

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;

Whereas William F. Hildenbrand served as Secretary of the Senate from 1981 until 1985;

Whereas William F. Hildenbrand served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from 1961 until 1985;

Whereas William F. Hildenbrand discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty and humility; and

Whereas William F. Hildenbrand's clear understanding and appreciation of the challenges facing the Nation has left his mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of William F. Hildenbrand.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of William F. Hildenbrand.

SENATE RESOLUTION 235—DESIGNATING 2011 AS “THE YEAR OF THE FAMILY CAREGIVER”

Ms. MIKULSKI (for herself, Mr. SANDERS, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 235

Whereas there are more than 65,000,000 people in the United States serving as family caregivers for a family member or friend with a disability, chronic illness, or the frailties associated with old age;

Whereas family caregivers in the United States are family, friends, partners, and neighbors who choose to provide care out of feelings of love or a sense of duty;

Whereas family caregivers deal with significant medical and psycho-social issues that require complex care management and coordination with numerous medical providers;

Whereas family caregivers provide 80 percent of all long-term care services in the United States;

Whereas despite the physical, psychological, and financial hardship that caregivers endure, these individuals provide high-quality services that bring countless benefits to their care recipients and to society; and

Whereas the people of the United States should acknowledge the vital role of family caregivers, enable such caregivers to live healthier, less stressful lives, and enhance the ability of family caregivers to improve the health and well-being of those that they care for: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the year 2011 as the 11-year anniversary of the National Family Caregiver Support Program;

(2) applauds the Administration on Aging and national and community based organizations that support family caregivers;

(3) applauds the family, friends, partners, and neighbors who provide long-term care services; and

(4) designates 2011 as “The Year of the Family Caregiver”.

SENATE RESOLUTION 236—DESIGNATING SEPTEMBER 2011 AS NATIONAL SPINAL CORD INJURY AWARENESS MONTH

Mr. RUBIO (for himself and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Whereas the estimated 1,275,000 people in the United States who live with a spinal cord injury cost society billions of dollars in health care costs and lost wages;

Whereas an estimated 100,000 of those individuals living with a spinal cord injury are veterans who suffered the spinal cord injury while serving as members of the United States Armed Forces;

Whereas accidents are the leading cause of spinal cord injuries;

Whereas motor vehicle crashes are the second leading cause of spinal cord and traumatic brain injuries;

Whereas 70 percent of all spinal cord injuries that occur in children under the age of 18 are a result of motor vehicle accidents;

Whereas every 48 seconds a person will become paralyzed, underscoring the urgent need to develop new neuroprotection, pharmacological, and regeneration treatments to reduce, prevent, and reverse paralysis; and

Whereas increased education and investment in research are key factors in improving outcomes for victims of spinal cord injuries, improving the quality of life of victims, and ultimately curing paralysis: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2011 as Spinal Cord Injury Awareness Month;

(2) supports the goals and ideals of Spinal Cord Injury Awareness Month;

(3) continues to support research to find better treatments, therapies, and a cure for paralysis;

(4) supports clinical trials for new therapies that offer promise and hope to those persons living with paralysis; and

(5) commends the dedication of local, regional, and national organizations, researchers, doctors, volunteers, and people across the United States that are working to improve the quality of life of persons living with paralysis and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 579. Mr. REID (for Mr. COBURN) proposed an amendment to the bill S. 1103, to extend the term of the incumbent Director of the Federal Bureau of Investigation.

SA 580. Mr. WHITEHOUSE (for Mrs. MURRAY) proposed an amendment to the bill H.R. 1383, to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes.

TEXT OF AMENDMENTS

SA 579. Mr. REID (for Mr. COBURN) proposed an amendment to the bill S. 1103, to extend the term of the incumbent Director of the Federal Bureau of Investigation; as follows:

On page 3, line 17, strike all through page 4, line 12, and insert the following:

SEC. 2. CREATION OF NEW TERM OF SERVICE FOR THE OFFICE OF DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 (28 U.S.C. 532 note) is amended by adding at the end the following:

“(c)(1) Effective on the date of enactment of this subsection, a new term of service for the office of Director of the Federal Bureau of Investigation shall be created, which shall begin on or after August 3, 2011, and continue until September 4, 2013. Notwithstanding the second sentence of subsection (b) of this section, the incumbent Director of the Federal Bureau of Investigation on the date of enactment of this subsection shall be eligible to be appointed to the new term of service provided for by this subsection, by and with the advice and consent of the Senate, and only for that new term of service. Nothing in this subsection shall prevent the President, by and with the advice of the Senate, from appointing an individual, other than the incumbent Director of the Federal Bureau of Investigation, to a 10-year term of service subject to the provisions of subsection (b) after the date of enactment of this subsection.

“(2) The individual who is the incumbent in the office of the Director of the Federal Bureau of Investigation on the date of enactment of this subsection may not serve as Director after September 4, 2013.

“(3) With regard to the individual who is the incumbent in the office of the Director of the Federal Bureau of Investigation on the date of enactment of this subsection, the second sentence of subsection (b) shall not apply.”.

SA 580. Mr. WHITEHOUSE (for Mrs. MURRAY) proposed an amendment to the bill H.R. 1383, to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes; as follows:

On page 3, strike lines 10 and 11 and insert the following:

Code, who, since January 4, 2011, has been enrolled in the same non-public institution of higher learning in a State in

Beginning on page 4, strike line 12 and all that follows through page 5, line 3, and insert the following:

(a) EXTENSION.—Section 3729(b)(2)(B) of title 38, United States Code, is amended—

(1) in clause (i)—

(A) by striking “January 1, 2004” and inserting “October 1, 2011”; and

(B) by striking “3.00” both places it appears and inserting “3.30”;

(2) in clause (ii)—

(A) by striking “January 1, 2004, and before October 1, 2011” and inserting “October 1, 2011, and before October 1, 2012”; and

(B) by striking “3.30” both places it appears and inserting “2.80”; and

(3) in clause (iii), by striking “October 1, 2011” and inserting “October 1, 2012”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of October 1, 2011, or the date of the enactment of this Act.