(Mr. COBURN) was added as a cosponsor of S. 1790, a bill to modify the Financial Improvement and Audit Readiness Plan to provide that the full statement of budget resources of the Department of Defense is complete and validated by not later than September 30, 2014.

S. 1808

At the request of Mr. COONS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1808, a bill to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

S.J. RES. 27

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S.J. Res. 27, a joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the names of the Senator from Rhode Island (Mr. REED) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 241

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 241, a resolution expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

S. RES. 274

At the request of Mr. WHITEHOUSE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 274, a resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program.

S. RES. 302

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Ms. MIKULSKI).

S. 1819. A bill to amend the Older Americans Act of 1965 to improve programs and services; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. 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. 1819

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 ''Strengthening Services for America's Seniors Act''.

SEC. 2. STANDARDIZED ASSESSMENT OF NEEDS OF FAMILY CAREGIVERS.

(a) IN GENERAL.—Section 373 (42 U.S.C. 3030s–1) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) in subsection (d), as so redesignated, by striking ''subsection (b)'' and inserting ''subsection (c)'';

(3) in subsection (e), as so redesignated, by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(4) by inserting after subsection (a) the following:

''(b) ASSESSMENT PROGRAM OF NEEDS OF FAMILY CAREGIVERS.—

''(1) IN GENERAL.—The Assistant Secretary may make grants to States to establish a program, in accordance with the program requirements described in paragraph (5), to assess the needs of family caregivers for targeted support services described in paragraph (5)(C).

''(2) APPLICATION BY STATES.—Each State seeking a grant under this subsection shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information and assurances as the Assistant Secretary determines appropriate.

''(3) GRANT AMOUNT.—The amount of a grant to a State under this subsection shall be determined according to such methodology as the Assistant Secretary determines appropriate.

''(4) PROGRAM ADMINISTRATION.—A State receiving a grant under this subsection may enter into an agreement with area agencies on aging in the State, or an Aging and Disability Resource Center in the State, to administer the program, using such grant funds.

''(5) PROGRAM REQUIREMENTS.—

''(A) STANDARDIZED ASSESSMENT.—Assessments under a program established under paragraph (1)—

''(i) shall be conducted by social workers, care managers, nurses, or other appropriate professionals; and

''(ii)(I) shall be conducted with a standardized instrument to identify family caregiver needs; and

''(II) in a State in which an area agency on aging or an Aging and Disability Resource Center is using such an instrument on the date of enactment of the Strengthening Services for America's Seniors Act, may continue to be conducted with that instrument.

''(B) QUESTIONNAIRE.—

''(i) IN GENERAL.—Subject to clause (ii), assessments under a program established as described in paragraph (1) shall include asking the family caregiver relevant questions in order to determine whether the family caregiver would benefit from any targeted support services described in subparagraph (C).

''(ii) COMPLETION ON A VOLUNTARY BASIS.—The answering of questions under clause (i) by a family caregiver shall be on a voluntary basis.

''(iii) ADDRESSING DIVERSE CAREGIVER NEEDS AND PREFERENCES.—The questionnaire under this subparagraph shall be designed in a manner that accounts for, and aims to ascertain, the varying needs and preferences of family caregivers, based on the range of their capabilities, caregiving experience, and other relevant personal characteristics and circumstances.

''(C) TARGETED SUPPORT SERVICES DESCRIBED.—The following targeted support services are described in this subparagraph:

''(i) Information and assistance (including brochures and online resources for researching a disease or disability or for learning and managing a regular caregiving role, new technologies that can assist family caregivers, and practical assistance for locating services).

''(ii) Individual counseling (including advice and consultation sessions to bolster emotional support for the family caregiver to make well-informed decisions about how to cope with caregiver strain).

''(iii) Support groups, including groups which provide help for family caregivers to—

''(I) locate a support group either locally or online to share experiences and reduce isolation;

''(II) make well-informed caregiving decisions; and

''(III) reduce isolation.

''(iv) Education and training (including workshops and other resources available with information about stress management, self-care to maintain good physical and mental health, understanding and communicating with individuals with dementia, medication management, normal aging processes, change in disease and disability, the role of assistive technologies, and other relevant topics).

''(v) Respite care and emergency back-up services (including short-term in-home care services that gives the family caregiver a break from providing such care).

''(vi) Chore services (such as house cleaning) to assist the individual receiving care.

''(vii) Personal care (including outside help) to assist the individual receiving care.

''(viii) Legal and financial planning and consultation (including advice and counseling regarding long-term care planning, estate planning, powers of attorney, community property laws, tax advice, employment leave advice, advance directives, and end-of-life care).

''(ix) Transportation (including transportation to medical appointments) to assist the individual receiving care.

''(x) Other targeted support services, as determined appropriate by the State agency and approved by the Assistant Secretary.

''(D) REFERRALS.—In the case where a questionnaire completed by a family caregiver under subparagraph (B) indicates that the family caregiver would benefit from 1 or more of the targeted support services described in subparagraph (C), the agency administering the program shall provide referrals to the family caregiver for State, local, and private-sector caregiver programs and other resources that provide such targeted support services to such caregivers.

''(E) TARGETING AND TIMING OF ASSESSMENTS.—Assessments under the program established under paragraph (1) may be conducted—

''(i) when an individual who is being assisted by a family caregiver transitions from one care setting to another;

''(ii) upon referral from a social worker, care manager, nurse, physician, or other appropriate professional; or

''(iii) according to circumstances determined by the State and approved by the Assistant Secretary.

''(F) COORDINATION WITH OTHER ASSESSMENT.—Assessments under the program established under paragraph (1) may be conducted separately or as part of, or in conjunction with, eligibility or other routine assessments of an individual who is being (or is going to be) assisted by a family caregiver.

''(G) FOLLOWUP SERVICES.—As the Assistant Secretary determines appropriate, a State with a program described in paragraph (1) shall conduct followup activities with caregivers who have participated in an assessment to determine the status of the caregiver and whether services were provided.

''(H) REPORTING REQUIREMENT.—Each State with a program described in paragraph (1) shall periodically submit to the Assistant Secretary a report containing information on the number of caregivers assessed under the program, information on the number of referrals made for targeted support services under the program (disaggregated by type of service), demographic information on caregivers assessed under the program, and other information required by the Assistant Secretary.''.

(b) STANDARDIZED ASSESSMENT OF NEEDS OF INFORMAL CAREGIVERS.—Section 202 (42 U.S.C. 3012) is amended—

(1) in subsection (b)(8)—

(A) in subparagraph (D), by striking ''and'';

(B) in subparagraph (E), inserting ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(F) which may carry out the informal caregiver assessment program described in subsection (g);''; and

(2) by adding at the end the following:

''(g) STANDARDIZED ASSESSMENT OF NEEDS OF INFORMAL CAREGIVERS.—

''(1) IN GENERAL.—Aging and Disability Resource Centers implemented under subsection (b)(8) may carry out an assessment program with respect to informal caregivers and care recipients. Such assessment program shall be modeled on the family caregiver assessment program established under section 373(b).

''(2) DEFINITIONS.—For purposes of an informal caregiver assessment carried out in accordance with paragraph (1), the following definitions shall apply:

''(A) CARE RECIPIENT.—The term 'care recipient' means—

''(i) an older individual;

''(ii) an individual with a disability; or

''(iii) an individual with a special need.

''(B) INDIVIDUAL WITH A SPECIAL NEED.—The term 'individual with a special need' means an individual who requires care or supervision to—

''(i) meet the individual's basic needs;

''(ii) prevent physical self-injury or injury to others; or

''(iii) avoid placement in an institutional facility.

''(C) INFORMAL CAREGIVER.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'informal caregiver' means an adult family member, or another individual, who is an informal provider of in-home and community care to a care recipient.

''(ii) ALTERNATE DEFINITION.—A State that has a State law with an alternate definition of the term 'informal caregiver' for purposes of a program described in paragraph (1)) may use that definition (with respect to caregivers for care recipients) for purposes of provisions of this Act that relate to that program, if such alternative definition is broader than the definition in clause (i), and subject to approval by the Assistant Secretary.''.

(c) CONFORMING AMENDMENT.—Section 631(b) (42 U.S.C. 3057k–11(b)) is amended by striking ''subsections (c), (d), and (e)'' and inserting ''subsections (d), (e), and (f)''.

SEC. 3. ADVISORY COMMITTEE TO ASSESS, COORDINATE, AND IMPROVE LEGAL ASSISTANCE ACTIVITIES.

(a) IN GENERAL.—Title II of the Older Americans Act of 1965 is amended—

(1) in section 215(j) (42 U.S.C. 3020e–1(j)), by striking ''section 216'' and inserting ''section 217'';

(2) by redesignating section 216 (42 U.S.C. 3020f) as section 217; and

(3) by inserting after section 215 (42 U.S.C. 3020e–1) the following:

''SEC. 216. ADVISORY COMMITTEE TO ASSESS, COORDINATE, AND IMPROVE LEGAL ASSISTANCE ACTIVITIES.

''(a) ESTABLISHMENT.—There is established an Advisory Committee to Assess, Coordinate, and Improve Legal Assistance Activities (referred to in this section as the 'Committee').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Committee shall be composed of 9 members—

''(A) with expertise with existing State legal assistance development programs carried out under section 731 and providers of State legal assistance under subtitle B of title III and title IV; and

''(B) of whom—

''(i) 6 individuals shall be appointed by the Assistant Secretary—

''(I) 1 of whom shall be a consumer advocate;

''(II) 1 of whom shall be a professional advocate from a State agency or State Legal Services Developer; and

''(III) 4 of whom shall be representatives from collaborating organizations under the National Legal Resource Center of the Administration; and

''(ii) 3 individuals shall be appointed by the Comptroller General of the United States.

''(2) DATE.—The appointments of the members of the Committee shall be made not later than 9 months after the date of enactment of the Strengthening Services for America's Seniors Act.

''(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among its members.

''(c) INITIAL MEETING.—The Committee shall hold its first meeting not later than 9 months after the date of enactment of the Strengthening Services for America's Seniors Act.

''(d) DUTIES OF THE COMMITTEE.—

''(1) DEFINITION.—In this subsection, the term 'assistance activities' includes—

''(A) legal assistance made available to older individuals in social or economic need under this Act;

''(B) activities of the National Legal Resource Center carried out under section 420(a);

''(C) State legal assistance developer activities carried out under section 731; and

''(D) any other directly related activity or program as determined appropriate by the Assistant Secretary.

''(2) STUDY.—

''(A) IN GENERAL.—The Committee shall design, implement, and analyze results of a study of—

''(i) the extent to which State leadership is provided through the State legal assistance developer in States to enhance the coordination and effectiveness of legal assistance activities across the State;

''(ii) the extent to which—

''(I) there is data collection and reporting of information by legal assistance providers in States;

''(II) there is uniform statewide reporting among States; and

''(III) the value and impact of services provided is being captured at the State or local level; and

''(iii) the mechanisms to organize and promote legal assistance development and services to best meet the needs of older individuals with greatest social and economic need.

''(B) CONSIDERATIONS.—In carrying out subparagraph (A)(i), particular attention shall be given to—

''(i) State leadership on targeting limited legal resources to older individuals in greatest social and economic need; and

''(ii) State leadership on establishing priority legal issue areas in accordance with section 307(a)(11)(E).

''(3) RECOMMENDATIONS.—After completion and analysis of study results under paragraph (2), the Committee shall develop recommendations for the establishment of guidelines for—

''(A) enhancing the leadership capacity of the State legal assistance developers to carry out statewide coordinated legal assistance service delivery, with particular focus on enhancing leadership capacity to—

''(i) target limited legal resources to older individuals in greatest social and economic need; and

''(ii) establish priority legal issue areas in accord with priorities set forth in section 307(a)(11)(E);

''(B) developing a uniform national data collection system to be implemented in all States on legal assistance development and services; and

''(C) identifying mechanisms for organizing and promoting legal assistance activities to provide the highest quality, impact, and effectiveness to older individuals with the greatest social and economic need.

''(4) REPORT.—Not later than 1 years after the date of the establishment of the Committee, the Committee shall submit to the President, Congress, and the Assistant Secretary a report that contains a detailed statement of the findings and conclusions of the Committee, together with the recommendations described in paragraph (3).

''(e) DUTIES OF THE ASSISTANT SECRETARY.—Not later than 180 days after receiving the report described in subsection (d)(4), the Assistant Secretary shall issue regulations or guidance, taking into consideration the recommendations described in subsection (d)(3).

''(f) POWERS.—

''(1) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out the provisions of this section. Upon request of the Committee, the head of such department or agency shall furnish such information to the Committee.

''(2) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(g) PERSONNEL AND ADMINISTRATION.—

''(1) TRAVEL EXPENSES.—The members of the Committee shall not receive compensation for the performance of services for the Committee, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee. Notwithstanding section 1342 of title 31, United States Code, the Secretary may

accept the voluntary and uncompensated services of members of the Committee.

''(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(3) ADMINISTRATIVE AND SUPPORT SERVICES.—The Assistant Secretary shall provide administrative and support services to the Committee.

''(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

''(h) EXEMPTION FROM TERMINATION REQUIREMENTS.—Section 14 of the Federal Advisory Committee Act shall not apply to the Committee.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 217 of the Older Americans Act of 1965, as redesignated by subsection (a), is amended by adding at the end the following:

''(d) ADVISORY COMMITTEE TO ASSESS, COORDINATE, AND IMPROVE LEGAL ASSISTANCE ACTIVITIES.—There is authorized to be appropriated to carry out section 216, $300,000 for fiscal year 2012.''.

SEC. 4. IMPROVING THE STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

(a) NATIONAL OMBUDSMAN RESOURCE CENTER.—Section 202(a)(18)(B) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(18)(B)) is amended by striking ''make available'' and all that follows and inserting ''reserve and provide, for the funding of the National Ombudsman Resource Center (which may include enabling the center to collaborate and participate with the Centers for Medicare & Medicaid Services in providing training for State survey agencies with an agreement in effect under section 1864 of the Social Security Act (42 U.S.C. 1395aa) or, in the case of States without such an agency, work with the Administrator for the Centers for Medicare & Medicaid Services to improve the investigative processes used by the center to address complaints by residents of long-term care facilities)—

''(i) for fiscal year 2012, not less than $2,000,000; and

''(ii) for each subsequent fiscal year, not less than the sum of—

''(I) $100,000; and

''(II) the amount made available under this subparagraph for the fiscal year preceding the year for which the sum is determined;''.

(b) FUNCTIONS OF PROGRAM.—

(1) PRIVATE AND UNIMPEDED ACCESS TO OMBUDSMAN SERVICES.—Section 712(b)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3058g(b)(1)(A)) is amended by striking ''access'' and inserting ''private and unimpeded access''.

(2) OMBUDSMAN DEVELOPMENT OF RESIDENT AND FAMILY COUNCILS.—Section 712(a)(3)(H)(iii) of such Act (42 U.S.C. 3058g(a)(3)(H)(iii)) is amended by striking ''provide technical support for'' and inserting ''actively encourage and assist in''.

(3) LOCAL ENTITY DEVELOPMENT OF RESIDENT AND FAMILY COUNCILS.—Section 712(a)(5)(B)(vi) of such Act (42 U.S.C. 3058g(a)(5)(B)(vi)) is amended by striking ''support'' and inserting ''actively encourage and assist in''.

(c) OMBUDSMAN AUTHORITY WITH RESPECT TO HIPAA.—Section 712(b) of the Older Americans Act of 1965 (42 U.S.C. 3058g(b)) is amended—

(1) in paragraph (1)(B)(i) by striking ''the medical and social records of a'' and inserting ''all records concerning a''; and

(2) by adding at the end the following:

''(3) For purposes of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (including regulations issued under that section) (42 U.S.C. 1320d–2 note), the Ombudsman and a representative of the Office shall be considered a 'health oversight agency,' so that release of residents' individually identifiable health information to the Ombudsman or representative is not precluded in cases in which the requirements of clause (i) or (ii) of paragraph (1)(B) are otherwise met.''.

(d) DISCLOSURE AND CONFIDENTIALITY.—Section 712(d) of the Older Americans Act of 1965 (42 U.S.C. 3058g(d)) is amended—

(1) in paragraph (1), by striking ''files'' and inserting ''information''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''IDENTITY OF COMPLAINANT OR RESIDENT'' and inserting ''PROCEDURES'';

(B) in subparagraph (A)—

(i) by striking ''files or records'' the first place it appears and inserting ''information (including files or records)''; and

(ii) by striking ''disclose'' and all that follows and inserting ''disclose such information);'';

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''files or records'' and inserting ''information''; and

(ii) in clause (iii), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(C) require that the Ombudsman and each representative of the Office hold in strict confidence all communications with individuals seeking assistance under this Act, and take all reasonable steps to safeguard the confidentiality of information provided to the Ombudsman or a representative of the Office under this title by a complainant or resident.''.

By Mr. BLUNT (for himself and Mrs. GILLIBRAND):

S. 1823. A bill to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BLUNT. Mr. President, I join with my friend from New York to discuss the needs of our National Guard. We are introducing two important pieces of legislation today that I believe will help address those needs.

I have always been a strong supporter of our brave men and women of the Missouri National Guard, who contribute greatly to the safety and security of our country. Those who serve or who have served deserve America's deepest respect and must receive the resources they need when they come home.

Since the events of September 11, 2001, the men and women of the Missouri National Guard have answered the call of our Nation by volunteering to go into harm's way. Many of our soldiers and airmen in the National Guard have been deployed numerous times, working and training side by side with our active duty members. As you can imagine, multiple deployments take a toll on both our guardsmen and women and their families.

The Missouri National Guard is an emergency response force for disasters readiness and relief. They have responded to a wide range of State and national emergencies including flooding, tornadoes and even hurricanes on the Gulf Coast. During the historic floods this summer, the Missouri Guard had more than 600 guardsmen serving 14 counties across Missouri to assist with flood relief. After the devastating tornado in Joplin, MO, the 1–138 Infantry Regiment helped to remove debris and assisted in gathering and provided information for those seeking local, State and Federal resources. Members of 1139 Military Police Battalion helped to aid law enforcement officers with traffic control and security.

As part of their Federal mission, from 2008–2009 our Missouri National Guard deployed more than 1,000 citizen-soldiers to Kosovo, and in 2009 we deployed 2,352 soldiers and 1,670 Airmen to support overseas contingency operations in Iraq and Afghanistan. Currently 1,101 Missouri Guardsmen are deployed. After serving admirably in their tours, our Guardsmen and women return home, yet they do not always receive the resources they need to provide for themselves and their families. The National Guard Outreach Act of 2011, introduced by Senator GILLIBRAND, will help to correct this deficiency.

The active Army health plans only cover service men and women for 6 months after they have returned from their deployments. For many, this time period is spent simply adjusting back to civilian life. Studies show the real stress of combat and separation from one's family takes its toll on our service members and their loved ones for up to two years after they return home. Over the past several years, Congress has extended the coverage for returning National Guard soldiers with money from Overseas Contingency Operations funding, better known around here as supplementals. Since this funding is being normalized, I believe it's important that we continue to provide for the needs of our returning citizen-soldiers.

The National Guard Outreach Act of 2011 would help to provide those returning home with secure health services, marriage and financial counseling, substance abuse treatment and other services necessary to aid in a smooth transition for those returning home from Iraq and Afghanistan. Undiagnosed illnesses, left untreated, have long-lasting social, emotional and financial impacts long after service members are reintegrated into a community. Many Guardsmen and women today lack health insurance and go without health care as well as behavioral health care. I thank Senator GILLIBRAND for introducing this legislation and for working with me on the bill.

I am also introducing the National Guard Employment Protection Act of 2011 to amend the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA, to authorize the Secretary of Defense to include

Full Time National Guard Duty for possible exemption from the USERRA 5-year limit on service. These exemptions cover service during a time of war or national emergency, support of missions where others have been ordered to duty under an involuntary call-up authority, and for other critical missions or requirements.

Usually, certain types of active duty service are exempted from the five-year reemployment limit under USERRA. However, the needs of today have left our Guardsmen and women performing duties which are not covered under the USERRA, forcing Guard units to return to duty much sooner than usual. This, in turn, keeps service members away for longer periods of time, often beyond the 5-year limit. When National Guardsmen and women are working side by side with their Active Duty counterparts supporting critical active duty missions, they should not be forced to decide between keeping their civilian jobs and supporting critical national security missions.

At no time in America's history has the National Guard played such a critical role in the defense and security of our homeland, both as partners with our active forces and allies on the continuing War on Terror and as a critical component of homeland emergency preparedness and disaster response. We must make sure all of our Nation's heroes can fulfill their missions without worrying about supporting their families when returning home.

As a Nation, we must honor our men and women in uniform, providing them with the resources they need, both in combat and when they return home to their families and civilian lives. This is why I am proud to play a lead role in supporting the National Guard Employment Protection Act of 2011 and the National Guard Outreach Act.

By Mr. WYDEN (for himself, Mr. CARPER, and Mr. CASEY):

S. 1826. A bill to provide for the availability of self-employment assistance to individuals receiving extended compensation or emergency unemployment compensation; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today on behalf of myself, Senator CARPER and Senator CASEY to introduce the Startup Technical Assistance for Reemployment Training and Unemployment Prevention Act of 2011, or the STARTUP Act. This bill would allow unemployed Americans to use the unemployment insurance, UI, system to create jobs for themselves and for others.

In too many cases, the current unemployment assistance programs allow the experience and expertise of America's unemployed workers to sit on the sidelines. The STARTUP Act promotes an alternative approach that gives the unemployed the ability to start their own businesses and get in the game, self-employment assistance, SEA.

In Oregon, we have got this program up and running and think other states should be encouraged to do the same. By failing to take advantage of self-employment assistance, we are missing an opportunity to not only help currently unemployed workers but also to help our economy grow and create more jobs. I know this program works, its record in Oregon is strong and can be found in letters and testimony from individuals who have used the program.

Take, for example, software developers Adam Lowry and Michael Richardson who joined the ranks of the unemployed when the tech startup they worked at went under in 2009. With little capital, they turned to Oregon's self-employment assistance program which allowed them to draw unemployment benefits while they and two friends launched the mobile software development company Urban Airship, which is now one of the best-known technology startups to emerge in Oregon in recent years. Just yesterday, Urban Airship announced $15.1 million in strategic investment from Salesforce.com and Verizon, among others. Last week an additional acquisition brought the company's total payroll to 51 employees and an additional 22 open positions. At the root of Urban Airship's success are four entrepreneurial-minded individuals and a jump start from self-employment assistance.

Expanding self-employment assistance is a creative way to use the current unemployment insurance structure to create new businesses and additional jobs beyond that of the immediate beneficiary. We often talk about the benefits of small businesses in this country, yet our unemployment insurance programs actually prevent aspiring entrepreneurs from putting their ideas to work. Under the unemployment insurance systems in most states, if you stop looking for a job or you turn down a job, you lose your unemployment benefit even if you are working to start your own business. States with active self-employment assistance programs, like Oregon, allow a small percent of the unemployed to focus full time on starting their own business while drawing down their unemployment benefits in the form of self-employment assistance. Anyone who has started a new business knows that getting it off the ground is a full time job in and of itself, and allowing would-be UI recipients to focus full-time on their new business vastly increases their likelihood of success. Rather than rely on others to create jobs for them, self-employment assistance allows determined entrepreneurs to create jobs for themselves and others.

The President's proposal in the American Jobs Act is a step in the right direction; it allows states to quickly enter into an agreement with the Department of Labor and allow the long-term unemployed, those on extended unemployment compensation, to draw down their UI benefits in the form of self-employment assistance. However, this does little to encourage states to make self-employment assistance a part of their permanent strategy. We must be more far-sighted. We ought to provide states with a little assistance so that they can start self-employment programs of their own, not just for periods of extended unemployment compensation.

I want to be clear: this is no giveaway. In order to get this benefit, unemployed workers have to meet the same wage and hour requirements as they would to receive UI and they must prove they have a viable business plan. The beneficiaries of self-employment assistance really have something to offer, they have solid work experience and solid ideas; and put into action, that combination can snowball into a successful business with multiple employees.

There are 2.5 million micro businesses in the U.S., representing 88 percent of all businesses. They generate $2.4 trillion in receipts, account for 17 percent of GDP, and employ more than 13 million people. If one out of every three of these businesses hired just one additional employee, the U.S. economy would achieve full employment. Expanding self-employment assistance helps us get there.

A study by the Department of Labor found that self-employment participants were 19 times more likely than eligible non-participants to be self-employed at some point after being unemployed. Moreover, they were four times more likely to obtain employment of any kind. The average cost to create each of those jobs is $3,350. According to estimates from Princeton economist and former Federal Reserve Board Vice Chairman Alan Blinder, it takes about $93,000 worth of garden-variety fiscal stimulus to create an average job. It is not hard to see that job creation through SEA is an incredible bargain.

This program has been creating jobs and businesses in Oregon for nearly two decades. Earlier this year, Pat Sanderlin, who coordinates Oregon's program, conducted an informal ''census'' of enrollees since 2004. He found that 77 percent of businesses started by SEA beneficiaries are still up and running. According to Mr. Sanderlin, the companies' combined annual payroll totals $7,888,210.

Despite widespread support for self-employment and entrepreneurial programs, only a handful of states offer SEA, and those that do take advantage of it typically administer benefits to a small share of the unemployed. Only about 2,400 Oregonians have used the program since its inception in 1995. Though states currently have the option of taking advantage of self-employment assistance, the administrative costs to start a new program often prevent them from doing so. Because Federal law prevents self-employment benefits from being paid out while an individual is in a period of extended unemployment, the long-term unemployed cannot take advantage of the program.

The STARTUP Act encourages states to utilize self-employment assistance by: allowing the long-term unemployed who remain eligible for regular or extended unemployment benefits to draw down those benefits in the form of self-employment assistance; providing technical assistance and model language from the Department of Labor for states that create new self-employment programs; and providing financial assistance to aid states in establishing, implementing, improving and/or administering self-employment programs.

Self-employment benefits can serve as a guaranteed source of startup capital for businesses. And unlike traditional unemployment insurance, workers who successfully exit this program by starting their own business can create more new jobs as business expands. When unemployment is high and workers face extended periods of joblessness, this is exactly the type of program we should embrace.

I encourage my colleagues to support this legislation to expand self-employment assistance programs so that more unemployed workers have an opportunity to create jobs for themselves and for others.

By Mr. KERRY:

S. 1828. A bill to increase small business lending, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, once again, too many of our Nation's small businesses are facing difficulty in gaining access to capital. That is why today I am introducing the Increasing Small Business Lending Act to increase access to capital for our Nation's small businesses to help them sustain and build their businesses, create jobs and expand our economy.

In October 2008, markets froze. Credit lines were cut. A lending gap was created in the market. Even Small Business Administration guaranteed loans, that help reduce risk for lenders, were stalled. Congress stepped up and enacted temporary measures to help fill the gaps in small business lending, saving nearly 90,000 small businesses.

One such business is LazerCraze in North Andover, Massachusetts that received an SBA loan to expand to a second location and purchase state-of-the-art equipment that allowed them to hire an additional 37 full time employees.

SBA, administrator Karen Mills has said that the previous temporary changes to the SBA loan programs were a success, ''In short, it worked. We engineered a turnaround in SBA lending even though conventional credit was, and still is to some extent, very tight. Taxpayers got a big bang for the buck. With just over a billion dollars in total subsidy, we supported about $42 billion in lending. In fact, SBA had its highest-ever weekly loan volume the week before Christmas when we supported nearly 2 billion dollars in lending, 10 billion total last quarter. Here is the headline: overall, that is nearly 90,000 small businesses that are not surviving this recession, but growing and creating jobs.

Unfortunately, the temporary small business loan provisions ran out of funding in January 2011, ahead of the authorization which expired in March 2011. Since then, small business lending has declined, making it more difficult for small businesses to create jobs and for our economy to emerge from our economic downturn.

The legislation I am introducing today is similar to the Small Business Lending Market Stabilization Act, which I introduced in 2008 that was included in both the American Recovery and Reinvestment Act of 2009, P.L. 111–5, and extended in the Small Business jobs Act, P.L. 111–240. The Increasing Small Business Lending, Act will eliminate for one year the fees for 7(a) and 504 Small Business Administration loans and increase SBA loan guarantee of 90 percent, policies that were started as part of the American Recovery and Reinvestment Act and extended in the Small Business Jobs Act.

According to the SBA, total small business loans outstanding, loans under $1 million, actually declined during the first half of 2011 after the temporary provisions ended. Loans outstanding to small businesses at the end of the second quarter totaled only $607 billion, which is the slowest since the economic downturn began in 2008.

We can't afford to have our economic progress reversed by a decline in access to capital for small businesses. Since the increased guarantee and reduced fees have expired, our economic recovery could be impeded if we don't act to continue the policies that we know work. By extending key provisions to bolster access to capital, small businesses will have the assurance and support they need to put their innovative ideas into practice and get more Americans back to work.

My legislation will complement the existing Small Business Lending Fund that encourages lending to small businesses through smaller community banks. Small businesses are the backbone of our economy and I ask all Senators to support job growth and small businesses by supporting this legislation.

By Mr. WHITEHOUSE (for himself, Mr. LEVIN, Mr. BEGICH, Mr. FRANKEN, Mr. REED, Mr. DURBIN, Mr. SANDERS. and Mr. MERKLEY):

S. 1829. A bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WHITEHOUSE. Mr. President, I was here last week in this Chamber to discuss a variety of areas in which the American people are not getting a straight deal compared to special interests and folks who have a lot of power for themselves and their industries in Washington. In that speech I proposed a number of concrete steps we could take to help restore the balance of power in our Nation between ordinary Americans on the one hand and the giant corporations and special interests that give themselves special deals and privileges that the American people do not share on the other hand.

Today I am here to introduce legislation to take one of those steps; that is, to protect ordinary consumers from runaway interest rates on credit cards from Wall Street banks. This is something that has gone unchecked for far too long. In the last Congress we passed two pieces of banking legislation. We passed the Credit Card Act, which ended some of the worst tricks and traps hidden in credit card contracts, and we passed the Dodd-Frank Act, which restructured our system of financial regulation and created a new agency to protect consumers from hazardous mortgages and credit cards.

Regrettably, one particularly bad practice was not addressed in either of those two pieces of legislation: the runaway credit card interest rates with which families are too often burdened. I will add it is not just families. I went through Olneyville in Providence about 2 weeks ago and spoke to a small business owner who was having tough times. His bank had pulled his line of credit, so he was having to fund his business off his credit card, and they had bumped up his credit card rate to—you guessed it—30 percent.

The Empowering States' Right to Protect Consumers Act, which I am introducing today, would pick up where the Credit Card Act and Dodd-Frank left off by restoring to our 50 sovereign States the power which they have properly had through the vast bulk of the history of this Republic to protect their home State consumers with limits on credit card and other loan interest rates. This is not a new power to States. This is not a new principle or idea. This is the restoration of a historic States right which was just eliminated a few decades ago.

When you and I were growing up, a credit card offer with a 20-percent or 30-percent interest rate might be something to bring to the attention of law enforcement. Such interest rates were illegal under most State laws. Today, in contrast, credit card companies routinely charge rates of 30 percent or more. We may not know, going through our credit card agreement, that is where we are going to end up. They may have a teaser rate up front that is a lower rate. But make one of those mistakes in that 20-page-long contract that is full of tricks and traps, and, pow, there we are at 30 percent.

What happened between our childhood when a 30-percent interest rate was something to bring to the attention of law enforcement, and now, when ordinary families are bedeviled

with 30 percent interest rates on their credit cards? Before 1978—which is for the first 202 years of the American Republic—each State had the ability to enforce usury laws, interest rate limits to protect their citizens. Our economy grew and flourished during those two centuries, and lenders profited while complying with the laws in effect where they operated.

Then came 1978 and a seemingly uneventful Supreme Court case. It was little noticed at the time. It was decided in Marquette National Bank of Minneapolis v. First of Omaha Service Corporation. The Supreme Court had to decide what State's law to apply when the bank was domiciled in one State but the customer lived in a different State.

The Court looked at the word ''located'' in the National Bank Act of 1863, and it decided it meant the location of the bank and not the location of the customer. They did not get it right away, but it did not take long before some big banks spotted the opportunity. They could avoid interest rate restrictions by reorganizing as national banks and moving to States that had weak interest rate protections and comparatively weak consumer protections. The proverbial race to the bottom followed as a small handful of States eliminated interest rate caps and degraded consumer protection in order to attract lucrative credit card business and related tax revenue to their States.

That is why the credit card divisions of major banks are based in just a few States and why consumers in other States are often denied protection from outrageous interest rates and fees, even though those outrageous interest rates and fees are against the law of the consumer's home State.

My bill would reinstate the historic longstanding powers of States to set interest rate caps that protect their own citizens.

Let me be clear about what this bill would not do. It would not prescribe or recommend any interest rate caps nor would it impose any other lending limitations. It is pure States rights. It would restore to the States the power they enjoyed for over 200 years from the founding of the Republic: the power to say enough, the power to say that 30 percent or 50 percent or whatever the State deems appropriate should be the limit on interest charged to their people.

The current system is not only unfair to consumers, it is unfair to our local lenders and retailers who continue to be bound by the laws of the State in which they are located. This is a special privilege for big national banks that can move their offices to whatever State will give them the best deal in terms of lousy consumer protection and unlimited interest rates. A small local lender has to play by the rules of fair interest rates. Gigantic credit card companies can avoid having any rules at all. We need to level the playing field to eliminate this unfair and lucrative advantage for Wall Street banks against our local credit unions and other small lenders.

When we pass this bill, States can dust off or reenact their usury statutes—most of which still limit interest rates to 18 percent or less—and once again begin protecting their consumers from excessive interest rates. This is the historic norm in our constitutional Republic. It is the 30-percent and over interest rates that are the recent anomaly that are the historic peculiarity. We should go back to the historic States rights norm, the way the Founding Fathers saw things under the doctrine of federalism and close this modern bureaucratic loophole that allows big Wall Street banks a special deal to gouge our constituents.

As I close, I thank Senators LEVIN, DURBIN, BEGICH, FRANKEN, REED of Rhode Island—most significantly my senior Senator—SANDERS, and MERKLEY for their cosponsorship of this bill. In the past, similar legislation has garnered bipartisan support. It did so as an amendment to Dodd-Frank, and I hope my Republican colleagues will consider giving this bill a close look and join with us. This is purely an issue of restoring the balance of power to the States and to the people of those States as voters—federalism, something I know many Republicans support in other contexts.

I ask all of my colleagues for their consideration and support.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 315—COMMENDING THE ST. LOUIS CARDINALS ON THEIR HARD-FOUGHT WORLD SERIES VICTORY

Mrs. MCCASKILL (for herself and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas, on October 28, 2011, the St. Louis Cardinals won the 2011 World Series with a 6-2 victory over the Texas Rangers in Game 7 of the series at Busch Stadium in St. Louis, Missouri;

Whereas the Cardinals earned a postseason berth by clinching the National League Wild Card on the last day of the regular season;

Whereas the Cardinals defeated the heavily favored Philadelphia Phillies and Milwaukee Brewers to advance to the World Series;

Whereas the Cardinals celebrated an incredible come-from-behind victory in Game 6 of the World Series, which will long be remembered as one of the most dramatic games in the history of the World Series;

Whereas Cardinals All-Star Albert Pujols put on a historic hitting display in Game 3 of the World Series, with 5 hits, 3 home runs, and 6 runs batted in;

Whereas Cardinals star pitcher Chris Carpenter started 3 games in the World Series, allowing only 2 runs in Game 7 after only 3 days of rest and earning the win in the decisive game;

Whereas David Freese, a native of St. Louis, won the World Series Most Valuable Player Award;

Whereas Manager Tony LaRussa won his second World Series title with the Cardinals, his third overall, and remains one of only 2 managers to win World Series titles as the manager of a National League and an American League team;

Whereas the Cardinals won the 11th World Series championship in the 129-year history of the team;

Whereas the Cardinals have won more World Series championships than any other team in the National League;

Whereas the Cardinals once again proved to be an organization of great character, dedication, and heart, a reflection of the city of St. Louis and the State of Missouri; and

Whereas the St. Louis Cardinals are the 2011 World Series champions: Now, therefore, be it

Resolved, That the Senate—

(1) commends the St. Louis Cardinals on their 2011 World Series title and outstanding performance during the 2011 Major League Baseball season;

(2) recognizes the achievement of the players, coaches, management, and support staff, whose dedication and resiliency made victory possible;

(3) congratulates the city of St. Louis, Missouri, and St. Louis Cardinals fans everywhere; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Honorable Francis Slay, Mayor of the city of St. Louis, Missouri;

(B) Mr. William Dewitt, President, St. Louis Cardinals; and

(C) Mr. Tony LaRussa, Manager, St. Louis Cardinals.

SENATE RESOLUTION 316—EXPRESSING THE SENSE OF THE SENATE REGARDING TUNISIA'S PEACEFUL JASMINE REVOLUTION

Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 316

Whereas on January 14, 2011, a peaceful mass protest movement in Tunisia successfully brought to an end the authoritarian rule of President Zine el-Abidine Ben Ali;

Whereas Tunisia's peaceful ''Jasmine Revolution'' was the first of several movements throughout the Middle East and North Africa and inspired democracy and human rights activists throughout the region and around the world;

Whereas Tunisia, in the wake of Ben Ali's resignation, began a transition to democracy that has been broadly inclusive, consensus-based, and civilian-led;

Whereas on October 23, 2011, Tunisia conducted the first competitive, multi-party democratic election of the Arab Spring, which involved dozens of political parties and hundreds of independent candidates competing for a 217-member National Constituent Assembly;

Whereas more than 50 percent of all eligible voters and nearly 90 percent of registered voters participated in the October 23 election;

Whereas Tunisia's Independent Electoral Commission welcomed and accredited a robust domestic and international election observer presence, including 3 independent delegations from the United States;

Whereas election observers have broadly praised the October 23 election as free, fair, and consistent with international standards;