S. 3407

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3441

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3441, a bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 44

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S.J. Res. 44, a joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

AMENDMENT NO. 2574

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2574 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2684

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from Utah (Mr. LEE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 2684 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2688

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2688 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2699

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 2699 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, for the past 47 years, the Older Americans Act, OAA, has provided a wide array of services to improve the lives of older Americans, family caregivers, and persons with disabilities. Through the Act, millions of Americans receive critical home and community-based services including, home-delivered meal programs, transportation, adult day care, legal assistance and health promotion programs. The National Aging Network delivers these vital services to local communities through the Administration on Aging, State Units on Aging, SUAs, and over 600 Area Agencies on Aging, AAAs.

The aging network supports a number of health, prevention and wellness programs for older adults, such as, chronic disease self-management programs, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and health screenings. Despite this focus on health promotion, currently, there is no definition of care coordination included in the Older Americans Act. In fact, the unique coordination needed for an older adult with multiple chronic conditions is absent from the definition of the OAA case manager role.

The inclusion of care coordination in the OAA is necessary to prepare the aging network for their role in linking medical care to community long-term services and supports. The Affordable Care Act is transforming the health care delivery system through medical home demonstration, Accountable Care Organizations, and the Partnership for Patient-Care Transitions. But to be truly successful, these reforms will require the coordination of care between state and federal health care programs and the aging network.

Today, I am introducing the Care Coordination for Older Americans Act, a bill that would integrate care coordination in the long-term services and supports system. My legislation would include a definition of care coordination in the declaration of objectives of the Older Americans Act and would require the aging network to develop and implement a care coordination plan to address the needs of older individuals with multiple chronic illnesses.

I would like to thank a number of aging organizations who have been integral to the development of this legislation and who have endorsed it today, including: Aging Services of California, the American Geriatrics Society, the American Society on Aging, the Benjamin Rose Institute on Aging, the Center for Medicare Advocacy, the Consumer Coalition for Quality Health Care, the Easter Seals, The Gerontological Society of America, LeadingAge, the National Association of Area Agencies on Aging, n4a, the National Academy of Elder Law Attorneys, the National Association of Nutrition and Aging Services Programs, the National Association of the Professional Geriatric Care Managers, the National Center on Caregiving, the Family Caregiver Alliance, PHI Quality Care through Quality Jobs, the Social Work Leadership Institute / New York Academy of Medicine, and the University of Illinois College of Nursing Institute for Health Care Innovation. In addition, the National Coalition for Care Coordination was pivotal in their assistance developing a definition of care coordination which adequately addresses the needs of the aging network.

Since being enacted in 1965, the OAA has evolved over time to meet the ever-changing needs of our aging population. As we work to reauthorize this successful program that has allowed millions of seniors to remain independent in their homes and communities, we should incorporate new initiatives that reflect the current challenges facing seniors, such as the lack of care coordination between health programs and community long-term services and supports.

For all of these reasons, I urge my colleagues to cosponsor this important legislation and to support its inclusion in the reauthorization of the OAA.

By Mr. JOHANNS:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. President, I come to the floor today to discuss an issue I have brought up before in the Senate that continues to trouble me.

Whenever I meet with farmers and ranchers in Nebraska, they often raise concerns about regulatory overreach. I hear about the need for agencies such as the EPA to provide a more predictable and commonsense regulatory environment. So today I am introducing a bill that will do exactly that. It stops the EPA's use of aerial surveillance of

agricultural operations for a period of 12 months—1 year.

Earlier this year, I began hearing about this issue from constituents who are worried about privacy concerns. Thus, a few of my colleagues and I wrote to Administrator Jackson in late May asking her several questions about EPA's practice of flying over livestock operations and taking pictures. We were curious about the scope of flights over agriculture operations in Nebraska and around the country. We asked how the agency selects targets for surveillance and whether any images of residences, land, or buildings not subject to EPA regulation were being captured.

Additionally, we asked a very fair question: We asked about the use of the images, where are they stored, how are they used, who are they shared with, and how long they would remain on file—all seemingly straightforward, fair, basic questions.

Well, to say the least, EPA has been less than forthcoming about the use of aerial surveillance. EPA has acknowledged aerial surveillance activities in Nebraska, Iowa, and West Virginia. But despite repeated requests, details concerning the national scope of this program and its management by EPA headquarters have not been disclosed.

You see, I believe the American public deserves open, straightforward, honest information about why EPA is flying over their land—not just in Nebraska but across the country.

Time and time again, farmers have consistently proven they are excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining it and protecting it and leaving it improved.

I agree wholeheartedly that we should ensure our waterways are clean and our air is safe. So I want to be very clear: This legislation does not affect EPA's ability to use traditional onsite inspections. But given EPA's track record of ignorance about agriculture, if not downright contempt for it, farmers and ranchers do not trust this agency, and they sure as heck do not approve of EPA doing low-altitude surveillance flights over citizens' private property.

So until EPA takes a more commonsense, transparent, open approach, we need to step on the brakes. This bill simply does that. It places a 1-year moratorium on EPA from using aerial surveillance. This will give the agency time to come clean about its activities nationwide and make the case that these flights are an appropriate use of agency authority and taxpayer money.

Unless the EPA does that openly, the level of trust between farmers and ranchers and the EPA will continue to erode. In the meantime, passage of this legislation will help provide our farmers and our ranchers and others in rural America with much needed regulatory certainty.

I offered an amendment on this issue during the recent farm bill debate. It got broad bipartisan support—56 votes. Ten of my colleagues on the other side of the aisle joined me in this effort, so it is not a partisan issue.

I urge my colleagues to continue their support of this effort to bring accountability and transparency to the Environmental Protection Agency.

By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am today introducing a bill to implement the recommendations of the Blue Ribbon Commission on America's Nuclear Future.

The Blue Ribbon Commission was appointed by Secretary of Energy Steven Chu, at the request of President Obama, in March 2010. The purpose of the Commission was to examine the nation's nuclear waste management policy, consider alternatives, and recommend a new approach. The Commission was made up of 15 distinguished members, and co-chaired by Representative Lee Hamilton and General Brent Scowcroft. Two of our former colleagues, Senator Domenici and Senator Hagel, were also members.

The Commission did an outstanding job. It met more than two dozen times over two years, conducted five public hearings across the country, heard testimony from countless experts and stakeholders, visited nuclear waste management facilities both here and abroad, and assembled a very thorough, thoughtful, and authoritative report.

The Commission made eight clear, concise, and eminently sensible recommendations. Principally, it recommended that we adopt a new, consent-based approach to siting nuclear waste management facilities, and that we establish a new organization to manage the nuclear waste management program. It affirmed the need to build one or more geologic repositories in which nuclear waste can be permanently buried, and it endorsed the need to build one or more temporary storage facilities in which nuclear waste can be stored until it can be permanently disposed of in a repository. It emphasized the importance of giving the new organization access to the funds needed to implement the program. It also made useful recommendations on transportation, and on the importance of continued support for nuclear research and development and international nuclear non-proliferation programs.

The Commission published its report at the end of January, and the two co-chairs, Representative Hamilton and General Scowcroft, testified to the Committee on Energy and Natural Resources on it in early February.

Since then, I have been working with the Ranking Republican on the Committee on Energy and Natural Resources, Senator MURKOWSKI, and the Chairman and Ranking Republican on the Energy and Water Development Subcommittee of the Appropriations Committee, Senator FEINSTEIN and Senator ALEXANDER, to try to put the commission's recommendations into legislative language.

Much of our time and effort centered on the Commission's recommendation for ''a new organization dedicated solely to implementing the waste management program.'' The Commission recommended that Congress establish a new ''single purpose organization,'' outside of the Department of Energy, but still within the Federal Government to manage the nation's nuclear wastes in place of the Department of Energy. More specifically, it proposed formation of a government corporation, and suggested that the Tennessee Valley Authority might provide a useful model.

Our initial efforts focused on the government corporation approach, but we ultimately agreed to set that model aside in favor of a structure that we believe may be both more effective and more accountable. We chose to focus full responsibility and authority for the program in a single administrator, and to establish a separate board made up of senior Federal officials to oversee the administrator.

Most of the rest of our discussions focused on the siting process for temporary storage facilities and permanent geologic repositories. We agreed with the commission's recommendation that the new organization employ a consent-based approach to siting nuclear waste facilities and with the need for to establish interim storage facilities pending completion of a repository. But we were unable to agree on the ''linkage'' between storage facilities and the repository.

Under current law, the Department of Energy cannot begin constructing a storage facility until the Nuclear Regulatory Commission issues a license to construct the repository. The Commission found that this tight linkage has prevented a storage facility from being built and recommended that it be eliminated. But the commission also recognized the need for what it called ''positive linkages'' between storage and disposal to ensure that progress continues on both fronts and interim storage does not end up become permanent.

Meanwhile, while our discussions were underway, the Energy and Water Development Appropriations Subcommittee reported legislation that authorizes the Secretary of Energy to begin storing nuclear waste at interim storage sites. My proposal for ''positive linkages'' was to allow the new agency to store up to 10,000 metric tons of spent nuclear fuel at a storage facility built under the authority in the appropriations bill, even if no agreement has

been reached on a repository, but to require there to be an agreement for a repository before allowing the new agency to store nuclear waste at other storage facilities.

Regrettably, we were not able to reach an agreement on this issue or on whether the siting process for storage facilities should be identical to the siting process for repositories wherever possible.

Nonetheless, we agreed that I should introduce the bill with the linkages that I have proposed and that the Committee on Energy and Natural Resources should hold a hearing on it in September. I recognize, of course, that the bill will not become law this year. But my hope is to obtain testimony on it and to build a legislative record that might serve as the foundation for further consideration and ultimate enactment in the next Congress.

The Blue Ribbon Commission found that ''it is long past time for the government to make good on its commitments to the American people to provide for the safe disposal of nuclear waste.''

''Put simply,'' the Commission said, ''this nation's failure to come to grips with the nuclear waste issue has already proved damaging and costly. It will be even more damaging and more costly the longer it continues. . . . ''

The commission has performed a very valuable service to the nation in showing us a way forward. Its recommendations merit our careful consideration and deserve our approval. I have attempted to put them into legislative form so that they can be enacted and implemented.

I recognize that will not happen this year. It will take a great deal more time and work. But it must begin and I hope it will continue in the next Congress.

Mr. President, I ask for unanimous consent that 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. 3469

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Nuclear Waste Administration Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

SEC. 101. FINDINGS.

Congress finds that—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.)—

(A) made the Federal Government responsible for providing for the permanent disposal of nuclear waste;

(B) vested the responsibility for siting, constructing, and operating a permanent geologic repository for the disposal of nuclear waste in the Secretary of Energy; and

(C) required the Secretary to enter into binding contracts with the generators and owners of nuclear waste pursuant to which the Secretary is obligated to have begun disposing of the nuclear waste in a repository not later than January 31, 1998;

(2) in 1987, Congress designated the Yucca Mountain site as the site for the repository and precluded consideration of other sites;

(3) in 2002, the Secretary found the Yucca Mountain site to be suitable for the development of the repository, the President recommended the site to Congress, and Congress enacted a joint resolution approving the Yucca Mountain site for the repository;

(4) in 2008, the Secretary applied to the Nuclear Regulatory Commission for a license to construct a repository at the Yucca Mountain site;

(5) in 2009, the Secretary found the Yucca Mountain site to be unworkable and abandoned efforts to construct a repository;

(6) in 2010, the Secretary, at the request of the President, established the Blue Ribbon Commission on America's Nuclear Future to conduct a comprehensive review of the nuclear waste management policies of the United States and recommend a new strategy for managing the nuclear waste of the United States; and

(7) the Blue Ribbon Commission has recommended that Congress establish a new nuclear waste management organization and adopt a new consensual approach to siting nuclear waste management facilities.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to establish a new nuclear waste management organization;

(2) to transfer to the new organization the functions of the Secretary relating to the siting, licensing, construction, and operation of nuclear waste management facilities;

(3) to establish a new consensual process for the siting of nuclear waste management facilities;

(4) to provide for centralized storage of nuclear waste pending completion of a repository; and

(5) to ensure that—

(A) the generators and owners of nuclear waste pay the full cost of the program; and

(B) funds collected for the program are used for that purpose.

SEC. 103. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Nuclear Waste Administration established by section 201.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) AFFECTED INDIAN TRIBE.—The term ''affected Indian tribe'' means any Indian tribe—

(A) within the reservation boundaries of which a repository or storage facility is proposed to be located; or

(B) that has federally defined possessory or usage rights to other land outside of the reservation boundaries that—

(i) arise out of a congressionally ratified treaty; and

(ii) the Secretary of the Interior finds, on petition of an appropriate governmental official of the Indian tribe, may be substantially and adversely affected by the repository or storage facility.

(4) AFFECTED UNIT OF GENERAL LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''affected unit of general local government'' means the unit of general local government that has jurisdiction over the site of a repository or storage facility.

(B) INCLUSION.—The term ''affected unit of general local government'' may include, at the discretion of the Administrator, units of general local government that are contiguous with the unit that has jurisdiction over the site of a repository or storage facility.

(5) CIVILIAN NUCLEAR POWER REACTOR.—The term ''civilian nuclear power reactor'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(6) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(7) CONTRACT HOLDER.—The term ''contract holder'' means any person who—

(A) generates or holds title to nuclear waste generated at a civilian nuclear power reactor; and

(B) has entered into a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or this Act.

(8) DEFENSE WASTE.—The term ''defense waste'' means nuclear waste generated by an atomic energy defense activity (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)).

(9) DISPOSAL.—The term ''disposal'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(10) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(11) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(12) NUCLEAR WASTE.—The term ''nuclear waste'' means—

(A) spent nuclear fuel; and

(B) high-level radioactive waste.

(13) NUCLEAR WASTE ACTIVITIES.—The term ''nuclear waste activities'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(14) NUCLEAR WASTE FACILITY.—The term ''nuclear waste facility'' means—

(A) a repository; and

(B) a storage facility.

(15) NUCLEAR WASTE FUND.—The term ''Nuclear Waste Fund'' means the separate fund in the Treasury established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(16) OVERSIGHT BOARD.—The term ''Oversight Board'' means the Nuclear Waste Oversight Board established by section 205.

(17) PUBLIC LIABILITY.—The term ''public liability'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(18) REPOSITORY.—The term ''repository'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(19) RESERVATION.—The term ''reservation'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(21) SITE CHARACTERIZATION.—

(A) IN GENERAL.—The term ''site characterization'' means the site-specific activities that the Administrator determines necessary to support an application to the Commission for a license to construct a repository or storage facility under section 305(c).

(B) REPOSITORY SITE CHARACTERIZATION.—In the case of a site for a repository, the term ''site characterization'' may include borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the suitability of a candidate site for the location of a repository.

(C) STORAGE SITE CHARACTERIZATION.—In the case of a site for an above-ground storage facility, the term ''site characterization'' does not include subsurface borings and excavations that the Administrator determines are uniquely associated with underground disposal and unnecessary to evaluate the suitability of a candidate site for the location of an above-ground storage facility.

(D) PRELIMINARY ACTIVITIES.—The term ''site characterization'' does not include preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

(22) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(23) STORAGE.—The term ''storage'' means the temporary retention of nuclear waste pending the disposal of the nuclear waste in a repository.

(24) STORAGE FACILITY.—The term ''storage facility'' means a facility for the storage of nuclear waste from multiple contract holders or the Secretary pending the disposal of the spent nuclear fuel in a repository.

(25) TEST AND EVALUATION FACILITY.—The term ''test and evaluation facility'' means an at-depth, prototypic underground cavity used to develop data and experience for the safe handling and disposal of nuclear waste in a repository.

(26) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(27) WORKING CAPITAL FUND.—The term ''Working Capital Fund'' means the Nuclear Waste Administration Working Capital Fund established by section 401.

TITLE II—NUCLEAR WASTE ADMINISTRATION

SEC. 201. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established an independent agency in the executive branch to be known as the ''Nuclear Waste Administration''.

(b) PURPOSE.—The purposes of the Administration are—

(1) to discharge the responsibility of the Federal Government to provide for the permanent disposal of nuclear waste;

(2) to protect the public health and safety and the environment in discharging the responsibility under paragraph (1); and

(3) to ensure that the costs of activities under paragraph (1) are borne by the persons responsible for generating the nuclear waste.

SEC. 202. PRINCIPAL OFFICERS.

(a) ADMINISTRATOR.—

(1) APPOINTMENT.—There shall be at the head of the Administration a Nuclear Waste Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Administrator.

(2) FUNCTIONS AND POWERS.—The functions and powers of the Administration shall be vested in and exercised by the Administrator.

(3) SUPERVISION AND DIRECTION.—The Administration shall be administrated under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

(4) DELEGATION.—The Administrator may, from time to time and to the extent permitted by law, delegate such functions of the Administrator as the Administrator determines to be appropriate.

(5) COMPENSATION.—The President shall fix the total annual compensation of the Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation paid to the Chief Executive Officer of the Tennessee Valley Authority.

(b) DEPUTY ADMINISTRATOR.—

(1) APPOINTMENT.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Deputy Administrator.

(2) DUTIES.—The Deputy Administrator shall—

(A) perform such functions as the Administrator shall from time to time assign or delegate; and

(B) act as the Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

(3) COMPENSATION.—The President shall fix the total annual compensation of the Deputy Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation paid to the Administrator.

SEC. 203. OTHER OFFICERS.

(a) ESTABLISHMENT.—There shall be in the Administration—

(1) a General Counsel;

(2) a Chief Financial Officer, who shall be appointed from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, financial management practices in large governmental or business entities; and

(3) not more than 3 Assistant Administrators, who shall perform such functions as the Administrator shall specify from time to time.

(b) APPOINTMENT.—Officers appointed under this section shall—

(1) be appointed by the Administrator;

(2) be considered career appointees; and

(3) be subject to section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)).

(c) ORDER OF SUCCESSION.—The Administrator may designate the order in which the officers appointed pursuant to this section shall act for, and perform the functions of, the Administrator during the absence or disability of the Administrator and the Deputy Administrator or in the event of vacancies in the offices of the Administrator and the Deputy Administrator.

SEC. 204. INSPECTOR GENERAL.

There shall be in the Administration an Inspector General, who shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 205. NUCLEAR WASTE OVERSIGHT BOARD.

(a) ESTABLISHMENT.—There is established an independent establishment in the executive branch, to be known as the ''Nuclear Waste Oversight Board'', to oversee the administration of this Act and protect the public interest in the implementation of this Act.

(b) MEMBERS.—The Oversight Board shall consist of—

(1) the Deputy Director of the Office of Management and Budget;

(2) the Chief of Engineers of the Army Corps of Engineers; and

(3) the Deputy Secretary of Energy.

(c) CHAIR.—The President shall designate 1 of the 3 members as chair.

(d) FUNCTIONS.—The Oversight Board shall—

(1) review, on an ongoing basis—

(A) the progress made by the Administrator to site, construct, and operate nuclear waste facilities under this Act;

(B) the use of funds made available to the Administrator under this Act;

(C) whether the fees collected from contract holders are sufficient to ensure full cost recovery or require adjustment; and

(D) the liability of the United States to contract holders;

(2) identify any problems that may impede the implementation of this Act; and

(3) recommend to the Administrator, the President, or Congress, as appropriate, any actions that may be needed to ensure the implementation of this Act.

(e) MEETINGS.—The Oversight Board shall meet at least once every 90 days.

(f) REPORTS.—The Oversight Board shall report the findings, conclusions, and recommendations of the Oversight Board to the Administrator, the President, and Congress not less than once per year.

(g) EXECUTIVE SECRETARY.—The Oversight Board shall appoint and fix the compensation of an Executive Secretary, who shall—

(1) assemble and maintain the reports, records, and other papers of the Oversight Board; and

(2) perform such functions as the Oversight Board shall from time to time assign or delegate.

(h) ADDITIONAL STAFF.—

(1) APPOINTMENT.—The Oversight Board may appoint and fix the compensation of such additional clerical and professional

staff as may be necessary to discharge the responsibilities of the Oversight Board.

(2) LIMITATION.—The Oversight Board may appoint not more than 10 clerical or professional staff members under this subsection.

(3) SUPERVISION AND DIRECTION.—The clerical and professional staff of the Oversight Board shall be under the supervision and direction of the Executive Secretary.

(i) ACCESS TO INFORMATION.—

(1) DUTY TO INFORM.—The Administrator shall keep the Oversight Board fully and currently informed on all of the activities of the Administration.

(2) PRODUCTION OF DOCUMENTS.—The Administrator shall provide the Oversight Board with such records, files, papers, data, or information as may be requested by the Oversight Board.

(j) SUPPORT SERVICES.—To the extent permitted by law and requested by the Oversight Board, the Administrator of General Services shall provide the Oversight Board with necessary administrative services, facilities, and support on a reimbursable basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Oversight Board from amounts in the Nuclear Waste Fund to carry out this section such sums as are necessary.

SEC. 206. CONFORMING AMENDMENTS.

(a) Section 901(b)(2) of title 31, United States Code, is amended by adding at the end the following:

''(R) The Nuclear Waste Administration.''.

(b) Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''the Nuclear Waste Administration;'' after ''Export-Import Bank;''; and

(2) in paragraph (2), by inserting ''the Nuclear Waste Administration,'' after ''Export-Import Bank,''.

TITLE III—FUNCTIONS

SEC. 301. TRANSFER OF FUNCTIONS.

There are transferred to and vested in the Administrator all functions vested in the Secretary by—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) relating to—

(A) the construction and operation of a repository;

(B) entering into and performing contracts for the disposal of nuclear waste under section 302 of that Act (42 U.S.C. 10222);

(C) the collection, adjustment, deposition, and use of fees to offset expenditures for the management of nuclear waste; and

(D) the issuance of obligations under section 302(e)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(5); and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, relating to the pilot program for the construction and operation of 1 or more storage facilities to the extent provided in a cooperative agreement transferred to the Administrator pursuant to section 302(b).

SEC. 302. TRANSFER OF CONTRACTS.

(a) DISPOSAL CONTRACTS.—Each contract for the disposal of nuclear waste entered into by the Secretary before the date of enactment of this Act shall continue in effect according to the terms of the contract with the Administrator substituted for the Secretary.

(b) COOPERATIVE AGREEMENT.—Each cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act shall continue in effect according to the terms of the agreement with the Administrator substituted for the Secretary.

SEC. 303. ADDITIONAL FUNCTIONS.

In addition to the functions transferred to the Administrator under section 301, the Administrator may site, construct, and operate—

(1) additional repositories if the Administrator determines that additional disposal capacity is necessary to meet the disposal obligations of the Administrator;

(2) a test and evaluation facility in connection with a repository if the Administrator determines a test and evaluation facility is necessary to develop data and experience for the safe handling and disposal of nuclear waste at a repository; and

(3) additional storage facilities if the Administrator determines that additional storage capacity is necessary pending the availability of adequate disposal capacity.

SEC. 304. SITING NUCLEAR WASTE FACILITIES.

(a) IN GENERAL.—In siting nuclear waste facilities under this Act, the Administrator shall employ a process that—

(1) allows affected communities to decide whether, and on what terms, the affected communities will host a nuclear waste facility;

(2) is open to the public and allows interested persons to be heard in a meaningful way;

(3) is flexible and allows decisions to be reviewed and modified in response to new information or new technical, social, or political developments; and

(4) is based on sound science and meets public health, safety, and environmental standards.

(b) SITING GUIDELINES.—

(1) ISSUANCE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue general guidelines for the consideration of candidate sites for—

(A) repositories; and

(B) storage facilities.

(2) REPOSITORIES.—In adopting guidelines for repositories under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)).

(3) STORAGE FACILITIES.—

(A) IN GENERAL.—In adopting guidelines for storage facilities under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)), except to the extent that section 112(a) of that Act requires consideration of underground geophysical conditions that the Administrator determines do not apply to above-ground storage.

(B) OTHER FACTORS.—In addition to the requirements described in subparagraph (A), the guidelines for storage facilities shall require the Administrator to take into account the extent to which a storage facility would—

(i) enhance the reliability and flexibility of the system for the disposal of nuclear waste;

(ii) minimize the impacts of transportation and handling of nuclear waste; and

(iii) unduly burden a State in which significant volumes of—

(I) defense wastes are stored; or

(II) transuranic wastes are disposed.

(4) REVISIONS.—The Administrator may revise the guidelines in a manner consistent with this subsection and section 112(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(a)).

(c) IDENTIFICATION OF CANDIDATE SITES.—

(1) REVIEW OF POTENTIAL SITES.—As soon as practicable after the date of the issuance of the guidelines under subsection (b), the Administrator shall evaluate potential sites for a nuclear waste facility to determine whether the sites are suitable for site characterization.

(2) SITES ELIGIBLE FOR REVIEW.—The Administrator shall select sites for evaluation under paragraph (1) from among sites recommended by—

(A) the Governor or duly authorized official of the State in which the site is located;

(B) the governing body of the affected unit of general local government;

(C) the governing body of an Indian tribe within the reservation boundaries of which the site is located; or

(D) the Administrator, after consultation with, and with the consent of—

(i) the Governor of the State in which the site is located;

(ii) the governing body of the affected unit of general local government; and

(iii) the governing body of the Indian tribe, if the site is located within the reservation of an Indian tribe.

(3) SITE INVESTIGATIONS.—In evaluating a site under this subsection prior to any determination of the suitability of the site for site characterization, the Administrator—

(A) shall use available geophysical, geological, geochemical, hydrological, and other information; and

(B) shall not perform any preliminary borings or excavations at the site unless necessary to determine the suitability of the site and authorized by the landowner.

(4) DETERMINATION OF SUITABILITY.—The Administrator shall determine whether a site is suitable for site characterization based on an environmental assessment of the site, which shall include—

(A) an evaluation by the Administrator of whether the site qualifies for development as a nuclear waste facility under the guidelines established under subsection (b), including a safety case that provides the basis for confidence in the safety of the proposed nuclear waste facility at the proposed site;

(B) an evaluation by the Administrator of the effects of site characterization activities on public health and safety and the environment;

(C) a reasonable comparative evaluation by the Administrator of the site with other sites considered by—

(i) the Administrator under this section; or

(ii) the Secretary under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.);

(D) a description of the decision process by which the site was recommended; and

(E) an assessment of the regional and local impacts of locating a repository or storage facility at the site.

(d) SITE CHARACTERIZATION.—

(1) SELECTION OF SITES.—From among the sites determined to be suitable for site characterization under subsection (c), the Administrator shall select—

(A) at least 1 site for site characterization as a repository; and

(B) at least 1 site for site characterization as a storage facility.

(2) PREFERENCE FOR CO-LOCATED REPOSITORY AND STORAGE FACILITY.—In selecting sites for site characterization as a storage facility, the Administrator shall give preference to sites determined to be suitable for co-location of a storage facility and a repository.

(3) PUBLIC HEARINGS.—Before selecting a site for site characterization, the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located—

(A) to inform the public of the proposed site characterization; and

(B) to solicit public comments and recommendations with respect to the site characterization plan of the Administrator.

(4) CONSULTATION AND COOPERATION AGREEMENT.—

(A) REQUIREMENT.—Before selecting a site for site characterization, the Administrator shall enter into a consultation and cooperation agreement with—

(i) the Governor of the State in which the site is located;

(ii) the governing body of the affected unit of general local government; and

(iii) the governing body of an affected Indian tribe, in the case of—

(I) a site located within the boundaries of a reservation; or

(II) an Indian tribe the federally defined possessory or usage rights to land outside of a reservation of which may be substantially and adversely affected by the repository or storage facility.

(B) CONTENTS.—The consultation and cooperation agreement shall provide—

(i) compensation to the State, any affected units of local government, and any affected Indian tribes for any potential economic, social, public health and safety, and environmental impacts associated with site characterization; and

(ii) financial and technical assistance to enable the State, affected units of local government, and affected Indian tribes to monitor, review, evaluate, comment on, obtain information on, and make recommendations on site characterization activities.

(e) FINAL SITE SUITABILITY DETERMINATION.—

(1) DETERMINATION REQUIRED.—On completion of site characterization activities, the Administrator shall make a final determination of whether the site is suitable for development as a repository or storage facility.

(2) BASIS OF DETERMINATION.—In making a determination under paragraph (1), the Administrator shall determine if—

(A) the site is scientifically and technically suitable for development as a repository or storage facility, taking into account—

(i) whether the site meets the siting guidelines of the Administrator; and

(ii) whether there is reasonable assurance that a repository or storage facility at the site will meet—

(I) the radiation protection standards of the Administrator of the Environmental Protection Agency; and

(II) the licensing standards of the Commission; and

(B) development of a repository or storage facility at the site is in the national interest.

(3) PUBLIC HEARINGS.—Before making a final determination under paragraph (1), the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located to solicit public comments and recommendations on the proposed determination.

(f) CONSENT AGREEMENTS.—

(1) REQUIREMENT.—On making a final determination of site suitability under subsection (e), but before submitting a license application to the Commission under subsection (g), the Administrator shall enter into a consent agreement with—

(A) the Governor of the State in which the site is located;

(B) the governing body of the affected unit of general local government; and

(C) if the site is located on a reservation, the governing body of the affected Indian tribe.

(2) CONTENTS.—The consent agreement shall—

(A) contain the terms and conditions on which each State, local government, and Indian tribe consents to host the repository or storage facility; and

(B) express the consent of each State, local government, and Indian tribe to host the repository or storage facility.

(3) TERMS AND CONDITIONS.—The terms and conditions under paragraph (2)(A)—

(A) shall promote the economic and social well-being of the people living in the vicinity of the repository or storage facility; and

(B) may include—

(i) financial compensation and incentives;

(ii) economic development assistance;

(iii) operational limitations or requirements;

(iv) regulatory oversight authority; and

(v) in the case of a storage facility, an enforceable deadline for removing nuclear waste from the storage facility.

(4) RATIFICATION.—No consent agreement entered into under this section shall have legal effect unless ratified by law.

(5) BINDING EFFECT.—On ratification by law, the consent agreement—

(A) shall be binding on the parties; and

(B) shall not be amended or revoked except by mutual agreement of the parties.

(g) SUBMISSION OF LICENSE APPLICATION.—On determining that a site is suitable under subsection (e) and ratification of a consent agreement under subsection (f), the Administrator shall submit to the Commission an application for a construction authorization for the repository or storage facility.

SEC. 305. LICENSING NUCLEAR WASTE FACILITIES.

(a) RADIATION PROTECTION STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, pursuant to authority under other provisions of law, shall adopt, by rule, generally applicable standards for protection of the general environment from offsite releases from radioactive material in geological repositories.

(b) COMMISSION REGULATIONS.—Not later than 1 year after the adoption of generally applicable standards by the Administrator of the Environmental Protection Agency under subsection (a), the Commission, pursuant to authority under other provisions of law, shall amend the regulations of the Commission governing the licensing of geological repositories to be consistent with any comparable standards adopted by the Administrator of the Environmental Protection Agency under subsection (a).

(c) CONSTRUCTION AUTHORIZATION.—

(1) APPLICABLE LAWS.—The Commission shall consider an application for a construction authorization for a nuclear waste facility in accordance with the laws (including regulations) applicable to the applications.

(2) FINAL DECISION.—Not later than 3 years after the date of the submission of the application, the Commission shall issue a final decision approving or disapproving the issuance of a construction authorization.

(3) EXTENSION.—The Commission may extend the deadline under paragraph (2) by not more than 1 year if, not less than 30 days before the deadline, the Commission submits to Congress and the Administrator a written report that describes—

(A) the reason for failing to meet the deadline; and

(B) the estimated time by which the Commission will issue a final decision.

SEC. 306. LIMITATION ON STORAGE.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator may not possess, take title to, or store spent nuclear fuel at a storage facility licensed under this Act before ratification of a consent agreement for a repository under section 304(f)(4).

(b) EXCEPTION.—The Administrator may possess, take title to, and store not more than 10,000 metric tons of spent nuclear fuel at a storage facility licensed and constructed pursuant to a cooperative agreement entered into before the date of enactment of this Act under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before ratification of a consent agreement for a repository under section 304(f)(4).

SEC. 307. DEFENSE WASTE.

(a) DISPOSAL AND STORAGE BY ADMINISTRATION.—The Secretary—

(1) shall arrange for the Administrator to dispose of defense wastes in a repository developed under this Act; and

(2) may arrange for the Administrator to store spent nuclear fuel from the naval nuclear propulsion program pending disposal in a repository.

(b) MEMORANDUM OF AGREEMENT.—The arrangements shall be covered by a memorandum of agreement between the Secretary and the Administrator.

(c) COSTS.—The portion of the cost of developing, constructing, and operating the repository or storage facilities under this Act that is attributable to defense wastes shall be allocated to the Federal Government and paid by the Federal Government into the Working Capital Fund.

(d) PROHIBITION.—No defense waste may be stored or disposed of by the Administrator in any storage facility or repository constructed under this Act or section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, until funds are appropriated to the Working Capital Fund in an amount equal to the fees that would be paid by contract holders under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) if such nuclear waste were generated by a contract holder.

SEC. 308. TRANSPORTATION.

(a) IN GENERAL.—The Administrator shall be responsible for transporting nuclear waste—

(1) from the site of a contract holder to a storage facility or repository;

(2) from a storage facility to a repository; and

(3) in the case of defense waste, from a Department of Energy site to a repository.

(b) CERTIFIED PACKAGES.—No nuclear waste may be transported under this Act except in packages—

(1) the design of which has been certified by the Commission; and

(2) that have been determined by the Commission to satisfy the quality assurance requirements of the Commission.

(c) NOTIFICATION.—Prior to any transportation of nuclear waste under this Act, the Administrator shall provide advance notification to States and Indian tribes through whose jurisdiction the Administrator plans to transport the nuclear waste.

(d) TRANSPORTATION ASSISTANCE.—

(1) PUBLIC EDUCATION.—The Administrator shall conduct a program to provide information to the public about the transportation of nuclear waste.

(2) TRAINING.—The Administrator shall provide financial and technical assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste to train public safety officials and other emergency responders on—

(A) procedures required for the safe, routine transportation of nuclear waste; and

(B) procedures for dealing with emergency response situations involving nuclear waste, including instruction of—

(i) government and tribal officials and public safety officers in command and control procedures;

(ii) emergency response personnel; and

(iii) radiological protection and emergency medical personnel.

(3) EQUIPMENT.—The Administrator shall provide monetary grants and contributions in-kind to assist States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for the purpose of acquiring equipment for responding to a transportation incident involving nuclear waste.

(4) TRANSPORTATION SAFETY PROGRAMS.—The Administrator shall provide in-kind, financial, technical, and other appropriate assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for transportation safety programs related to shipments of nuclear waste.

TITLE IV—FUNDING AND LEGAL PROCEEDINGS

SEC. 401. WORKING CAPITAL FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a separate fund, to be known as the ''Nuclear Waste Administration Working Capital Fund'', which shall be separate from the Nuclear Waste Fund.

(b) CONTENTS.—The Working Capital Fund shall consist of—

(1) all fees paid by contract holders pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) on or after the date of enactment of this Act, which shall be paid into the Working Capital Fund—

(A) notwithstanding section 302(c)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)(1)); and

(B) immediately on the payment of the fees;

(2) any appropriations made by Congress to pay the share of the cost of the program established under this Act attributable to defense wastes; and

(3) interest paid on the unexpended balance of the Working Capital Fund.

(c) AVAILABILITY.—All funds deposited in the Working Capital Fund—

(1) shall be immediately available to the Administrator to carry out the functions of the Administrator, except to the extent limited in annual authorization or appropriation Acts;

(2) shall remain available until expended; and

(3) shall not be subject to apportionment under subchapter II of chapter 15 of title 31, United States Code.

(d) USE OF FUND.—Except to the extent limited in annual authorization or appropriation Acts, the Administrator may make expenditures from the Working Capital Fund only for purposes of carrying out functions authorized by this Act.

SEC. 402. NUCLEAR WASTE FUND.

(a) ELIMINATION OF LEGISLATIVE VETO.—Section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended in the last sentence by striking ''transmittal unless'' and all that follows through the end of the sentence and inserting ''transmittal.''.

(b) INTEREST ON UNEXPENDED BALANCES.—Section 302(e)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(3)) is amended—

(1) by striking ''Secretary'' the first, second, and fourth place it appears and inserting ''Administrator of the Nuclear Waste Administration''; and

(2) by striking ''the Waste Fund'' each place it appears and inserting ''the Waste Fund or the Working Capital Fund established by section 401 of the Nuclear Waste Administration Act of 2012''.

SEC. 403. FULL COST RECOVERY.

In determining whether insufficient or excess revenues are being collected to ensure full cost recovery under section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)), the Administrator shall—

(1) assume that sufficient funds will be appropriated to the Nuclear Waste Fund to cover the costs attributable to disposal of defense wastes; and

(2) take into account the additional costs resulting from the enactment of this Act.

SEC. 404. JUDICIAL REVIEW.

(a) JURISDICTION.—

(1) COURTS OF APPEALS.—Except for review in the Supreme Court, a United States court of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Administrator or the Commission under this Act;

(B) alleging the failure of the Administrator or the Commission to make any decision, or take any action, required under this Act;

(C) challenging the constitutionality of any decision made, or action taken, under this Act; or

(D) for review of any environmental assessment or environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act, or alleging a failure to prepare any such assessment or statement with respect to any such action.

(2) VENUE.—The venue of any proceeding under this section shall be in—

(A) the judicial circuit in which the petitioner involved resides or has the principal office of the petitioner; or

(B) the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE FOR COMMENCING ACTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a civil action for judicial review described in subsection (a)(1) may be brought not later than the date that is 180 days after the date of the decision or action or failure to act involved.

(2) NO KNOWLEDGE OF DECISION OR ACTION.—If a party shows that the party did not know of the decision or action complained of (or of the failure to act) and that a reasonable person acting under the circumstances would not have known, the party may bring a civil action not later than 180 days after the date the party acquired actual or constructive knowledge of the decision, action, or failure to act.

SEC. 405. LITIGATION AUTHORITY.

(a) SUPERVISION BY ATTORNEY GENERAL.—The litigation of the Administration shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code.

(b) ATTORNEYS OF ADMINISTRATION.—The Attorney General may authorize any attorney of the Administration to conduct any civil litigation of the Administration in any Federal court, except the Supreme Court.

SEC. 406. LIABILITIES.

(a) PENDING LEGAL PROCEEDINGS.—Any suit, cause of action, or judicial proceeding commenced by or against the Secretary relating to functions or contracts transferred to the Administrator by this Act shall—

(1) not abate by reason of the enactment of this Act; and

(2) continue in effect with the Administrator substituted for the Secretary.

(b) SETTLEMENT OF PENDING LITIGATION; CONTRACT MODIFICATION.—

(1) SETTLEMENT.—The Attorney General, in consultation with the Administrator, shall settle all claims against the United States by a contract holder for the breach of a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) as a condition precedent of the agreement of the Administrator to take title to and store the nuclear waste of the contract holder at a storage facility.

(2) CONTRACT MODIFICATION.—The Administrator and contract holders shall modify contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) in accordance with the settlement under paragraph (1).

(c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—Payment of judgments and settlements in cases arising from the failure of the Secretary failure to meet the deadline of January 31, 1998, to begin to dispose of nuclear waste under contracts entered into under section 302(a)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(1)) shall continue to be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(d) NEW CONTRACTS.—Notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Administrator shall not enter into any contract after the date of enactment of this Act that obligates the Administrator to begin disposing of nuclear waste before the Commission has licensed the Administrator to operate a repository or storage facility.

(e) NUCLEAR INDEMNIFICATION.—

(1) INDEMNIFICATION AGREEMENTS.—For purposes of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(A) any person that conducts nuclear waste activities under a contract with the Administrator that may involve the risk of public liability shall be treated as a contractor of the Secretary; and

(B) the Secretary shall enter into an agreement of indemnification with any person described in subparagraph (A).

(2) CONFORMING AMENDMENT.—Section 11 ff. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(ff)) is amended by inserting ''or the Nuclear Waste Administration'' after ''Secretary of Energy''.

TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

SEC. 501. ADMINISTRATIVE POWERS OF ADMINISTRATOR.

The Administrator shall have the power—

(1) to perform the functions of the Secretary transferred to the Administrator pursuant to this Act;

(2) to enter into contracts with any person who generates or holds title to nuclear waste generated in a civilian nuclear power reactor for the acceptance of title, subsequent transportation, storage, and disposal of the nuclear waste;

(3) to enter into and perform contracts, leases, and cooperative agreements with public agencies, private organizations, and persons necessary or appropriate to carry out the functions of the Administrator;

(4) to acquire, in the name of the United States, real estate for the construction, operation, and decommissioning of nuclear waste facilities;

(5) to obtain from the Administrator of General Services the services the Administrator of General Services is authorized to provide agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

(6) to conduct nongeneric research, development, and demonstration activities necessary or appropriate to carrying out the functions of the Administrator; and

(7) to make such rules and regulations, not inconsistent with this Act, as may be necessary to carry out the functions of the Administrator.

SEC. 502. PERSONNEL.

(a) OFFICERS AND EMPLOYEES.—

(1) APPOINTMENT.—In addition to the senior officers described in section 203, the Administrator may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Administration.

(2) COMPENSATION.—Except as provided in paragraph (3), officers and employees appointed under this subsection shall be appointed in accordance with the civil service laws and the compensation of the officers

and employees shall be fixed in accordance with title 5, United States Code.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Administrator may, to the extent the Administrator determines necessary to discharge the responsibilities of the Administrator—

(A) appoint exceptionally well qualified individuals to scientific, engineering, or other critical positions without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(B) fix the basic pay of any individual appointed under subparagraph (A) at a rate of not more than level I of the Executive Schedule without regard to the civil service laws, except that the total annual compensation of the individual shall be at a rate of not more than the highest total annual compensation payable under section 104 of title 3, United States Code.

(4) MERIT PRINCIPLES.—The Administrator shall ensure that the exercise of the authority granted under paragraph (3) is consistent with the merit principles of section 2301 of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Administrator may obtain the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code.

(c) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Administrator may establish, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), such advisory committees as the Administrator may consider appropriate to assist in the performance of the functions of the Administrator.

(2) COMPENSATION.—A member of an advisory committee, other than a full-time employees of the Federal Government, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service without pay, while attending meetings of the advisory committee or otherwise serving away from the homes or regular place of business of the member at the request of the Administrator.

SEC. 503. OFFICES.

(a) PRINCIPAL OFFICE.—The principal office of the Administration shall be in or near the District of Columbia.

(b) FIELD OFFICES.—The Administrator may maintain such field offices as the Administrator considers necessary to carry out the functions of the Administrator.

SEC. 504. MISSION PLAN.

(a) IN GENERAL.—The Administrator shall prepare a comprehensive report (referred to in this section as the ''mission plan''), which shall—

(1) provide an informational basis sufficient to permit informed decisions to be made in carrying out the functions of the Administrator; and

(2) provide verifiable indicators for oversight of the performance of the Administrator.

(b) CONTENTS.—The mission plan shall include—

(1) a description of the actions the Administrator plans to take to carry out the functions of the Administrator under this Act;

(2) schedules and milestones for carrying out the functions of the Administrator; and

(3) an estimate of the amounts that the Administration will need Congress to appropriate from the Nuclear Waste Fund (in addition to amounts expected to be available from the Working Capital Fund) to carry out the functions of the Nuclear Waste Fund, on an annual basis.

(c) PROPOSED MISSION PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a proposed mission plan for comment to—

(1) Congress;

(2) the Oversight Board;

(3) the Commission;

(4) the Nuclear Waste Technical Review Board established by section 502 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262);

(5) the States;

(6) affected Indian tribes; and

(7) such other interested persons as the Administrator considers appropriate.

(d) PUBLIC NOTICE AND COMMENT.—On submitting the proposed mission plan for comment under subsection (c), the Administrator shall—

(1) publish a notice in the Federal Register of the availability of the proposed mission plan for public comment; and

(2) provided interested persons an opportunity to comment on the proposed plan.

(e) SUBMISSION OF FINAL MISSION PLAN.—After consideration of the comments received, the Administrator shall—

(1) revise the proposed mission plan to the extent that the Administrator considers appropriate; and

(2) submit the final mission plan to Congress, the President, and the Oversight Board.

(f) REVISION OF THE MISSION PLAN.—The Administrator shall—

(1) revise the mission plan, as appropriate, to reflect major changes in the planned activities, schedules, milestones, and cost estimates reported in the mission plan; and

(2) submit the revised mission plan to Congress, the President, and the Oversight Board prior to implementing the proposed changes.

SEC. 505. ANNUAL REPORTS.

(a) IN GENERAL.—The Administrator shall annually prepare and submit to Congress, the President, and the Oversight Board a comprehensive report on the activities and expenditures of the Administration.

(b) MANAGEMENT REPORT.—The annual report submitted under subsection (a) shall include—

(1) the annual management report required under section 9106 of title 31, United States Code; and

(2) the report on any audit of the financial statements of the Administration conducted under section 9105 of title 31, United States Code.

SEC. 506. SAVINGS PROVISIONS; TERMINATIONS.

(a) COMMISSION PROCEEDINGS.—This Act shall not affect any proceeding or any application for any license or permit pending before the Commission on the date of enactment of this Act.

(b) AUTHORITY OF THE SECRETARY.—This Act shall not transfer or affect the authority of the Secretary with respect to—

(1) the maintenance, treatment, packaging, and storage of defense wastes at Department of Energy sites prior to delivery to, and acceptance by, the Administrator for disposal in a repository;

(2) the conduct of generic research, development, and demonstration activities related to nuclear waste management, including proliferation-resistant advanced fuel recycling and transmutation technologies that minimize environmental and public health and safety impacts; and

(3) training and workforce development programs relating to nuclear waste management.

(c) PILOT PROGRAM.—Nothwithstanding section 304, the Administrator may proceed with the siting and licensing of 1 or more consolidated storage facilities under a cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act in accordance with—

(1) the terms of the cooperative agreement; and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

(d) TERMINATIONS.—The authority for each function of the Secretary relating to the siting, construction, and operation of repositories, storage facilities, or test and evaluation facilities not transferred to the Administrator under this Act shall terminate on the date of enactment of this Act, including the authority—

(1) to provide interim storage or monitored, retrievable storage under subtitles B and C of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10151 et seq.);

(2) to site or construct a test and evaluation facility under title II of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10191 et seq.); and

(3) to issue requests for proposals or enter into agreements under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT FUEL STORAGE AND DISPOSAL.

(a) JOINT NOTICE.—Not later than 90 days after the date of enactment of this Act and annually for 5 succeeding years, the Secretary and the Commission shall update and publish in the Federal Register the joint notice required by section 223(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(b)).

(b) INFORMING FOREIGN GOVERNMENTS.—As soon as practicable after the date of the publication of the annual joint notice described in subsection (a), the Secretary of State shall inform the governments of nations and organizations operating nuclear power plants, solicit expressions of interest, and transmit any such expressions of interest to the Secretary and the Commission, as provided in section 223(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(c)).

(c) BUDGET REQUESTS.—The President shall include in the budget request of the President for the Commission and the Department of Energy for each of fiscal years 2014 through 2019 such funding requests for a program of cooperation and technical assistance with nations in the fields of spent nuclear fuel storage and disposal as the President determines appropriate in light of expressions of interest in the cooperation and assistance.

(d) ELIGIBILITY.—Notwithstanding any limitation on cooperation and technical assistance to non-nuclear weapon states under section 223 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203), the Secretary and the Commission may cooperate with and provide technical assistance to nuclear weapon states, if the Secretary and the Commission determine the cooperation and technical assistance is in the national interest.

SEC. 508. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

(a) ELIGIBILITY.—Section 502(b)(3)(C)(iii)(I) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262(b)(3)(C)(iii)(I)) is amended by inserting ''or the Nuclear Waste Administration'' after ''the Department of Energy''.

(b) FUNCTIONS.—Section 503 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10263) is amended by striking ''Secretary after the date of the enactment of the Nuclear Waste Policy Amendments Act of 1987'' and inserting ''Nuclear Waste Administrator after the date of enactment of the Nuclear Waste Administration Act of 2012''.

(c) PRODUCTION OF DOCUMENTS.—Section 504(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10264(b)) is amended by striking

''Secretary'' each place it appears and inserting ''Nuclear Waste Administrator''.

(d) REPORTS.—Section 508 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10268) is amended in the first sentence by striking ''Congress and the Secretary'' and inserting ''Congress, the Nuclear Waste Administrator, and the Nuclear Waste Oversight Board''.

(e) TERMINATION.—Section 510 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10270) is amended by striking ''Secretary'' and inserting ''Nuclear Waste Administrator''.

SEC. 509. REPEAL OF VOLUME LIMITATION.

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second and third sentences.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about a bill that I have the pleasure of helping to lead with several of my colleagues, particularly Senator GRASSLEY, who has been my long-standing partner and a wonderful cochair of the foster care caucus. There are any number of us, Republicans and Democrats, who have our eyes on and our hearts connected to the 500,000 children who are technically being raised by the government.

The government does many things well, but raising children isn't one of them. So it is our responsibility, when we enter into or respond to a case of abuse, gross abuse, neglect, or gross neglect, that we respond appropriately by removing children from homes who have, unfortunately, been tortured at times by their own parents. That, of course, is inconceivable to me and to many, but, unfortunately, it happens.

So we remove children—hopefully temporarily—until the situation at home can be addressed with community services, faith-based services and support, where the children can be reunited with parents who have been healed, possibly, of their situation. That is not always the case, and we work as quickly as we can to find responsible and able relatives to take in the child—willing and able relatives, the law says, to take in the child with sibling groups intact. If that is not possible, then we seek to find a family in the community that will adopt these children.

The thing I want to say about these wonderful children is that while their families may be broken—families may disintegrate for all sorts of reasons, including mental health, drug abuse, uncontrollable violence, criminal activity that disintegrates the family, and children are most certainly affected—these children, in many instances, aren't broken. Their families are broken. The possibility of these children, from the ages of zero to 1 or 2 or 3 or 9 or 12 or 15, being given an opportunity to be adopted into the loving arms of a stable family who will raise that child or children as their own or to be reunified with loving family members is ideal.

As I said, governments do many things well, but raising children isn't one of them. Human beings raise other human beings, and we need to do a better job of placing our children in quality, temporary foster homes, and then finding permanent, loving homes.

We have this crazy notion in America and around the world that children are grown when they are 18, so we put all of their belongings in a plastic bag and we say goodbye to them, and we tell them: Please forget my cell phone number because you have aged out of the system.

Several of us have been working for years, including former Senator Chafee, for one, to create more permanent opportunities for extended, independent living. While I support that—it is much better than putting their things in a bag, their few little items after 18 years, and sending them on their way—we now can extend that help until they are 21. However, what we really need to be doing is finding families for these children.

I am 57 and I still need my family. I still talk to my mother and father almost every day. I was with my family this weekend. They will be with me and have been with me for every important moment of my life. When did somebody get a notion that children don't need a family after they are 18? It is a silly notion, and it is not even true. We would not send our own children into the world alone by themselves. So our whole foster system needs great reform, and we are working on that.

But one piece of this system that needs reform is what we are trying to address today by introducing the Uninterrupted Scholars Act, which is a bill that Senator GRASSLEY and many others, including Senator BEGICH, Senator BLUNT, Senator BOXER, Senator FRANKEN, and Senator KLOBUCHAR have graciously agreed to cosponsor and provide their leadership. Congresswoman BASS is a U.S. Representative from California's 33rd District. She, along with Congresswoman BACHMANN from Minnesota, Congressman MARINO from Pennsylvania, and Congressman MCDERMOTT from Washington State, has introduced the same bipartisan bill in the House. So we are very excited about the strong bipartisan support for this bill.

All this bill says—and it makes such sense I can't believe it is not in the law already—is that when a child comes into the care of the government, the government agency responsible for the care of this child—now it is not parents any longer because the parents' rights either have been terminated or are in the process of being terminated—the government will have the right, or the agencies representing the government, to their academic records.

What is happening now is foster children are getting lost not only in the system but lost in their schools because of the difficulty in getting access to education records under the guise that these records should be private, et cetera.

What is happening is some of these privacy rules are not protecting the children, they are protecting the system that is broken, and that is the problem. We are doing everything we can to protect the privacy of the child, but what is happening is some of these privacy rules are putting up a screen so that we can't find out that the school is not doing its job on behalf of the child, or the social workers are not doing their job on behalf of the child.

So this simply streamlines the process of making sure academic records can be accessed by foster families—either adoptive families or guardians—without having to go through the courts for a long, extended timeframe.

I think this is an important change. It is one of probably 100 changes to this system that need to be made. Of course, we can make these new laws in Washington. A lot of this has to be carried out with heart and compassion and common sense, which, unfortunately, we cannot legislate from Washington. But what we can do is try, when we see a problem—this problem was identified not by me or by my staff. It was actually identified by foster youth who came up here this summer to intern and brought to our attention the issue that some of their records are not accessible to their foster families who are trying their best to raise them and to help them, et cetera. So the young people themselves have asked for this change. We are happy to accommodate that request.

Let me end by saying again, there are over 480,000—about 400,000 to 500,000—children who are in our foster care system representing less than one-half of 1 percent of all the children in America, which is about 100 million. But it is an important one-half of 1 percent because these are children whose families have failed them terribly. These are children who are vulnerable and need us to love them extra specially, to help them extra specially. That is what some of us spend a good bit of our time trying to do because they are willing and able to become great citizens of our Nation but need that extra special help.

So this Uninterrupted Scholars Act will give access, appropriately with protections, to their academic records. Senator FRANKEN has a bill to give them choice in public schools to help give them stability in their public schools, so they can stay with their friends, their teachers, as they, unfortunately, have to move around in the system.

Many people will benefit—most importantly, the youth involved.

By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I am waiting now for them to bring up a bill I have filed today and will have a number to go with it which I will announce in a moment.

First of all, let me say that the talk of the whole country right now is on the sequestration problems we are having. I would only observe that I don't know why it is so difficult for people to understand, but President Obama has written four budgets and these budgets have come before us, and if we add up all of the deficits in the four budgets, it comes to $5.3 trillion worth of deficits. I suggest that is more deficit than all Presidents in the history of this country for the past 200-plus years.

So, people say, how did we get into this mess? Because when we have those kinds of deficits over a period of time, we wonder where it is coming from. Let me tell my colleagues where it didn't come from, where it wasn't spent, and that is military.

I went over the first budget President Obama had. I went over to Afghanistan so I could make sure I could get the attention of the American people and let them know how this disarming of America by President Obama is going. Of course, if one of my colleagues was part of that first budget, they would know that it cut out our only fifth-generation fighter, the F–22; our lift capacity, the C–17; the future combat system; the ground based interceptor in Poland. That was just the first budget. Then it has gotten worse since that time. Since there isn't time to go over that detail year by year, I can only say that the President has already cut in his budget over the next decade $487 billion, roughly $500 billion, $½ trillion—from defense spending over the next 10 years.

I would suggest to my colleagues that the American people—this is something that is very frustrating, because they assume that when we send our kids into battle, they have the best of equipment, and this just flat isn't true. The British have an AS90, a Howitzer that is better than ours. The Russians have the 2S19 that is better than ours. Even South Africa has a system that is a better nonline-of-sight cannon than we have in our arsenal. The Chinese have a J–10 that is better than ours. In fact, they are now cranking them out to where they rival our F–15s, F–16s, and F/A18s.

So the point I am making here is there has been no emphasis. If we go out and borrow and increase the deficit by $5.3 trillion as this President is doing, one would think we would be in a position to have a lot more robust military, but the military has been consistently cut over that period of time.

In the event the Obama sequestration as it is designed right now goes through, that will be another $½ trillion that will come out of the military. Even the President's own Secretary of Defense, Secretary Panetta, has said if these cuts take place—talking about the Obama sequestration cuts—in addition to what he has already cut, it would be ''devastating to the military.'' That means we would have the smallest ground fleet since the 1940s, we would have the smallest fleet of ships since 1915, and the smallest tactical fighter capability or force in the history of the Air Force.

So if we want the United States to continue providing the type of global leadership our people have come to expect and meet the expectations of the American people—when we talk to the American people, they are shocked when they find out other countries have things that are better than we have.

If we want to beat this, then we are going to have to do something about, No. 1, what is happening to the military; and No. 2, the sequestration.

I have it all in one bill. In a minute we will get a number for that bill. Anyway, it is called the Sequestration Prevention Act of 2012. It replaces the sequestration cuts with some smart reforms, and I am going to go over those in a minute to show my colleagues what they are. It replaces the $1.2 trillion and then has a lot of money left over.

Let me just kind of go over what this bill would do. People keep saying: We cannot do anything about it. We cannot do anything about the sequestration, the cuts.

We had this great committee that was supposed to be out there finding $1.2 trillion over a 10-year period and yet we have a President who was able to give us deficits of five times that much over just a 4-year period.

What it does, first of all, to come up with this $1.2 trillion, plus rebuilding the military—we want to rebuild the military, in my estimation, up to 4 percent of GDP. For the last 100 years, prior to 1990—for 100 years—the average defense spending constituted 5.7 percent of GDP. That was the average, in times of war and in times of peace. Now it is all the way down, after his sequestration, to below 3 percent; in other words, about half of that.

What I wish to do with additional funds that come from this bill I am introducing today is put that back into the military and bring us up to 4 percent of GDP—still considerably less than where we have been over the last 100 years.

The first thing it does is completely repeal ObamaCare and adopts PAUL RYAN's approach to block granting the Medicaid Program so States have complete control over the dollars they use to reach their low-income populations with health care assistance. Together, these two changes will reduce spending by $1.1 trillion over 10 years.

Secondly, it returns nondefense discretionary spending to the 2006 levels. When this President came in, the amount of the nondefense discretionary spending surged. This would have a savings over that period of time of $952 billion.

The third thing it does is it block grants the Food Stamp Program and converts it into a discretionary program so States have complete control over the design of their nutrition assistance programs to best meet the needs of their low-income populations. This provision reverses the massive expansion we have seen of the Food Stamp Program under the Obama administration, which has literally doubled in size, up to 100 percent, since he took office.

On President Obama's inauguration day, just under 32 million people were on food stamps. Today, it is more than 46 million people, and they receive these benefits. It is going to have to stop. It will continue to go up if we do not do something about it. This provision saves $285 billion.

By the way, I think it is important to know, when we look at the farm program, the farm program is a welfare program because they increase all these provisions and call it part of the farm bill. But that is a different subject, and I will talk about it later, not today but later.

The fourth thing the legislation does is it reduces the Federal workforce by 10 percent through attrition. Nobody out there is going to be fired. There are not going to be any cuts. In fact, it would continue to have some modest increases in payment for those who are there. Through attrition, the savings would be about $144 billion over 10 years.

The fifth thing the bill does is it repeals the authority of the Federal Government to spend taxpayer dollars on climate change or global warming. This is kind of interesting because very few people know that—even though they remember that every time there has been a bill on cap and trade, there is a cost to the American people of somewhere between $300 billion and $400 billion a year, and people's heads start spinning when we talk about these large amounts. Sometimes in my State of Oklahoma, what I have done is take the total number of families who file Federal tax returns and then I apply this to it. This would be about $3,000 per family in my State of Oklahoma. Yet even the Director of the EPA admits that if we did this, it would not reduce CO_2 emissions worldwide. That is the Director of the EPA, Lisa Jackson, and that is on the record. I appreciate her honesty in that respect.

If we do this right now—what people do not know is this President has spent $68.4 billion since he has been President on all this global warming stuff. That is without authority because we have clearly defeated all those bills. What he has done through regulations is what he could not do through legislation. But nobody knows about it, until now. Now they know about it.

Anyway, if we stop doing that over the next 10 years, that will save an additional $83 billion.

Finally, the legislation includes comprehensive medical malpractice and

tort reform. That is the same thing that was passed by the House of Representatives and that would save $74 billion over 10 years.

All told, all the savings generated would be $2.6 trillion—not $1.2 trillion—$2.6 trillion over 10 years. So do not let anyone tell you, we cannot get there from here. Clearly, we can get there from here.

We use the remaining amount to beef up the military to get back to our 4-percent level. I believe if we were to talk to the average American, they would say: Yes, let's go ahead and do this. Why aren't we doing it now?

Let me mention one other thing before I conclude; that is, we have something called the WARN Act. What that does is require the employers—who know because of sequestration there are going to be layoffs—to give pink slips at least 60 days prior to the time that will happen. Under sequestration, if they do not adopt my act, if they do that, then those pink slips would have to be out there by the 2nd of November.

The President does not want that to happen. He does not want the Obama sequestration to be pointed out and identified as to what is causing them to lose their jobs, so he is trying to get companies not to comply with the WARN Act.

Clearly, the WARN Act says ''an employer shall not order a plant closing or mass layoff until the end of a 60-day period after the employer serves written notice of such an order.''

The WARN Act states—this is very significant because if there are companies out there that are listening to the President when he is asking them not to issue the pink slips, this is what would happen to them—it states that ''any employer who orders a plant closing or mass layoff in violation of Section 3 . . . shall be liable to each aggrieved employee who suffers an employment loss as a result of such closing or layoff.''

In other words, if they do not do it, then that opens the doors for all the trial lawyers to come in. Just imagine the cases. At Lockheed Martin, they say they are going to have to let go of some 120,000 people. If they had a class action suit, each one who was let go would receive something like $1,000. That would be $120 million that company would have to pay. I cannot imagine the board of directors of any company anywhere in America not complying with this legal act called the WARN Act.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, Mr. CASEY, Ms. SNOWE, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. BROWN of Massachusetts):

S. 3477. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I rise today to introduce the Women, Peace, and Security Act of 2012 with Senators HUTCHISON, CASEY, SNOWE, SHAHEEN, GILLIBRAND and SCOTT BROWN. A companion bill was also introduced in the House of Representatives today by Representatives CARNAHAN, BERMAN and SCHAKOWSKY.

This important legislation will help codify the United States National Action Plan on Women, Peace, and Security, which was released by the Obama administration in December, 2011, to help further ongoing U.S. initiatives regarding women, peace, and security and the objectives of United Nations Security Council Resolution 1325, UNSCR 1325.

UNSCR 1325 calls on all countries to establish national action plans aimed at promoting the inclusion of women in conflict resolution efforts and peacebuilding institutions, such as police services.

This is essential because women and girls are disproportionately impacted by violence and armed conflict. But at the same time, we know that women are critical to helping prevent violence before it occurs and resolving crises once they begin. Furthermore, evidence shows that integrating women into peace-building processes helps promote democracy and ensure the likelihood of a peace process succeeding.

With the National Action Plan on Women, Peace, and Security, the U.S. joins the more than 37 other countries who have released similar National Action Plans recognizing women's contributions to peace building and committing to support women's inclusion in all aspects of peace processes.

As Chair of the Senate Foreign Relations Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues, I am proud of the Obama Administration for undertaking this important initiative, and remain committed to continuing to promote the full inclusion of women in all aspects of peace-building efforts.

I look forward to working with my colleagues to pass this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 535—RECOGNIZING THE GOALS AND IDEALS OF THE MOVEMENT IS LIFE CAUCUS

Ms. KLOBUCHAR (for herself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 535

Whereas arthritis is the number one cause of disability in the United States, according to the Centers for Disease Control and Prevention, affecting 50,000,000 Americans, and among the leading reasons for doctors' visits and missed work;

Whereas the Centers for Disease Control and Prevention finds that in 2003 arthritis cost the United States economy $128,000,000,000 annually in medical costs and lost wages;

Whereas 27,000,000 Americans suffer from osteoarthritis (the most common form of arthritis) and almost 80 percent have some degree of movement limitation;

Whereas the onset of chronic joint pain and osteoarthritis can lead to disability and a loss of personal independence;

Whereas, women along with African Americans and Latinos, the two largest racial and ethnic minority groups in the United States, face more severe osteoarthritis and disability, yet receive less than optimal access to diagnostic, medical, and surgical intervention than do other groups;

Whereas women and minorities experiencing chronic diseases (such as diabetes, obesity, and heart disease (all medical conditions positively impacted by physical activity)) struggle disproportionately with undiagnosed and diagnosed osteoarthritis;

Whereas there is a lack of awareness about the connection between musculoskeletal health disparities, increasing physical inactivity levels and disparities in diabetes, obesity, and heart disease among women, African-Americans and Latinos, which have a significant impact on increasing health care costs and workforce productivity;

Whereas the first Movement is Life National Summit in September 2010 facilitated a national dialogue among stakeholders engaged in the continuum of care of women, African Americans, and Latinos, about musculoskeletal health disparities;

Whereas the National Movement is Life Work Group Caucus has been established and the third annual meeting will be held this September 16-18, 2012 in Washington, D.C.;

Whereas the National Movement is Life Work Group Caucus will facilitate the development of action plans to help reduce musculoskeletal health disparities; and

Whereas the National Movement is Life Work Group Caucus seeks to promote early intervention, slow musculoskeletal disease progression, reduce disability, and encourage physical activity and daily movement in order to improve the health of those currently disadvantaged as well as the overall health of the nation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the musculoskeletal health disparities present among women, African Americans, and Latinos;

(2) acknowledges the dangers posed to these populations, from rising inactivity levels and the impact on increased risk of chronic diseases such as diabetes, obesity, and heart disease;

(3) seeks to raise public awareness in these communities about osteoarthritis and the importance of early intervention;

(4) encourages physical activity and daily movement, in order to limit the exasperation of related chronic diseases and loss of independence; and

(5) commends the Movement is Life National Caucus for its efforts in creating a dialogue which draws attention to these health disparities which continue to impact our national economy and many lives around the country.