dumped into the exchange. The annual cost of subsidizing these ballooning numbers of insurance policies, by my calculation, is about $900 billion. Well, that is nine times higher than what the White House has claimed. In short, the taxpayers of this country will be stuck with a bill of nearly $1 trillion every year.

Well, I am going to continue to come to the floor week after week, continue to fight to repeal and replace this health care law with patient-centered care—patient-centered care—that lowers costs for all Americans and improves their care. So I will continue with the second opinions because until we are able to repeal and replace the health care law, I am going to move forward with what is now the Waive Act. This bill offers all Americans the freedom to choose—the freedom that has been taken away from them by the President's health care law. It gives them the right to seek and be granted a waiver out of the President's health care law. It is time to transfer power from Washington back to the American people. This will ensure they can get the care they need from the doctor they want at a price they can afford.

By Mr. FRANKEN (for himself, Mr. DURBIN, Mrs. GILLIBRAND, and Ms. KLOBUCHAR):

S. 1399. A bill to protect children affected by immigration enforcement actions, and for other purposes; to the Committee on the Judiciary.

Mr. FRANKEN. 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. 1399

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 ''Humane Enforcement and Legal Protections for Separated Children Act'' or the ''HELP Separated Children Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPREHENSION.—The term ''apprehension'' means the detention, arrest, or custody by officials of the Department or cooperating entities.

(2) CHILD.—Except as otherwise specifically provided, the term ''child'' has the meaning given to the term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(3) CHILD WELFARE AGENCY.—The term ''child welfare agency'' means the State or local agency responsible for child welfare services under subtitles B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(4) COOPERATING ENTITY.—The term ''cooperating entity'' means a State or local entity acting under agreement with the Secretary.

(5) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(6) DETENTION FACILITY.—The term ''detention facility'' means a Federal, State, or local government facility, or a privately owned and operated facility, that is used to hold individuals suspected or found to be in violation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(7) IMMIGRATION ENFORCEMENT ACTION.—The term ''immigration enforcement action'' means the apprehension of, detention of, or request for or issuance of a detainer for, 1 or more individuals for suspected or confirmed violations of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) by the Secretary or a cooperating entity.

(8) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given to the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) NGO.—The term ''NGO'' means a nongovernmental organization that provides social services or humanitarian assistance to the immigrant community.

(10) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of the Department.

SEC. 3. APPREHENSION PROCEDURES FOR IMMIGRATION ENFORCEMENT-RELATED ACTIVITIES.

(a) NOTIFICATION.—

(1) ADVANCE NOTIFICATION.—Subject to paragraph (2), when conducting any immigration enforcement action, the Secretary and cooperating entities shall notify the Governor of the State, the local child welfare agency, and relevant State and local law enforcement before commencing the action, or, if advance notification is not possible, immediately after commencing such action, of—

(A) the approximate number of individuals to be targeted in the immigration enforcement action; and

(B) the primary language or languages believed to be spoken by individuals at the targeted site.

(2) HOURS OF NOTIFICATION.—To the extent possible, the advance notification required by paragraph (1) should occur during business hours and allow the notified entities sufficient time to identify resources to conduct the interviews described in subsection (b)(1).

(3) OTHER NOTIFICATION.—When conducting any immigration action, the Secretary and cooperating entities shall notify the relevant local educational agency and local NGOs of the information described in paragraph (1) immediately after commencing the action.

(b) APPREHENSION PROCEDURES.—In any immigration enforcement action, the Secretary and cooperating entities shall—

(1) as soon as possible and not later than 6 hours after an immigration enforcement action, provide licensed social workers or case managers employed or contracted by the child welfare agency or local NGOs with confidential access to screen and interview individuals apprehended in such immigration enforcement action to assist the Secretary or cooperating entity in determining if such individuals are parents, legal guardians, or primary caregivers of a child in the United States;

(2) as soon as possible and not later than 8 hours after an immigration enforcement action, provide any apprehended individual believed to be a parent, legal guardian, or primary caregiver of a child in the United States with—

(A) free, confidential telephone calls, including calls to child welfare agencies, attorneys, and legal services providers, to arrange for the care of children or wards, unless the Secretary has reasonable grounds to believe that providing confidential phone calls to the individual would endanger public safety or national security; and

(B) contact information for—

(i) child welfare agencies in all 50 States, the District of Columbia, all United States territories, counties, and local jurisdictions; and

(ii) attorneys and legal service providers capable of providing free legal advice or free legal representation regarding child welfare, child custody determinations, and immigration matters;

(3) ensure that personnel of the Department and cooperating entities do not—

(A) interview individuals in the immediate presence of children; or

(B) compel or request children to translate for interviews of other individuals who are encountered as part of an immigration enforcement action; and

(4) ensure that any parent, legal guardian, or primary caregiver of a child in the United States—

(A) receives due consideration of the best interests of his or her children or wards in any decision or action relating to his or her detention, release, or transfer between detention facilities; and

(B) is not transferred from his or her initial detention facility or to the custody of the Secretary until the individual—

(i) has made arrangements for the care of his or her children or wards; or

(ii) if such arrangements are impossible, is informed of the care arrangements made for the children and of a means to maintain communication with the children.

(c) NONDISCLOSURE AND RETENTION OF INFORMATION ABOUT APPREHENDED INDIVIDUALS AND THEIR CHILDREN.—

(1) IN GENERAL.—Information collected by child welfare agencies and NGOs in the course of the screenings and interviews described in subsection (b)(1) may not be disclosed to Federal, State, or local government entities or to any person, except pursuant to written authorization from the individual or his or her legal counsel.

(2) CHILD WELFARE AGENCY OR NGO RECOMMENDATION.—Notwithstanding paragraph (1), a child welfare agency or NGO may—

(A) submit a recommendation to the Secretary or a cooperating entity regarding whether an apprehended individual is a parent, legal guardian, or primary caregiver who is eligible for the protections provided under this Act; and

(B) disclose information that is necessary to protect the safety of the child, to allow for the application of subsection (b)(4)(A), or to prevent reasonably certain death or substantial bodily harm.

SEC. 4. ACCESS TO CHILDREN, LOCAL AND STATE COURTS, CHILD WELFARE AGENCIES, AND CONSULAR OFFICIALS.

(a) IN GENERAL.—The Secretary shall ensure that all detention facilities operated by or under agreement with the Department implement procedures to ensure that the best interest of the child, including a preference for family unity wherever appropriate, is considered in any decision and action relating to the custody of children whose parent, legal guardian, or primary caregiver is detained as the result of an immigration enforcement action.

(b) ACCESS TO CHILDREN, STATE AND LOCAL COURTS, CHILD WELFARE AGENCIES, AND CONSULAR OFFICIALS.—At all detention facilities operated by, or under agreement with, the Department, the Secretary shall—

(1) prominently post in a manner accessible to detainees and visitors and include in detainee handbooks information on the protections of this Act as well as information on potential eligibility for parole or release;

(2) ensure that individuals who are detained by reason of their immigration status may receive the screenings and interviews described in section 3(b)(1) not later than 6 hours after their arrival at the detention facility;

(3) ensure that individuals who are detained by reason of their immigration status and are believed to be parents, legal guardians, or primary caregivers of children in the United States are—

(A) permitted daily phone calls and regular contact visits with their children or wards;

(B) able to participate fully, and to the extent possible in-person, in all family court proceedings and any other proceeding impacting upon custody of their children or wards;

(C) able to fully comply with all family court or child welfare agency orders impacting upon custody of their children or wards;

(D) provided with contact information for family courts in all 50 States, the District of Columbia, all United States territories, counties, and local jurisdictions;

(E) granted free and confidential telephone calls to child welfare agencies and family courts as often as is necessary to ensure that the best interest of the child, including a preference for family unity whenever appropriate, can be considered;

(F) granted free and confidential telephone calls and confidential in-person visits with attorneys, legal representatives, and consular officials;

(G) provided United States passport applications for the purpose of obtaining travel documents for their children or wards;

(H) granted adequate time before removal to obtain passports and other necessary travel documents on behalf of their children or wards if such children or wards will accompany them on their return to their country of origin or join them in their country of origin; and

(I) provided with the access necessary to obtain birth records or other documents required to obtain passports for their children or wards; and

(4) facilitate the ability of detained parents, legal guardians, and primary caregivers to share information regarding travel arrangements with their children or wards, child welfare agencies, or other caregivers well in advance of the detained individual's departure from the United States.

SEC. 5. MEMORANDA OF UNDERSTANDING.

The Secretary shall develop and implement memoranda of understanding or protocols with child welfare agencies and NGOs regarding the best ways to cooperate and facilitate ongoing communication between all relevant entities in cases involving a child whose parent, legal guardian, or primary caregiver has been apprehended or detained in an immigration enforcement action to protect the best interests of the child, including a preference for family unity whenever appropriate.

SEC. 6. MANDATORY TRAINING.

The Secretary, in consultation with the Secretary of Health and Human Services and independent child welfare experts, shall require and provide in-person training on the protections required under sections 3 and 4 to all personnel of the Department and of States and local entities acting under agreement with the Department who regularly come into contact with children or parents in the course of conducting immigration enforcement actions.

SEC. 7. RULEMAKING.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement this Act.

SEC. 8. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 9. REPORT ON PROTECTIONS FOR CHILDREN IMPACTED BY IMMIGRATION ENFORCEMENT ACTIVITIES.

(a) REQUIREMENT FOR REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that describes the impact of immigration enforcement activities on children, including children who are citizens of the United States.

(b) CONTENT.—The report submitted under subsection (a) shall include for the previous 1-year period an assessment of—

(1) the number of individuals removed from the United States who are the parent of a child who is a citizen of the United States;

(2) the number of occasions in which both parents or the primary caretaker of such a child was removed from the United States;

(3) the number of children who are citizens of the United States who leave the United States with parents who are removed;

(4) the number of such children who remained in the United States after the removal of a parent;

(5) the age of each such child at the time a parent is removed; and

(6) the number of instances in which such a child whose parent is apprehended, detained, or removed is referred to the local child welfare agency by officers or employees of the Department.

By Mr. HARKIN (for himself, Mr. DURBIN, Mr. BLUMENTHAL, Mr.

LAUTENBERG, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. LEAHY, Mr. BENNET, Mr. FRANKEN, Ms. MIKULSKI, Mr. REED, Mrs. SHAHEEN, Mr. JOHNSON of South Dakota, and Mr. BEGICH):

S. 1403. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Finance.

Mr. HARKIN. Mr. President, throughout my career in public service I have focused on ensuring that each and every child with a disability has a right to a good education. To this end, I have fought tirelessly to safeguard the rights of children with disabilities under the Individuals with Disabilities Education Act, IDEA, the landmark legislation that has been improving the educational outcomes of millions of students across the nation since 1975 through the principles of inclusion and equality. When Congress passed IDEA with strong bipartisan support, we understood that our commitment to provide high-quality educational opportunities and serve the needs of students with disabilities in our classrooms entailed excess costs compared to other students, which would have a significant financial impact on States and school districts. As a result, Congress committed to cover up to 40 percent of the excess cost of educating students with disabilities; however, we have failed to deliver on that promise and the law has been greatly underfunded. This is why I am pleased to introduce the IDEA Full Funding Act, with my colleagues RICHARD DURBIN, FRANK LAUTENBERG, RICHARD BLUMENTHAL, PATTY MURRAY, SHELDON WHITEHOUSE, PATRICK LEAHY, MICHAEL BENNET, AL FRANKEN, BARBARA MIKULSKI, JACK REED, JEANNE SHAHEEN, TIM JOHNSON, and MARK BEGICH, which will meet the full Federal commitment at no additional cost to taxpayers. Given the current financial difficulties that many State and local governments are facing, this legislation is more essential than ever for ensuring that students with disabilities get the high-quality education and services they need to fulfill their potential.

Since the enactment of IDEA, students with disabilities across the United States have made tremendous progress. Today, over 6.6 million students receive special education services designed to meet their individual needs. Mr. President, 95 percent of students with disabilities attend a neighborhood school, and almost ⅔ of those spend at least 80 percent of their day in the regular school environment. Nearly 350,000 infants and toddlers receive early intervention services. Almost 6 out of 10 students with disabilities graduate high school with a regular diploma—twice the percentage of 25 years ago. Moreover, approximately half of students with disabilities enroll in postsecondary education. We must do our best to continue this progress and make good on a 36-year-old promise because we still have a long way to go: students with disabilities who graduate from high school have an employment rate that is less than half the employment rate of the general population.

Today, the Federal Government provides about 16 percent of special education costs or less than half of the committed level of 40 percent. In the current fiscal year, this means that Federal funds are almost $24 billion short, which forces States and school districts to make up the Federal shortfall at a time when they are cash strapped. The IDEA Full Funding Act will fully fund the Federal commitment to IDEA by gradually increasing the Federal Government's share of the excess costs of educating students with disabilities to its committed level over 10 years. Specifically, this legislation will increase the Federal dollars appropriated from $11.5 billion in fiscal year 2011 to $35.3 billion in fiscal year 2021.

By making good on our 36-year-old promise, which has a history of bipartisan support, we will supply schools with the necessary funding to enhance the quality and range of services available to students with disabilities. The funding increase will help to raise salaries for teachers and related services personnel, thereby allowing districts to enhance recruitment and retention possibilities, and will support school districts in increasing graduation rates and postsecondary enrollment rates of students with disabilities.

In these difficult times, it is essential for Congress to provide these revenues without increasing the deficit. The IDEA Full Funding Act is fully paid for by doubling the tax on cigarettes and small cigars and setting equivalent increases to other tobacco products. In addition to the benefit of offsetting the cost of fully funding IDEA, these tax provisions will help an estimated 1 million Americans reduce their tobacco use or quit altogether and prevent an estimated 2.2 million children from taking up smoking in the first place. The stakes are incredibly high: smoking kills more people than alcohol, AIDS, car accidents, illegal drugs, murders, and suicides combined, with thousands more dying from spit tobacco use. Every day at least 1,000 children become new regular, daily smokers in the U.S. and of those, almost a third will ultimately die from it. Furthermore, every year Americans incur the cost of $96 billion in public and private health care expenditures caused by smoking, including an estimated $54.6 billion in Federal Medicare and Medicaid Federal expenditures. Overall, this legislation, which I hope will enjoy bipartisan support, will impact children's lives in important ways, both by improving the educational outcomes of students with disabilities and by improving their health through smoking prevention.

By Mr. CARDIN (for himself and Mr. ENZI):

S. 1404. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce the Medical FSA Improvement Act of 2011. I am joined in this effort by Senator ENZI and I thank him for his support. Our bill would allow employees who have medical FSAs to cash out unused amounts, effectively repealing the current ''use-it-or-lose-it'' policy.

Our legislation would modernize and encourage participation in FSAs, which are a helpful tool for health care consumers who face significant cost sharing burdens. It would remove the penalty on employees who act prudently throughout the year and save their FSA dollars.

Flexible spending arrangements are an important benefit for many of my constituents in Maryland, Federal, State, and private sector employees, that allows them to set aside a portion of their income tax-free to pay for out-of-pocket medical expenses, such as copayments for doctor visits and prescription drugs, medical supplies, and equipment.

Nationwide, about 35 million Americans have FSAs, and the median salary of FSA participants is $55,000. It is estimated that one-third of Federal employees contribute to an FSA. Currently in Maryland, there are over 50,000 Federal employees who benefit from FSAs. These plans are efficient, the administrative costs are between two and three percent of claims, far lower than other health insurance administrative costs, and over 90 percent of claims can be substantiated electronically, meaning that paperwork for participants is minimized.

More than 85 percent of America's large employers offer FSAs, but only about 20 percent of eligible employees enroll. According to several surveys of eligible participants, the primary reason for declining to enroll or for underfunding accounts is concern about the ''use-it-or-lose-it'' rule, which requires participants to spend their entire contribution before the end of the plan year or risk forfeiting the unused funds back to their employer. This ''use-it-or-lose-it'' rule was initially enacted to prevent participants from putting excessive amounts in their FSA, and it served to regulate what used to be an uncapped benefit. With the enactment of the Affordable Care Act in 2010, annual contributions to FSAs will be capped at $2,500 beginning in 2013, which makes the ''use-it-or-lose-it'' rule unnecessary.

It is unreasonable to expect FSA participants, especially those with chronic conditions, to be able to accurately forecast their out-of-pocket medical expenses a year in advance, and it is unfair to penalize them at the end of the plan year if their estimates are incorrect by making them forfeit any unspent amounts. Ending the ''use-it-

or-lose-it'' rule and allowing for this cash-out option is a wise and sensible improvement to FSAs that will encourage more efficient participation in medical flexible spending accounts.

It is time to modernize FSAs to eliminate this burdensome ''use-it-or-lose-it'' rule. It is both fair and sound health policy to allow FSA participants to cash-out remaining funds at the end of the plan year rather than forfeiting the balance to their employer. The amounts cashed out would be taxable for the year of the cash-out. Moreover, just as it is at the discretion of employers to establish FSAs for their employees, it would be the employer's option to offer the cash-out feature. But I believe many employers will offer this option, as they too will save money through increased employer payroll tax savings.

Data provided by WageWorks shows that the average unused balance in the end of the year in an FSA is about $100, and each year a total of nearly $400 million remains in FSA accounts. The static analysis, before considering the effects of greater participation in FSAs, would indicate that allowing a cash-out of these funds and taxing these unused amounts would increase federal revenues by about $70 million a year, holding everything else constant.

Our legislation is supported by the Employers' Council on Flexible Compensation, representing more than 100 member companies, including employers, accounting and consulting firms, third party administrators, and actuarial companies. I am also pleased to announce the support of the National Treasury Employees Union, which represents more than 150,000 Federal employees in 31 agencies.

I commend Representatives CHARLES BOUSTANY and JOHN LARSON for having introduced a bipartisan companion bill in the House of Representatives, and urge my colleagues to support this common-sense measure.

By Mrs. FEINSTEIN:

S. 1405. A bill for the relief of Guy Privat Tape and Lou Nazie Raymonde Toto; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Guy Privat Tape and Lou Nazie Raymonde Toto. Mr. Tape and Ms. Toto are citizens of the Ivory Coast, but have been living in the San Francisco area of California for approximately 17 years.

The story of Mr. Tape and Ms. Toto is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Mr. Tape and Ms. Toto were subjected to numerous atrocities in the early 1990's in the Ivory Coast. After participating in a demonstration against the ruling party, they were jailed and tortured by their own government. Ms. Toto was brutally raped by her captors and several years later learned that she had contracted HIV.

Despite the hardships that they suffered, Mr. Tape and Ms. Toto were able to make a better life for themselves in the United States. Mr. Tape arrived in the U.S in 1993 on a B1/B2 non-immigrant visa. Ms. Toto entered without inspection in 1995 from Spain. Despite being diagnosed with HIV, Ms. Toto gave birth to two healthy children, Melody, age 13, and Emmanuel, age 8.

Since arriving in the United States, this family has dedicated themselves to community involvement and a strong work ethic. They are active members of Easter Hill United Methodist Church.

Mr. Tape is employed as a security guard and unfortunately, in 2002, he was diagnosed with prostate cancer. While his doctor states that the cancer is currently in remission, he will continue to require life-long surveillance to monitor for recurrence of the disease.

In addition to raising her two children, Ms. Toto obtained a certificate to be a nurse's aide and currently works as a Resident Care Specialist at a nursing home in San Pablo, California. Ms. Toto continues to receive medical treatment for HIV. According to her doctor, without access to adequate health care and laboratory monitoring, she is at risk of developing life-threatening illnesses.

Mr. Tape and Ms. Toto applied for asylum when they arrived in the U.S., but after many years of litigation, the claim was ultimately denied by the 9th Circuit Court of Appeals.

Although the regime which subjected Mr. Tape and Ms. Toto to imprisonment and torture is no longer in power, Mr. Tape has been afraid to return to the Ivory Coast due to his prior association with former President Laurent Gbagbo. As a result, Mr. Tape strongly believes that his family will be targeted if they return to the Ivory Coast.

One of the most compelling reasons for permitting the family to remain in the United States is the impact their deportation would have on their two U.S. citizen children. For Melody and Emmanuel, the United States is the only country they have ever known. Mr. Tape believes that if the family returns to the Ivory Coast, these two young children will be forced to enter the army.

This bill is the only hope for this family to remain in the United States. To send them back to the Ivory Coast, where they may face persecution and inadequate medical treatment for their illnesses would be devastating to the family. I have received approximately 30 letters from the church community in support of this family.

I ask my colleagues to support this private bill.

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

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

S. 1405

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

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY PRIVAT TAPE AND LOU NAZIE RAYMONDE TOTO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Guy Privat Tape and Lou Nazie Raymonde Toto shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Guy Privat Tape or Lou Nazie Raymonde Toto enters the United States before the filing deadline specified in subsection (c), Guy Privat Tape or Lou Nazie Raymonde Toto, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Guy Privat Tape and Lou Nazie Raymonde Toto, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Guy Privat Tape and Lou Nazie Raymonde Toto under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—RELATIVE TO THE DEATH OF WILLIAM F. HILDENBRAND, FORMER SECRETARY OF THE SENATE

Mr. MCCONNELL (for himself and Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas William F. Hildenbrand began his service to the United States Senate in 1961 as an assistant to Senator J. Caleb Boggs;

Whereas William F. Hildenbrand served as Administrative Assistant to Senator Hugh Scott from 1969 until 1974;

Whereas William F. Hildenbrand served as Secretary for the Minority of the Senate from 1974 until 1981;