S. 3751

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3756

At the request of Mr. REID, his name was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 3759

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3759, a bill to amend the Energy Policy Act of 2005 to authorize the Secretary of Energy to issue conditional commitments for loan guarantees under certain circumstances.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. TESTER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3789

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3789, a bill to limit access to social security account numbers.

S. 3790

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3790, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3794

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3794, a bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 3815, a bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3841

At the request of Mr. KYL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3841, a bill to amend title 18, United States Code, to prohibit the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos that depict obscene acts of animal cruelty, and for other purposes.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3841, supra.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. CON. RES. 72

At the request of Mr. BROWNBACK, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution recognizing the 45th anniversary of the White House Fellows Program.

S. RES. 644

At the request of Mr. KAUFMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 644, a resolution designating the week beginning October 10, 2010, as ''National Wildlife Refuge Week''.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN of Massachusetts (for himself, Ms. SNOWE, Mr. BENNETT, Mr. CORKER, Ms. COLLINS, Mr. VOINOVICH, Mr. ALEXANDER, and Mr. CHAMBLISS):

S. 11. A bill to restore the application of the 340B drug discount program to orphan drugs with respect to children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Massachusetts. Mr. President, I come to the floor today to speak about a bill that I am introducing today along with several of my Senate colleagues. My bill protects the lives of the most vulnerable among us our Nation's children by ensuring children's hospitals across the country are able to purchase orphan drugs at a discount.

I am pleased to be joined by my colleagues: Senators SNOW, BENNETT, CORKER, COLLINS, VOINOVICH, ALEXANDER, and CHAMBLISS today, to stand together to provide for and protect the ability of children's hospitals to access medicines for their patients at a reduced price.

As my colleagues are aware, access to orphan drugs are critically important to children, many of whom, if they are ill, suffer from rare disease or conditions. Orphan drugs, by definition, are designed and developed to help and treat diseases or conditions that affect fewer than 200,000 people, many of whom are children. On a daily basis, the Children's Hospital of Boston uses most of the 347 medicines that are designated orphan drugs.

The bill my colleagues and I are introducing today restores and protects the ability for children's hospitals to access those outpatient medicines through the 340B drug discount program authorized in the Public Health Services Act. Access to this program and the corresponding discount saves the Children's Hospital of Boston nearly $3 million annually, but more importantly, Children's Hospital of Boston is able to save lives as a result. Hospitals and doctors at children's hospitals are able to access life-saving medicines, children live better lives, and families are given a piece of mind.

Passing this bill quickly is the right thing to do and I encourage the Senate to act swiftly to enact my legislation to ensure that children's hospitals can once again receive discounted pricing on these life-saving medicines.

There is no cause for delay. The House has passed this restorative language twice already. The Senate needs to do the same.

I believe quick passage is possible quick passage should be possible because of the support and efforts that I have seen demonstrated by my fellow Senators.

Senator SHERROD BROWN has been a thoughtful leader on this issue and I respect and admire him for his work. Because of his leadership and perseverance, he was able to secure the support of sixteen Democratic Senators in favor of this legislation, all of whom signed a letter to the Majority Leader, expressing their support to restore access to this very important program.

I am hopeful that Senator SHERROD BROWN and I can continue to work across party lines and with all of our colleagues to reach agreement and find resolution on this.

My door is always open to my colleagues who are willing to work together to solve common problems. In this instance, our Nation's children deserve that we come together and protect their access to medicines that will save their lives.

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

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

S. 11

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

**SECTION 1. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.**

(a) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)'' and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

———

U.S. SENATE,
*Washington, DC, August 5, 2010.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR MAJORITY LEADER REID: We are writing to ask that a technical correction to Section 2302 of the Health Care and Education Reconciliation Act (HCERA) be provided at the earliest opportunity. The Section exempted orphan drugs from required discounts for newly eligible entities added to the 340B statute under the Act. PPS-exempt children's hospitals were included among these entities, when in fact they were already eligible for and participating in the 340B program.

Since the HCERA provision was effective upon enactment, it is imperative that a retroactive correction be made as soon as possible. Both the House and Senate have included this correction in various pieces of legislation, but none of these bills have been signed into law. We thank you for your efforts to date to fix this problem and respectfully ask for your continued help in ensuring another legislative vehicle for the prompt passage of a technical correction restoring the children's hospitals' ability to fully participate in the 340B drug discount program.

Children's hospitals use on a daily basis most of the 347 drugs that have received orphan drug status. The hospitals participating in the 340B drug discount program have achieved significant savings. They estimate that those savings would be reduced dramatically with the orphan drug exemption. If the exemption is not corrected, the children's hospitals will have to pay wholesale prices for these drugs or leave the 340B program.

We would appreciate your continued support to ensure that children's hospitals do not lose the critical benefit provided by the 340B program.

Sincerely,

Sherrod Brown; John F. Kerry; Joseph I. Lieberman; ———; Al Franken; Amy Klobuchar; Mary L. Landrieu; Debbie Stabenow; Maria Cantwell; Kirsten E. Gillibrand; Christopher J. Dodd; Robert P. Casey, Jr.; Carl Levin; Dianne Feinstein; Herb Kohl; Arlen Specter; Barbara Boxer.

———

CHILDREN'S HOSPITAL BOSTON,
*Boston, MA, August 24, 2010.*

Senator SCOTT BROWN,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR BROWN: We write with urgency to request your leadership on a pressing issue facing Children's Hospital Boston. An unintentional error in the Health Care Education and Reconciliation Act (HCERA) is threatening children's hospitals access to discounts on orphan drugs through the drug discount program authorized under section 340B of the Public Health Service Act.

The 340B program allows a number of safety net providers to purchase outpatient pharmaceuticals at discounted rates, thereby expanding access to care to low income and vulnerable populations. The program saves Children's Hospital Boston between $1.5 and $3 million annually and is of no cost to the government. Participation in this program has made it possible for the hospital to control costs in a challenging environment and ensure patient access to outpatient drugs, such as Botox (used to reduce spasticity in patients with cerebral palsy and other neurological disorders) and Rituximab (used to treat non-Hodgkins lymphoma and to alleviate the effects of severe juvenile arthritis).

Children's hospitals were included in the 340B program through an amendment to Medicaid in the Deficit Reduction Act of 2005. Federal guidance enabling them to enroll in the program was finally published in September 2009, and 25 children hospitals, including Children's Hospital Boston, are now participating. The Patient Protection & Affordable Care Act (PPACA) added some new types of hospitals as eligible entities to the 340B statute and also included the children's hospitals so that they would be subject to same regulatory requirements as other eligible providers. When HCERA amended the PPACA with a last minute provision exempting orphan drugs from discounts received by all of the newly eligible providers, children's hospitals were unfortunately included, even though they were already eligible for and participating in the 34013 program.

Without a technical correction restoring 340B discounts for orphan drugs, Children's Hospital Boston is facing the loss of most of its savings from the 340B program and the choice of either leaving the program or paying wholesale prices for orphan drugs. Orphan drugs, i.e. drugs developed to treat a disease that afflicts relatively few, are widely used in children's hospitals, given their role in caring for the sickest children with the most complex health care needs. In addition, orphan drugs may also be used more widely in treating other diseases or conditions. Indeed, Children's Hospital Boston currently uses most of the 347 drugs with orphan drug status on a daily basis.

The Massachusetts Biotechnology Council (MassBio), which represents more than 600 biotechnology companies, universities and academic institutions dedicated to advancing cutting edge research, urges a correction to this problem. As you likely know, the focus of MassBio is to foster an environment in the state where biotechnology companies can succeed. For MassBio, as well as the member companies, true success means that research and development leads to treatments that reach the most vulnerable patients in our state. As such, it is critical that institutions like Children's Hospital Boston have ready access to the pharmaceuticals they need to treat seriously ill children.

As the months pass and denials of discounts for orphan drugs begin, we are gravely concerned about the cost impact of this mistake on Children's Hospital Boston. The hospital employs more than 8,000 people, treats thousands of very sick children annually and is the safety-net provider for Massachusetts children. Children's has worked diligently in coordination with insurers and others in the industry to reduce health care costs and improve efficiency.

Without immediate legislative action, Children's Hospital Boston will be forced to withdraw from this cost saving, health care enhancing program. As leaders in the Massachusetts health care industry and partners in improving community health, we ask you to take a leadership role in the correction of the issue. Corrective language was included in the two tax extenders bills that passed in the House. However, the language, while uncontroversial, has not been included in any legislation that has passed the Senate.

We hope that you will agree to serve as an original cosponsor of the legislation drafted by Senator Sherrod Brown (attached) and contact the Majority and Minority leadership in the Senate to insist that this issue not be tied up in politics.

Sincerely,

JAMES MANDELL, MD,
*CEO, Children's Hospital Boston.*
ROBERT K. COUGHLIN,
*President & CEO, MassBio.*

———

By Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 3849. A bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, I come to the floor today to support extending a critically needed program that provides hope to 250,000 of our poorest families.

I am joined by Senators DURBIN, CASEY, SHERROD BROWN, BINGAMAN, BURRIS, HARKIN, LEAHY, BOXER, MENENDEZ, REED and DODD in offering the Job

Preservation for Parents in Poverty Act, which simply provides a 3-month extension of the Temporary Assistance for Needy Families, TANF, Emergency Contingency Fund. The $500 million in funding needed to pay for this extension is offset with corresponding reductions to the regular TANF Contingency Fund in fiscal year 2012.

We have suffered through the worst recession since the great depression. Just this month, the Census Bureau reported that nearly 44 million Americans—1 in 7—lived in poverty last year. This represents the largest number of Americans living in poverty since the Census Bureau began keeping these statistics 51 years ago.

The TANF Emergency Fund was created as part of the Recovery Act enacted last year to provide temporary, targeted, emergency spending that combats the recession by helping to create jobs for our poorest families. It gave States funds to subsidize jobs for low-income parents and older youth and to provide basic cash assistance and short-term benefits to the increasing numbers of poor families with children. It addresses the emergency needs of low-income families that are struggling in the recession.

At least 36 States have used TANF Emergency Contingency Funds to create or expand subsidized employment programs. States have used this fund to create subsidized jobs in the private and public sectors during the depth of the recession. By the time it expires at the end of September, the fund will have created approximately 250,000 jobs for low-income Americans who would otherwise be unemployed. Nearly all of these jobs will be eliminated if the program is not extended with additional funds.

If this worthy program is allowed to end on Thursday, these States will no longer be able to use the TANF Emergency Fund to subsidize employment and provide basic cash assistance to struggling families to help with housing and heating bills, domestic violence services, and transportation costs. This will hurt our economy because families on TANF have to spend nearly all of the money they receive to meet their basic needs. This will reduce demand for the goods and services, particularly in low-income communities.

Massachusetts relies on the TANF Emergency Contingency Fund to maintain the key existing safety net programs for cash assistance, emergency housing, rental vouchers, employment and training services, child care, and other initiatives to support low-income families getting back to work.

In Massachusetts, the Emergency Fund is used to provide TANF cash assistance to more than 50,000 low-income families in the Bay State each month. To qualify for this assistance, a family of three must have income less than $1,069 a month. Let me repeat that. To qualify for this assistance a family of three must have income of less than $1,069 a month. The maximum cash grant they can receive from the state is just $578 a month. Massachusetts also uses the fund to provide emergency shelter and related services to 3,000 homeless families.

An extension of the TANF Emergency Fund would provide Massachusetts with federal assistance to accommodate the 10 percent TANF caseload increase we have experienced since the start of the recession. It would enable the State to preserve and maintain critical services for our poorest citizens during these difficult economic times.

If Congress does not immediately act, tens of thousands of jobs will be lost. Businesses will lose access to critical employment support programs, and the lives of our poorest families will be made even more difficult.

Extending the TANF Emergency Contingency Fund is a common-sense policy that enjoys broad support from public officials, private experts, and bipartisan organizations, including: Mark Zandi, Chief Economist at Moody's Analytics; the National Governors Association; the National Conference of State Legislators; the American Public Human Services Association; and the National Association of State TANF Administrators. I ask all my colleagues to support this legislation.

Mr. CASEY. Mr. President, I rise to speak about a piece of legislation just introduced, S. 3849, the Job Preservation for Parents in Poverty Act, which is simply an extension of a program that has placed tens of thousands of people into jobs in this recession and is working. We want to make sure it is extended because of how effective it has been to help people find and keep jobs. This legislation is fully offset. I wish to spend a couple minutes talking about the provisions that make it so effective.

First, I thank a number of Senators who have led the fight—Senator KERRY, as well as our assistant majority leader, Senator DURBIN, for the work they have done, as well as others—and for the testimony we received from people across the country. I know in my case one person who spent a good deal of time making it clear to me and to others across southern Pennsylvania and even across the State about the effectiveness of this program was Mayor Nutter of Philadelphia who, like any mayor in the country in the middle of a recession, doesn't have the luxury of dealing with programs that don't work. He can only support and endorse programs that are working to create jobs. In a city such as Philadelphia, which still has a high unemployment rate, Mayor Nutter has relied upon this program, which is a rapid attachment effort to create jobs and keep people in those jobs.

We know the unemployment rates are intolerably too high. In our State we have 585,000 people out of work, just about 9.5 percent unemployment. Our poverty figures are going through the roof at the same time. We are seeing, in short, the real impact of this horrific recession.

One of the best ways to deal with that crisis is to have an extension of an important program that we refer to in Pennsylvania as the Pennsylvania Way to Work Program. It is helping keep people out of poverty and providing people with jobs; in this case, 12,000 people in Pennsylvania. I could go down the list of other States as well, but I won't. In our State, 12,864 adults have been helped by this program as well as summer youth, more than 7,800, for a total of 20,718.

It is fully offset. If we don't extend it, in many, if not most, States, these programs will be shut down. It is working. It is not only creating jobs, it is keeping people out of poverty because they are working. I would think everyone would want to support programs that are working and keeping people out of poverty.

It is critically important that we extend the program. I am grateful for the help our assistant majority leader, Senator DURBIN, has provided.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from the Commonwealth of Pennsylvania for speaking out for this important program. I know there are many jobs in his State which are at stake with this decision by the Senate. There are some 26,000 jobs in Illinois that hinge on a decision made by the Senate as to whether we extend this program. What we are discussing this afternoon gets down to the heart of the question: Will we do everything in our power to help Americans find work, particularly those who have struggled so hard in the past? Will we give them a chance to continue working in many instances or to find work? It is an important choice.

Here we have a stark example of this choice in the fate of a program called the TANF Emergency Contingency Fund. In my State, we call this program Put Illinois to Work. It helps States subsidize the cost of hiring workers in mostly private sector jobs.

This small program has had a huge impact in Illinois. Nearly 250,000 jobs have been created in 37 States. It is a program that everyone of both political parties should support. Rather than paying people to do nothing, this program helps private companies hire the employees they need but can't quite afford. Yet Republicans, at least to this point, are saying we should not extend this program past this Thursday. The end of this program in my State means the loss of thousands of jobs. I think the only reason there is opposition to this is the fact that it was originally conceived and offered to the Senate in the President's Recovery Act.

Though many on the other side of the aisle have taken a party-line position

that they will oppose that act no matter what it did is unfortunate, particularly for people who are just trying to find a way to survive in a very tough economy. Many of them earn $10 an hour. These are not jobs on which one could get rich. They can survive on these jobs. We are trying to make sure these people have an opportunity to survive. This is a stimulus that works. Who would argue with the concept or premise that putting people to work is a lot better than paying them to do nothing?

Senator JOHN KERRY of Massachusetts has a simple bill that would extend the jobs program by 3 months, but it is fully paid for by reducing the TANF program's future budget. The argument that it adds to the deficit does not work. It doesn't add to the deficit. It is paid for by future budgetary commitments. I am afraid that still we will find an objection from the other side of the aisle. They have objected to continuing this program on the continuing resolution which more or less keeps government in business while we are in recess.

Mr. President, 26,000 jobs are at stake in Illinois, and losing that many jobs would hurt my State. We already have an unemployment rate of over 10 percent. Governor Pat Quinn is trying to figure out how to save some of these jobs, but it is difficult with the budgetary problems we face in the State capital. It is not just Illinois that would suffer; 110,000 jobs would be lost in States represented by Republican Senators: 40,000 in Texas, which is represented by two Republican Senators; 20,000 in Georgia, represented by two Republican Senators; 10,000 in Kentucky, 10,000 people who will lose work this week in Kentucky represented by the minority leader. It is unfortunate that we have allowed some of these ideological positions to get in the way. It makes no difference that over 110,000 constituents represented by those on the other side of the aisle will be impacted by this objection.

I am afraid at this point some of our partisan differences are going to cost a lot of innocent people a chance to bring home a paycheck. I don't think that is what the American people want in Washington. I think what they are looking for us to do is to extend this program and save a quarter million Americans from losing their jobs.

I don't know if Senator KERRY is coming to the Senate floor, but I see some Members on the Republican side of the aisle. I will make the unanimous consent request at this point.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3849, the Job Preservation for Parents in Poverty Act; that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, and I will object, the majority has known this program was going to expire at the end of this month all year and has taken no steps to reauthorize this important social safety net program. We are also in the position of having to pass an extension of TANF. I am not sure the Senator from Illinois is aware that the chairman and ranking member of the Finance Committee have put together a bipartisan 1-year extension of TANF. I object.

The PRESIDING OFFICER. Objection is heard.

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By Mr. REID (for Mrs. LINCOLN):

S. 3850. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

Mrs. LINCOLN. Mr. President, I rise today to introduce a bill which will protect the great American traditions of hunting, fishing, and recreational shooting from actions that will drive up the costs of participation and directly impact employment across the country. Recently, extremist groups have filed a petition with the U.S. EPA to prohibit the use of lead in the manufacturing of ammunition and fishing tackle. This effort would not only drive up the cost of ammunition and fishing tackle, but would, as a direct result, drive down the number of people able to participate in these activities and directly hurt the millions of Americans who depend on the hunting, fishing, and shooting industries for part of their livelihoods.

Hunters and anglers are ardent conservationists and have proven themselves willing to consider lead alternatives when the data justifies it. For instance, since 1991, waterfowl hunters have been required to use non-lead ammunition to protect waterfowl species which have been scientifically proven to be vulnerable to exposure. However, EPA found in 1994 no scientific basis to proceed with a lead ban in fishing tackle. EPA rightly and quickly rejected the petition with regard to ammunition, stating that they did not have the authority to regulate ammunition under the Toxic Substances Control Act.

However, EPA is still considering a ban on lead fishing tackle. This ban would drive up costs on a sport that's appeal lies in its simplicity and accessibility to the broad American public. Lead sinkers are critical to both salt and freshwater anglers, and are frequently used in the types of fishing that attracts young people to this sport.

Moreover, a ban such as this would be a blow to thousands of people who depend on fishing tackle and ammunition manufacturing for their livelihoods. Companies like Remington in Lonoke, Arkansas employ over 20,000 Arkansans. The 5,500 manufacturers of firearms and ammunition and almost one million people working in sport fishing do not need EPA taking aim at their industry.

My bill simply clarifies that the components used in manufacturing shells, cartridges, and fishing tackle are exempt from EPA regulation under the Toxic Substances Control Act. Taking this simple step will provide certainty to these critical industries and prevent EPA and activist litigators from dragging this issue out through the courts for years.

I am confident that the sporting community will continue to work with the Fish and Wildlife Service and State Fish and Wildlife agencies to address issues around lead ammunition where and when the facts warrant it. But Congress must act to preserve our hunting and fishing traditions by ensuring access to affordable, vital tools our hunters and anglers rely on.

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

S. 3850

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Hunting, Fishing and Recreational Shooting Protection Act''.

**SEC. 2. MODIFICATION OF DEFINITION.**

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) by striking ''(B) Such term does not include—'' and inserting the following:

''(B) EXCLUSIONS.—The term 'chemical substance' does not include—'';

(2) in clauses (i) through (iv), by striking the commas at the end of the clauses and inserting semicolons;

(3) by striking clause (v) and inserting the following:

''(v)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4181 of the Internal Revenue Code of 1986, and any separate component of such an article (including shells, cartridges, and ammunition); or

''(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I) (as determined without regard to any exemption from the tax imposed by section 4181 of the Internal Revenue Code of 1986 under section 4182, section 4221, or any other provision of that Code);'';

(4) in clause (vi), by striking the period at the end and inserting ''; or'';

(5) by inserting after clause (vi) the following:

''(vii)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4161 of the Internal Revenue Code of 1986, and any separate component of such an article; or

''(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I).''; and

(6) in the matter following clause (vii) (as added by paragraph (5)), by striking ''The term 'food' as used in clause (vi) of this subparagraph includes'' and inserting the following:

''(C) RELATED DEFINITION.—For purposes of clause (vi) of subparagraph (B), the term 'food' includes''.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Healthy Media for Youth Act. The purpose of this bill is to promote positive media depictions of girls and women among our nation's youth.

The majority of 8- to 18-year-olds spend about 10 hours a day watching television, on the computer, or playing video games. Unfortunately, the images they see often reinforce gender stereotypes, emphasize unrealistic body images, or show women in passive roles.

Positive and realistic female body images remain a problem. A recent survey by Girl Scouts of the USA's Research Institute found that 89 percent of girls feel the fashion industry places a lot of pressure on teenage girls to be thin. Even among girls as young as grades 3 through 5, fifty-four percent worry about their appearance, and 37 percent of these young girls worry specifically about their weight.

Women are often portrayed in passive or stereotypical roles, rather than in positions of power. Violence against women continues to be prevalent throughout media. The Parents Television Council reports that between 2004 and 2009, violence against women and teenage girls increased on television programming at a rate of 120 percent, compared with the 2 percent increase of overall violence in television content.

In 2007, the American Psychological Association, APA, conducted a report on the Sexualization of Girls and found that three of the most common mental health problems among girls—eating disorders, depression or depressed mood, and low self-esteem—are linked to the sexualization of girls and women in media. Boys are also negatively affected by the portrayal of girls because it sets up unrealistic expectations, which may impair future relationships between girls and boys.

The bill I'm introducing today starts to tackle this problem by promoting positive media messages about girls and women among our nation's youth.

Specifically, this bill would direct the U.S. Department of Health and Human Services, HHS, to award grants to nonprofit organizations to promote positive media depictions of girls and women among youth, and to empower girls and boys by developing self-esteem and leadership skills.

The bill also directs the Centers for Disease Control and Prevention, CDC, in coordination with the National Institute of Child Health and Human Development to review, synthesize, and research the role and impact of depictions of girls and women in the media on the psychological, sexual, physical, and interpersonal development of youth.

Finally, this bill requires the Federal Communications Commission, FCC, to convene a National Task Force on Girls and Women in the Media in order to develop voluntary steps and goals for promoting healthy and positive depictions of girls and women in the media for the benefit of all youth.

We must reverse this trend for this generation of youth and for future generations.

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By Mr. CARPER (for himself, Mr. WARNER, Mr. AKAKA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 3853. A bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, today, as Chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, I offer a piece of legislation, along with my distinguished colleagues Senators WARNER, AKAKA, LIEBERMAN, COLLINS and VOINOVICH, that I believe will lead us on a path to a more effective and efficient federal government.

It has been more than 17 years since Congress passed the Government Performance and Results Act, GPRA, to help us better manage our finite resources and improve the effectiveness and delivery of Federal programs. Since that time, agencies across the federal government have developed and implemented strategic plans and have routinely generated a tremendous amount of performance data. The question is—have Federal agencies actually used their performance data to get better results?

Producing information does not by itself improve performance and experts from both sides of the aisle agree that the solutions developed in 1993 have not worked. The American people deserve—and our fiscal challenges demand—better results.

The GPRA Modernization Act of 2010 which I offer today aims to assist and motivate—Federal agencies to put away the stacks of reports that no one reads and actually start to think how we can improve the effectiveness, efficiency and transparency of our Government.

This legislation represents the many lessons learned over the past 17 years and brings a high level, government wide focus to making our government work better for the American people. It builds off the important strides President Obama's administration has made in this area and pushes Federal agencies even further to not only make goals, but to make individuals responsible for meeting them.

While the strength of our democracy rests on the ability of our government to deliver its promises to the people, we in Congress have a responsibility to be judicious stewards of the resources taxpayers invest in America, and ensure those resources are managed honestly, transparently and effectively. The GPRA Modernization Act of 2010 also calls on the federal government to identify where we are not performing well so we can make better decisions about where we should and should not be putting our scarce resources.

Today we face unparalleled challenges both here and abroad, and these require a knowledgeable and nimble federal government that can respond effectively. With concerns growing over the mounting federal deficit and national debt, the American people deserve to know that every dollar they send to Washington is being used to its utmost potential. Performance information is an invaluable tool that can ensure just that. If used effectively, it can identify problems, find solutions, and develop approaches that improve outcomes and produce results.

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

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

S. 3853

*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 ''GPRA Modernization Act of 2010''.

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



**SEC. 2. STRATEGIC PLANNING AMENDMENTS.**

Chapter 3 of title 5, United States Code, is amended by striking section 306 and inserting the following:

**''§ 306. Agency strategic plans**

''(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain—

''(1) a comprehensive mission statement covering the major functions and operations of the agency;

''(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

''(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;

''(4) a description of how the goals and objectives are to be achieved, including—

''(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

''(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;

''(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);

''(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;

''(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

''(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.

''(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.

''(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

''(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

''(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.''.

**SEC. 3. PERFORMANCE PLANNING AMENDMENTS.**

Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:

**''§ 1115. Federal Government and agency performance plans**

''(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

''(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

''(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

''(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;

''(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

''(A) overall progress toward each Federal Government performance goal; and

''(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

''(5) establish clearly defined quarterly milestones; and

''(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

''(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

''(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

''(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

''(3) describe how the performance goals contribute to—

''(A) the general goals and objectives established in the agency's strategic plan required by section 306(a)(2) of title 5; and

''(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);

''(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

''(5) provide a description of how the performance goals are to be achieved, including—

''(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

''(B) clearly defined milestones;

''(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

''(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

''(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

''(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

''(7) provide a basis for comparing actual program results with the established performance goals;

''(8) a description of how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means to be used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

''(9) describe major management challenges the agency faces and identify—

''(A) planned actions to address such challenges;

''(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

''(C) the agency official responsible for resolving such challenges; and

''(10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

''(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

''(1) include separate descriptive statements of—

''(A)(i) a minimally effective program; and

''(ii) a successful program; or

''(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

''(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

''(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

''(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

''(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

''(2) is properly classified pursuant to such Executive order.

''(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

''(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

''(h) DEFINITIONS.—For purposes of this section and sections 1116 through 1125, and sections 9703 and 9704, the term—

''(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

''(2) 'crosscutting' means across organizational (such as agency) boundaries;

''(3) 'customer service measure' means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;

''(4) 'efficiency measure' means a ratio of a program activity's inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);

''(5) 'major management challenge' means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

''(6) 'milestone' means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

''(7) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

''(8) 'output measure' means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

''(9) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

''(10) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

''(11) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

''(12) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.''.

**SEC. 4. PERFORMANCE REPORTING AMENDMENTS.**

Chapter 11 of title 31, United States Code, is amended by striking section 1116 and inserting the following:

**''§ 1116. Agency performance reporting**

''(a) The head of each agency shall make available on a public website of the agency an update on agency performance.

''(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

''(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

''(c) Each update shall—

''(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

''(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

''(3) explain and describe where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

''(A) why the goal was not met;

''(B) those plans and schedules for achieving the established performance goal; and

''(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

''(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title;

''(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management;

''(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy; and

''(7) include the summary findings of those program evaluations completed during the period covered by the update.

''(d) If an agency performance update includes any program activity or information that is specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive Order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.''.

**SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

**''§ 1120. Federal Government and agency priority goals**

''(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

''(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

''(A) outcome-oriented goals covering a limited number of crosscutting policy areas; and

''(B) goals for management improvements needed across the Federal Government, including—

''(i) financial management;

''(ii) human capital management;

''(iii) information technology management;

''(iv) procurement and acquisition management; and

''(v) real property management;

''(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

''(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget shall consult periodically with the Congress, including obtaining majority and minority views from—

''(A) the Committees on Appropriations of the Senate and the House of Representatives;

''(B) the Committees on the Budget of the Senate and the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Government Reform of the House of Representatives;

''(E) the Committee on Finance of the Senate;

''(F) the Committee on Ways and Means of the House of Representatives; and

''(G) any other committees as determined appropriate;

''(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

''(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

''(6) The Federal Government performance plan required under section 1115(a) of this title shall be consistent with the Federal Government priority goals.

''(b) AGENCY PRIORITY GOALS.—

''(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the Government, and the number to be developed by each agency. The agency priority goals shall—

''(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the consultations with Congress and other interested parties required by section 306(d) of title 5;

''(B) have ambitious targets that can be achieved within a 2-year period;

''(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

''(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of

significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

''(E) have clearly defined quarterly milestones.

''(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.''.

**SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND USE OF PERFORMANCE INFORMATION.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1120 (as added by section 5 of this Act) the following:

**''§ 1121. Quarterly priority progress reviews and use of performance information**

''(a) USE OF PERFORMANCE INFORMATION TO ACHIEVE FEDERAL GOVERNMENT PRIORITY GOALS.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

''(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

''(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

''(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

''(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

''(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to develop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

''(1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

''(3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;

''(4) categorize agency priority goals by risk of not achieving the planned level of performance; and

''(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.''.

**SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PROGRAMS, PRIORITY GOALS, AND RESULTS.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1121 (as added by section 6 of this Act) the following:

**''§ 1122. Transparency of programs, priority goals, and results**

''(a) TRANSPARENCY OF AGENCY PROGRAMS.—

''(1) IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall—

''(A) ensure the effective operation of a single website;

''(B) at a minimum, update the website on a quarterly basis; and

''(C) include on the website information about each program identified by the agencies.

''(2) INFORMATION.—Information for each program described under paragraph (1) shall include—

''(A) an identification of how the agency defines the term 'program', consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

''(B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency; and

''(C) an identification of funding for the current fiscal year and previous 2 fiscal years.

''(b) TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website shall also consolidate information about each agency priority goal, including—

''(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

''(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

''(3) a description of how each agency priority goal will be achieved, including—

''(A) the strategies and resources required to meet the priority goal;

''(B) clearly defined milestones;

''(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

''(D) how the agency is working with other agencies to achieve the goal; and

''(E) an identification of the agency official responsible for achieving the priority goal;

''(4) the performance indicators to be used in measuring or assessing progress;

''(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

''(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

''(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.—The Director of the Office of Management and Budget shall also make available on the website—

''(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

''(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

''(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

''(4) an identification of the lead Government official for each Federal Government performance goal;

''(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities that contribute to each Federal Government priority goal;

''(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

''(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(d) INFORMATION ON WEBSITE.—The information made available on the website under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.''.

**SEC. 8. AGENCY CHIEF OPERATING OFFICERS.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1122 (as added by section 7 of this Act) the following:

**''§ 1123. Chief Operating Officers**

''(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

''(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

''(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(2) advise and assist the head of agency in carrying out the requirements of sections

1115 through 1122 of this title and section 306 of title 5;

''(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

''(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.''.

**SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.**

Chapter 11 of title 31, United States Code, is amended by adding after section 1123 (as added by section 8 of this Act) the following:

**''§ 1124. Performance Improvement Officers and the Performance Improvement Council**

''(a) PERFORMANCE IMPROVEMENT OFFICERS.—

''(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

''(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

''(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

''(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

''(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

''(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

''(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

''(b) PERFORMANCE IMPROVEMENT COUNCIL.—

''(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

''(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

''(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

''(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

''(D) other individuals as determined appropriate by the chairperson.

''(2) FUNCTION.—The Performance Improvement Council shall—

''(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

''(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

''(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

''(D) work to resolve specific Government-wide or crosscutting performance issues, as necessary;

''(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

''(F) coordinate with other interagency management councils;

''(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

''(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

''(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

''(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

''(3) SUPPORT.—

''(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

''(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.''.

**SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.**

(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to produce strategic plans, performance plans, and performance updates in accordance with the amendments made by this Act shall—

(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Congress;

(2) produce such plans and reports in searchable, machine-readable formats; and

(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information for publication on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1120(b) of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website as required under section 1122 of title 31, United States Code.

**SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY REPORTING.**

(a) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating second paragraph (33) as paragraph (35); and

(2) by adding at the end the following:

''(37) the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.''.

(b) ELIMINATION OF UNNECESSARY AGENCY REPORTING.—Chapter 11 of title 31, United States Code, is further amended by adding after section 1124 (as added by section 9 of this Act) the following:

**''§ 1125. Elimination of unnecessary agency reporting**

''(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

''(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

''(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

''(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

''(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

''(b) PLANS AND REPORTS.—

''(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

''(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

''(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.''.

**SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.**

(a) PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

(b) POSITION CLASSIFICATIONS.—Not later than 2 years after the date of enactment of this Act, based on the identifications under subsection (a), the Director of the Office of Personnel Management shall incorporate, as appropriate, such key skills and competencies into relevant position classifications.

(c) INCORPORATION INTO EXISTING AGENCY TRAINING.—Not later than 2 years after the enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 306(f) of title 5, United States Code, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.

**SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) The table of contents for chapter 3 of title 5, United States Code, is amended by striking the item relating to section 306 and inserting the following:

''306. Agency strategic plans.''.

(b) The table of contents for chapter 11 of title 31, United States Code, is amended by striking the items relating to section 1115 and 1116 and inserting the following:

''1115. Federal Government and agency performance plans.
''1116. Agency performance reporting.''.

(c) The table of contents for chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''1120. Federal Government and agency priority goals.
''1121. Quarterly priority progress reviews and use of performance information.
''1122. Transparency of programs, priority goals, and results.
''1123. Chief Operating Officers.
''1124. Performance Improvement Officers and the Performance Improvement Council.
''1125. Elimination of unnecessary agency reporting.''.

**SEC. 14. IMPLEMENTATION OF THIS ACT.**

(a) INTERIM PLANNING AND REPORTING.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government priority goals and submit interim Federal Government performance plans consistent with the requirements of this Act beginning with the submission of the fiscal year 2013 Budget of the United States Government.

(2) REQUIREMENTS.—Each agency shall—

(A) not later than February 6, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

(3) QUARTERLY REVIEWS.—The quarterly priority progress reviews required under this Act shall begin—

(A) with the first full quarter beginning on or after the date of enactment of this Act for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

(b) GUIDANCE.—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to other guidance as required for implementation of this Act.

**SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.**

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

(b) GAO REVIEWS.—

(1) INTERIM PLANNING AND REPORTING EVALUATION.—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act; and

(B) any recommendations for improving implementation of this Act as determined appropriate.

(2) IMPLEMENTATION EVALUATIONS.—

(A) IN GENERAL.—The Comptroller General shall evaluate the implementation of this Act subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

(B) AGENCY IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate how implementation of this Act is affecting performance management at the agencies described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

(C) FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related reporting required by this Act.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017 and every 4 years thereafter.

(D) RECOMMENDATIONS.—The Comptroller General shall include in the reports required by subparagraphs (B) and (C) any recommendations for improving implementation of this Act and for streamlining the planning and reporting requirements of the Government Performance and Results Act of 1993.

Mr. WARNER. Mr. President, I rise to offer new legislation that I urge all my colleagues from both sides of the aisle to support. I am pleased to be joined by Senators CARPER, AKAKA, LIEBERMAN, COLLINS, and VOINOVICH as original cosponsors of this bill. The legislation we offer today, the Government Performance and Results Modernization Act of 2010, is directly aimed at improving operations and quantifying results across the Federal Government.

I think most of my colleagues know I am a business guy. In fact, I have spent more time in the business world than in the public sector. I have always tried to apply commonsense business practices to the work of government, in my former job as Virginia Governor and now as Senator. This is a point I think most of us on both sides of the aisle would acknowledge: If I ran a business or if we ran any business the way we run the Federal Government, I would be out of business in short order. If we do not change—as we hear the kinds of folks across America say: We want to see more efficiency from our Federal Government—if we do not change, our government might get run out of business as well.

As chair of the Budget Committee Task Force on Government Performance, over the last 18 months I have been looking into how we use data and information to improve government operations. Over the last year, our task force has held a series of hearings, meetings, and conversations with public and private sector leaders from every level of government to learn more about what works and what does not work. Here is what we have learned.

At the beginning of every President's administration, it seems an entirely new performance agenda is established. The Bush administration had the President's Management Agenda, and the current administration has its own accountable government initiatives. With this frequent change in approach every 4 to 8 years, it is difficult to ensure that we are consistent in the data we collect, use the best tools and technology to analyze it, and then put the necessary accountability in place to orderly track performance and the basic functions of what government does. Let me give you a couple examples.

Agencies produce literally thousands of pages of data each year, but too often we do not use it. We do not use it in Congress. Public interest groups do

not use it. Enormous efforts are put into collecting this data, and then it sits on the shelf. Typically, this performance data is only reported once a year, so it is often too late by the time we discover whether we are improving or falling behind.

We also do not compare the results of similar programs. Too often, so many of our government functions are siloed by agency or Department and rarely is this data analyzed in any kind of crosscutting fashion. We in the task force took a look at this. We looked, for example, at workforce training programs across the Federal Government. We are currently funding 44 separate Federal programs in 9 different departments to support workforce training. We all would agree that in a changing world, workforce training is key to America's competitiveness. But 44 programs in 9 different departments without any kind of crosscutting analysis? No business could operate that way. And it is not just workforce training. In food safety—a piece of legislation that we are working on that I and I know the Presiding Officer hope we pass before the end of the year to put new food safety standards in place—in food safety, we currently fund 17 different entities within 7 different departments involved in food safety activities. So how can we assess what is working and what is not working?

In short, government operates in silos. We report by agency and by program, but we do not know what we are doing in government in any particular project area or specific policy goal area. We need a better system that enables us to review the results of each program as a whole in terms of how they feed into a policy objective, where we are having the most impact, and, candidly, where we could find some room to cut or curtail.

Our Federal performance system also needs to increase the accountability of senior agency leadership. In many agencies, the performance planning and reporting is disconnected from the senior officials and not part of the daily operations of the agency. In other words, somebody's got this task, but their functions of performance audits and measurements and metrics do not have a direct line of reporting to whoever the chief operating officer of the particular agency is.

I can say that at the State and local level, we have actually made some progress in changing this around. Let me parochially start with what we did in Virginia. This chart I have in the Chamber is a little bit busy, but we created a Virginia Performs Web site. We use this to track progress we are making in key policy areas that are important to Virginians. So whether it is the economy, education—and we set commonsense goals that everyone can agree on across party lines, and then we look at the measurement criteria that lead to that goal. This is one of the reasons Virginia has earned the recognition as the best managed State in the country.

It is not just happening in Virginia, though. In Indiana, a different tool has been created. It is called the Transparency Portal by GOV Mitch Daniels. It again tries to bring transparency to the policy goals. Then we can argue about how we get there or how we ought to fund how we get there. But unless we have common agreement on the goal and then see which programs lead to that goal and measure the effectiveness of the individual programs, we are not going to get, particularly in these budget-constrained times, the best value for our Federal tax dollar.

I believe Washington has much to learn from these local and State level examples in setting goals, holding managers accountable, and using performance metrics in a consistent, user-friendly way. State and local decision-makers do not have to wait to look at the results once a year. They do it constantly. That is what we did in Virginia. That is what we need to do in our Nation's Capital as well.

In addition to this reporting and crosscutting, we also need to recognize that not all of these burdensome reporting requirements are of equal value. So the task force has focused on reducing reporting requirements to identify what reporting might be consolidated or eliminated. If you get overwhelmed with data at certain points, the data becomes somewhat less useful. So we want to focus these agencies on what are the key determinants on which they ought to report. I do not want to just add new reports and data requirements on agencies. There are bookshelves all over this town sagging from the weight of unread reports. So we must streamline and modernize what we are currently doing, and we need to examine outdated and overlapping agency reporting. We should only collect information that is useful.

The Government Performance and Results Modernization Act addresses many of our findings to improve the operations and results across government.

First, it will require all agencies to produce real-time data on results. As I mentioned earlier, in the past, agencies would report on performance only once a year. This bill would require agencies to post results quarterly so the public and Congress can use that real-time information about what works on targeted goals. With today's technology and if you are collecting data on an ongoing basis, there is no reason we should have this information only come out once a year. A quarterly requirement will allow us to correct and fine-tune on an ongoing basis.

Second, the bill requires agencies to post data on a single public Web site. This Web site will contain performance information from across government so we can see how we are performing and how national priorities such as education, public health, and safety, are being met. Again, I go back to Virginia Performs, which works. You agree on a top-line policy goal, and then you see across agencies how all these different programs feed in. So posting this on a single public Web site rather than having Members of Congress or the public sort through the myriad of sites right now is a step in the right direction.

Third, agencies will be required to identify low-priority programs that are not adequately contributing to the overall results. Now, this is controversial. Every agency likes to talk about its best performing programs. No agency likes to talk about which programs really are not getting the job done. But as we face increasingly budget constraining times, we must make sure we look not only at the winners but that we have the agencies themselves put forward those areas where programs are not meeting the goals.

Fourth, we need to take important steps to improve the accountability of the senior officers in government agencies. We formally establish that agency deputy secretaries are the chief operating officers and hold them accountable for the results the agencies are looking for. Again, you have to have a chain of command so somebody knows who is the chief operating officer and those people who are performing are responsible and those metrics are reported to that chief operating officer. We also establish a performance improvement officer who reports directly to the COO and, again, works across agencies to meet our crosscutting goals.

We also feel these efforts will generate ''back office'' savings, and we have as a policy goal—I do not believe this will be a stretch—a literally 10-percent reduction in written reports.

We sometimes get overloaded with data. We want to fine-tune the data. We want to make sure the more useful data is reported on a more regular basis, that extraneous amounts—some of the kind of burdensome stuff that has been put in in the past that may no longer be relevant—we want to eliminate. And within the agency, we want to make sure there is a clear chain of command.

I think the Government Performance and Results Modernization Act moves us forward in a major way. So this legislation—commonsense business practices, bipartisan, in an effort that will meet the 10-percent reduction in agency reports; the effort, finally, to make sure we can look at policy goals not by individual department or agency but across programmatic areas; the same kinds of business techniques that are used in Fortune 500 companies all across America and, for that matter, all across the world—will bring these best practices into the Federal Government and make sure we do not have this kind of start-and-stop effort that has, unfortunately, plagued modernization efforts over the past.

I urge my colleagues on both sides of the aisle—since this is bipartisan supported—to join in this effort. As we think about many of the major issues

that we kind of fight through in these remaining days of this Congress, I hope, for this kind of commonsense piece of legislation, that we could get the time needed to get it passed. Again, I urge my colleagues to join us in this effort.

Mr. AKAKA. Mr. President, I am pleased to join Senators CARPER, WARNER, COLLINS, LIEBERMAN, and VOINOVICH in introducing the GPRA Modernization Act of 2010.

As an original cosponsor of the Government Performance and Results Act of 1993, often referred to as GPRA or the Results Act, I believe the time has come to refine and enhance this landmark bill.

President Obama, in his inaugural address, observed:

> The question we ask today is not whether our government is too big or too small but whether it works.

This question captures the essence of what the Results Act seeks to achieve. While the original Results Act made significant progress in encouraging agencies to develop a results-oriented culture, it is time to modernize GPRA. Several long-standing challenges hinder agency efforts to answer this critical question. Our legislation is a bipartisan effort to empower agencies to overcome these challenges and better evaluate how to use taxpayer dollars in the most efficient and effective way possible.

Prior to 1993, Congress had never enacted a statutory framework for strategic planning, goal setting, or performance measurement. According to the U.S. Government Accountability Office, before GPRA, few agencies had results-oriented performance information to manage or make strategic policy decisions. The Results Act was a bipartisan effort that succeeded in establishing a comprehensive and consistent statutory foundation of required agency strategic plans, annual performance plans, and annual performance reports. GPRA is and must remain a cornerstone of the Federal Government's efforts to strengthen strategic planning across all agencies.

Lessons learned from nearly two decades worth of experience implementing the Results Act, informed by numerous GAO reports and recommendations; confirm the need to strengthen the statutory framework established by GPRA.

The legislation we offer today draws on this experience, applying lessons learned to amend GPRA to address the limitations identified by GAO and other observers. I will highlight a few of the important provisions in this bill.

Our bill requires the Director of the Office of Management and Budget to develop a Federal Government performance plan and to coordinate with agencies to develop Federal Government priority goals for management and policy issues that cut across agencies. This provision addresses a longstanding GAO recommendation that the Federal Government develop a government-wide performance plan to provide OMB, agencies, and Congress, with a structured framework for addressing crosscutting policy initiatives and program efforts.

This legislation also strengthens the congressional consultation provisions to require agencies consult with Congress when developing strategic plans and identifying priority goals. GAO has found that regular consultation with Congress about the content and format of strategic and performance plans is critical to ensure that both the executive and legislative branches are engaged in improving government performance. Full congressional buy-in is a key element to building a sustainable performance management framework.

Our legislative proposal also addresses performance management skills and competencies, which GAO has identified as a critical factor in determining an agency's success in utilizing performance management systems. A 2007 GAO survey of Federal managers found nearly half reported not receiving training that would assist in utilizing performance information. Our bill addresses this training deficit by requiring the Director of the Office of Personnel Management to identify key performance management skills and competencies and incorporate them into relevant position classifications and training curricula.

Congress has a responsibility to promote effective performance management to enable Federal agencies to spend taxpayer dollars wisely, while carrying out critical missions. The GPRA Modernization Act is an important step towards accomplishing this goal, and I urge my colleagues to support this legislation.

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By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Honest Services Restoration Act with Senator WHITEHOUSE and Senator KAUFMAN. The legislation will restore critical tools used by investigators and prosecutors to combat public corruption and corporate fraud, which the Supreme Court dramatically weakened in Skilling v. United States.

In Skilling, the Court sided with an Enron executive who had been convicted of fraud, and in doing so, held that the honest services fraud statute may be used to prosecute only bribery and kickbacks, but no other conduct. That leaves other corrupt and fraudulent conduct which prosecutors in the past addressed under the honest services fraud statute to go unchecked. Most notably, the Court's decision excluded undisclosed ''self-dealing'' by state and federal public officials, and corporate officers and directors, which is when those officials or executives secretly act in their own financial self-interest, rather than in the interest of the public or, in the private sector cases, their shareholders and employees. The Honest Services Restoration Act restores the honest services statute to cover this undisclosed ''self-dealing'' by state and Federal public officials, and corporate officers and directors.

In a hearing earlier today, the Judiciary Committee heard testimony from experts who explored the kinds of problematic conduct that may now go unchecked in the wake of the Skilling decision. The testimony also considered what Congress can and should do to fill those gaps and restore strong enforcement to combat corrupt and fraudulent conduct.

It is clear that in recent years, the stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy and the faith that Americans have in their government. Recent years have also seen a plague of financial and corporate frauds that have severely undermined our economy and hurt too many hardworking people in this country. These frauds have robbed people of their savings, their retirement accounts, college funds for their children, and have cost too many people their homes.

Congress has acted, by passing the Fraud Enforcement and Recovery Act and other key provisions, to give prosecutors and investigators more tools to combat fraud. But we must remain vigilant, as the methods and techniques used by those who would defraud hardworking Americans continue to change. Too often, loopholes in existing laws have meant that corrupt conduct can go unchecked. The honest services fraud statute has enabled prosecutors to root out corrupt and fraudulent conduct that would otherwise slip through those loopholes; we must tighten it so it can perform that important role again.

Congress must act aggressively but carefully to strengthen our laws to root out corruption and fraud. By preventing public officials and corporate executives from acting in their own self-interest at the expense of the people they serve, the Honest Services Restoration Act closes a gap created by Skilling and strengthens a critical law enforcement tool. I look forward to working with Senators from both parties to quickly pass this bill.

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

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

S. 3854

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Honest Services Restoration Act''.

**SEC. 2. AMENDMENT TO TITLE 18.**

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following:

**''§ 1346A. Definition of 'scheme or artifice to defraud'**

''(a) For purposes of this chapter, the term 'scheme or artifice to defraud' also includes—

''(1) a scheme or artifice by a public official to engage in undisclosed self-dealing; or

''(2) a scheme or artifice by officers and directors to engage in undisclosed private self-dealing.

''(b)(1) In subsection (a)(1)—

''(A) the term 'undisclosed self-dealing' means that—

''(i) a public official performs an official act for the purpose, in whole or in part, of benefitting or furthering a financial interest of—

''(I) the public official;

''(II) the public official's spouse or minor child;

''(III) a general partner of the public official;

''(IV) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;

''(V) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

''(VI) a person, business, or organization from whom the public official has received a thing of value or a series of things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

''(ii) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official;

''(B) the term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on behalf of the United States, a State, or subdivision of a State, or any department, agency, or branch thereof, in any official function, under or by authority of any such department agency or branch of Government;

''(C) the term 'official act'—

''(i) includes any act within the range of official duty, and any decision, recommendation, or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit;

''(ii) can be a single act, more than one act, or a course of conduct; and

''(iii) includes a decision or recommendation that the Government should not take action; and

''(D) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(2) In subsection (a)(2)—

''(A) the term 'undisclosed private self-dealing' means that—

''(i) an officer or director performs an act which causes or is intended to cause harm to the officer's or director's employer, and which is undertaken in whole or in part to benefit or further by an actual or intended value of $5,000 or more a financial interest of—

''(I) the officer or director;

''(II) the officer or director's spouse or minor child;

''(III) a general partner of the officer or director;

''(IV) another business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner; or

''(V) an individual, business, or organization with whom the officer or director is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; and

''(ii) the officer or director knowingly falsifies, conceals, or covers up material information that is required to be disclosed regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director;

''(B) the term 'employer' includes publicly traded corporations, and private charities under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(C) the term 'act' includes a decision or recommendation to take, or not to take action, and can be a single act, more than one act, or a course of conduct.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting after the item for section 1346 the following:

''Sec. 1346A. Definition of 'scheme or artifice to defraud'.''.

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By Ms. CANTWELL (for herself, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. SANDERS):

S. 3855. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibility of governmental bodies to issue such bonds, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, today I am introducing legislation that will unleash a wave of investment in clean renewable energy. The Clean Renewable Energy Investment Act of 2010 will remove the arbitrary cap on the amount of Clean Renewable Energy Bonds that can be issued by our Nation's consumer-owned public power providers and cooperative electric companies. This legislation will generate significant private investment in renewable energy projects that will create thousands of jobs nationwide.

Congress first created Clean Renewable Energy Bonds, or ''CREBs'' in 2005 in an attempt to parallel the tax incentive offered by the Section 45 tax credit for electricity produced from renewable resources. However, the incentives for consumer-owned utilities have never been truly comparable to the subsidy we provide to for-profit, investor-owned utilities because unlike the section 45 tax credit, CREBs have always been subject to an overall cap on the amount of bonds that can be issued nationwide.

Since consumer-owned utilities operate on a not-for-profit basis and incur no Federal income tax liability, traditional production tax credits otherwise available to for-profit utilities simply do not work—because there is no Federal tax liability to offset with the credit. Yet the nearly 3,000 public power utilities and rural electric cooperatives collectively serve 25 percent of the Nation's electricity customers. These utilities are often ideally situated in terms of both geography and size to integrate clean and renewable technologies into their systems.

The original CREB program has been extended twice and was modified in the Emergency Economic Stabilization Act of 2008 to make it more workable for public power and more attractive to institutional investors. The Emergency Economic Stabilization Act and the American Recovery and Reinvestment Act of 2009 provided for an additional $2.4 billion in CREB funding split equally between public power providers, rural electric cooperatives, and other governmental bodies. In March 2010, Congress passed another very useful modification to the CREB program by giving issuers of CREBs the option to issue the bonds as ''direct-pay bonds'', similar to the structure of Build America Bonds.

In the last round of CREBs, the demand for projects significantly exceeded the availability of the limited $800 million for each category of issuer. Public power and electric cooperative utilities have billions of dollars in projects awaiting these incentives—with some even having the potential to use $800 million for a single project if given the opportunity.

This means we have an opportunity to unleash a wave of investments in clean energy. In Washington State, 50 percent of customers are served by public power providers. Nationwide, public power and cooperatives serve one in four electricity customers. Yet, if we look back over the history of the Section 45 tax credit and CREBs, Congress typically shortchanges the consumer-owned sector. Looking at the Joint Committee on Taxations estimates of the cost of all the major energy tax legislation since 2005, the resources allocated to CREBs have been roughly 1/10 of the cost of extending or expanding, section 45.

My legislation would correct this inconsistency in our energy policy by removing the arbitrary cap on the volume of CREBs that can be issued, and would instead sunset the CREB program at the end of 2013, which is consistent with the expiration of most components of the section 45 credit.

It would also remove the ''governmental bodies'' category from eligibility for the bonds. The CREB program was originally developed for utility-scale projects and this amendment reflects that intent and puts the program in line with the Production Tax Credit for investor-owned utilities. Since passage of the American Recovery and Reinvestment Act, Governmental bodies now have their own bond program. They are eligible for the new Qualified Energy Conservation Bonds,

QECBs, which is a more suitable program for these entities as they can finance both renewable and energy efficiency projects with QECBs. Under this legislation, Tribal utilities would remain eligible issuers of CREBs.

In addition, the bill clarifies that any reimbursement with bond proceeds is governed by the reimbursement rules applicable to tax-exempt bonds. It is widely recognized in the public finance community that the existing wording in Section 54A(d)(2)(D) is at best unclear, and at worst incorrect. State and local government issuers of bonds are familiar with the reimbursement rules applicable to tax-exempt bonds and there is no tax policy reason to have two sets of reimbursement rules.

Finally, the bill insures that any new CREBs allocated before the date of enactment of this bill are not affected by any of these amendments. The intent is to ensure that the ''government bodies'' category is still able to issue previously allocated CREBs and will not be retroactively cut out of the program.

This bill is good energy policy because it will lead to the development of thousands of megawatts of renewable power. It is good tax policy because it maintains the integrity of the CREBs program, and it is overall good public policy because it provides parity between investor-owned and consumer-owned utilities.

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By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 3858. A bill to improve the H–2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in these challenging economic times, dairy farmers in Vermont, New York, and across America are experiencing particularly difficult conditions. They face both rock-bottom milk prices, and a severe labor shortage. There is an immediate solution for one of these issues. Labor shortages could be met with foreign agricultural workers under a special visa program, called H–2A, which allows farmers who are unable to fill labor needs with domestic workers to hire temporary or seasonal foreign workers. I have long sought to include dairy farmers in the H–2A program, but the Department of Labor has consistently refused to interpret the law to allow dairy farmers access to seasonal foreign workers.

Last fall, the Department of Labor initiated a rulemaking process to reconsider various aspects of the H–2A program. I repeatedly urged the Department to exercise its authority to give dairy farmers access to H–2A workers, both through comments I submitted in the formal rulemaking and by supporting the comments of the National Milk Producers Federation.

Nonetheless, on February 11, 2010, the Department released a final rule that continues to exclude the dairy industry from this valuable program. Inexplicably, while refusing to include the dairy industry because of its year-round needs, the Department of Labor extends new access to the H–2A program to the logging industry, and continues to offer access to these purportedly seasonal worker visas to the year-round sheepherding industry.

Today, I introduce the H–2A Improvement Act with Senators GILLIBRAND and SCHUMER. This bill will finally end the inequity under current law. The H–2A Improvement Act will make explicit in law that dairy farms can use the H–2A program, ensuring that dairy farmers in Vermont, New York, and throughout the Nation can find the labor they need to stay in business, meeting the needs of their communities and American families. This legislation, which also gives statutory access to the H–2A program to sheep herders and goat herders, contains provisions to ensure that the benefit that these workers provide to farmers is maximized. The legislation authorizes this unique class of workers to remain in the United States for an initial period of 3 years, and gives U.S. Citizenship and Immigration Services the authority to approve a worker for an additional 3-year period as needed. After the initial 3-year period, the worker may petition to become a lawful permanent resident.

The failure to allow the dairy industry to participate in the H–2A program puts many dairy farmers in the situation of having to choose between their livelihoods and following the law. Late last year, the Department of Homeland Security audited at least four dairy farms in Vermont. Although I strongly believe that the vast majority of dairy farmers want to hire a lawful workforce, there is a critical shortage of domestic workers available to work on dairy farms. Dairy farmers are often ill-equipped to verify the authenticity of documents that job applicants present. As a result, some of the workers the farmers hire may not be lawfully authorized to work. With all the challenges facing dairy farmers today, we should help dairy farmers hire lawful workers, not leave them with the precarious choice of hiring workers who may be unauthorized, or hiring no workers at all.

Expanding the H–2A program to include dairy workers would protect both American and foreign workers. It would protect American workers from having to compete with an unlawful work force, in which unscrupulous employers pay lower wages in often unsafe conditions. At the same time, it would protect foreign dairy workers, by requiring that employers comply with existing H–2A regulations and wage and hour and occupational safety laws. This legislation, if enacted, would give foreign workers who seek employment in the dairy industry the dignity and certainty of lawful status and the opportunity to be productive members of the communities in which they work.

In 2006 and 2007, I worked to include nearly identical provisions in the Senate's comprehensive immigration bills. This legislation reflects those provisions. The measure I introduce today is a simple, targeted fix to our immigration laws that will enable dairy farmers to gain the benefits of this important program. While I recognize that many agricultural employers are frustrated by the current regulatory process, it is a critical first step, and a matter of basic fairness that dairy farmers are afforded the same opportunities to obtain labor as all other agricultural sectors.

Although this legislation is necessary to meet the immediate needs of dairy farmers, I also want to make absolutely clear that I remain in complete support of the more comprehensive AgJOBS legislation, which I joined Senator FEINSTEIN in introducing last year, and on which Senator FEINSTEIN and others have worked tirelessly. I will continue to strongly support that legislation, and Senator FEINSTEIN in her efforts to see it enacted. AgJOBS is broader than the H–2A Improvement Act. It reforms the broader H–2A program to cover agricultural workers that are currently assisting American farmers, but who are not lawfully authorized to work. It also makes important, negotiated changes to streamline the H–2A regulatory process for employers and workers. I recognize that farmers across the country need a comprehensive solution—from Vermont's small dairy farms to the vast fields of California. The solution that the AgJOBS legislation proposes will benefit agriculture across the Nation and is a solution I remain committed to making a reality.

I will also continue to work with Senate leadership and Senators from both sides of the aisle to accomplish our shared goals for broader reform of our Nation's immigration system. In the meantime, America's dairy farmers must at least be placed on the same footing as other agricultural interests with respect to our current H–2A laws.

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

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

S. 3858

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''H-2A Improvement Act''.

**SEC. 2. NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.**

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''who is coming temporarily to the United States to perform agricultural labor or services as a dairy worker, sheepherder, or goat herder, or'' after ''abandoning''.

**SEC. 3. SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.**

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

''(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker, sheepherder, or goat herder—

''(A) may be admitted for an initial period of 3 years; and

''(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

''(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Not withstanding section 101(a)(15)(H)(ii)(a), an employer filing a petition to employ H–2A workers in positions as dairy workers, sheepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

''(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

''(A) ELIGIBLE ALIEN.—In this paragraph, the term 'eligible alien' means an alien who—

''(i) has H–2A worker status based on employment as a dairy worker, sheepherder, or goat herder;

''(ii) has maintained such status in the United States for a not fewer than 33 of the preceding 36 months; and

''(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(iii) may be filed by—

''(i) the alien's employer on behalf of the eligible alien; or

''(ii) the eligible alien.

''(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

''(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis fo denying—

''(i) another petition to employ H–2A workers;

''(ii) an extension of nonimmigrant status for a H–2A worker;

''(iii) admission of an alien as an H–2A worker;

''(iv) a request for a visa for an H–2A worker;

''(v) a request from an alien to modify the alien's immigration status to or from status as an H–2A worker; or

''(vi) a request made for an H–2A worker to extend such worker's stay in the United Stats.

''(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.''; and

(3) in subsection (j)(1), as redesignated by paragraph (1), by striking ''The term'' and inserting ''Except as provided under subsection (h)(2)(A), the term''.

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By Mr. INOUYE:

S. 3859. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and doctor of Pharmacy dual degree programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I rise to recognize the need for a health care professional skilled in caring for the specific needs of a growing elderly population. In the next 30 years we will see a unique change in population demographics in this country. The geriatric population is increasing and by the year 2030, the over 65 age group will make up 20 percent of the population. More people will reach the 100-year mark. My home State of Hawai'i is home to more 100-year olds per capita than any other State. The risk for developing disease and illness becomes greater as one ages. As we see an increase in the age of our population, those living with chronic illnesses such as cardiovascular disease, respiratory diseases, diabetes and cancer, will continue to rise in numbers as well. These are patient's who require care in the ambulatory, hospital, and home care settings. The chronically ill geriatric patients usually are living with multiple co-morbidities and possess poly pharmacy challenges. We are living in a time when it is crucial to develop the skills and expertise to care for these patients and provide them with the quality health care they deserve in a cost effective manner.

While the terms dual, joint, double or combined degrees are used interchangeably, the overall definition is students working for two different and distinct degrees in parallel, completing two degrees in less time than it would take to complete each separately. Under the leadership of Katharyn F. Daub, EdD, CTN, CNE, Director School of Nursing, John M. Pezzuto, Ph.D., Dean, College of Pharmacy, and Donald O. Straney, Ph.D., Chancellor, University of Hawai'i at Hilo, the University of Hawai'i at Hilo has created a model that would partner both their school of nursing and pharmacy to meet the needs of the changing health care field through the implementation of a dual-degree program that would combine a Doctor of Nursing Practice, DNP, with a Doctor of Pharmacy, PharmD.

The overall purpose of this innovative cross cutting dual or joint degree nursing program is to prepare nurses to expand the traditional scope of nursing practice, with the goal of strengthening health care teams. The American Association of Colleges of Nursing, AACN, 2009 survey of schools of nursing documents that there are over 100 nursing schools that offer dual degree programs: 74 MSN/MBA programs; 34 MSN/MPH programs; 10 MSN/MHA programs; 5 MSN/MPA programs; 4 MSN/MDIV programs; and 3 MSN/JD programs. Currently there is no dual degree program that combines nursing and pharmacology.

Through this dual collaborative role we would be able to meet the unique needs of rural communities across age continuums and in diverse settings. The nurse/pharmacist would enhance collaboration between DNPs and physicians regarding drug therapy. The program also would provide for the implementation of safer medication administration. It would broaden the scope of practice for pharmacists through education and training in diagnosis and management of common acute and chronic diseases, and create new employment opportunities for private physician or nurse managed clinics, walk-in clinics, school/college clinics, long-term facilities, veteran administration facilities, hospitals and hospital clinics, hospice centers, home health care agencies, pharmaceutical companies, emergency departments, urgent care sites, physician group practices, extended care facilities, and research centers.

Additional research and evaluation would determine the extent of which graduates of this program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

I urge you to consider the benefits of the development of a joint degree in nursing and pharmacology.

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

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

S. 3859

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Doctor of Nursing Practice and Doctor of Pharmacy Dual Degree Program Act of 2010''.

**SEC. 2. FINDINGS.**

The Senate makes the following findings:

(1) The terms dual, joint, double or combined degrees are used interchangeably, the overall definition is students working for two different and distinct degrees in parallel, completing two degrees in less time than it would take to complete each separately.

(2) The overall purpose of the innovative cross cutting dual or joint degree nursing programs is to prepare nurses to expand the traditional scope of nursing practice, with the goal of strengthening health care teams.

(3) The American Association of Colleges of Nursing (AACN) 2009 survey of schools of nursing documents that there are over 100 nursing schools that offer dual degree programs of which 74 are MSN/MBA programs, 34 are MSN/MPH programs, 10 are MSN/MHA programs, 5 are MSN/MPA programs, 4 are MSN/MDIV programs, and 3 are MSN/JD programs.

(4) There is currently no dual degree program that combines nursing and pharmacology.

(5) Recently, the University of Hawai'i at Hilo has explored the option of nursing and pharmacy partnering to meet the needs of the changing health care field.

**SEC. 3. SENSE OF THE SENATE.**

It is the sense of the Senate that—

(1) there should be established a Doctor of Nursing Practice (DNP) and Doctor of Pharmacy (PharmD) dual degree program;

(2) the development of a joint degree in nursing and pharmacology should combine a Doctor of Nursing Practice (DNP) with a Doctor of Pharmacy (PharmD);

(3) the significance of such a dual degree program would be improving patient outcomes;

(4) through such a dual collaborative role, health providers will be better able to meet the unique needs of rural communities across the age continuum and in diverse settings;

(5) such a dual degree program—

(A) would enhance collaboration between Doctors of Nursing Practice and physicians regarding drug therapy;

(B) would provide for research concerning, and the implementation of, safer medication administration;

(C) would broaden the scope of practice for pharmacists through education and training in diagnosis and management of common acute and chronic diseases;

(D) would provide new employment opportunities for private physician or nurse managed clinics, walk-in clinics, school or college clinics, long-term care facilities, Veteran Administration facilities, hospitals and hospital clinics, hospice centers, home health care agencies, pharmaceutical companies, emergency departments, urgent care sites, physician group practices, extended care facilities, and research centers; and

(E) would assist in filling the need for primary care providers with an expertise in geriatrics and pharmaceuticals; and

(6) additional research and evaluation should be conducted to determine the extent to which graduates of such a dual degree program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

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By Mr. ROCKEFELLER:

S. 3863. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Monongahela Conservation Legacy Act of 2010. This important piece of legislation sets aside 6,042 acres of the Monongahela National Forest on North Fork Mountain in Grant County, WV, to be included in the National Wilderness Preservation System.

West Virginians have a proud tradition of mining and logging that provides needed resources for our entire country. I have no doubt that this tradition will continue for many decades to come. However, at the same time, new development is coming to West Virginia. This is needed development that provides jobs for West Virginians and helps support our economy. But with this increased development comes a responsibility to set aside some part of our natural environment for those who come after us.

The Monongahela National Forest encompasses nearly 920,000 acres of land in the heart of the Appalachian Mountain Range and contains some of the most ecologically diverse regions in the country. North Fork Mountain is one of these incredible areas and has earned the Forest Service's highest rating for Natural Integrity in its Wilderness Attribute Rating System. The mountain is a nesting site for peregrine falcons and home to 120 rare plants, animals, and natural communities. With this wilderness designation all of these ecological treasures will be permanently protected.

Over the years I have heard from hundreds of West Virginians about how important wilderness is to them. I have heard from West Virginians who want to make sure that they will be able to continue to fish pristine streams and hunt in the forests. Wilderness is a major draw for the outdoor tourism industry and will provide jobs.

Finally, I want to extend my thanks to Congressman MOLLOHAN, who has introduced identical legislation in the House of Representatives, for his leadership on this issue. I will continue to work with all stakeholders involved to move this legislation forward and to address any concerns while ensuring the preservation of this truly special place.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 652—HONORING MR. ALFRED LIND FOR HIS DEDICATED SERVICE TO THE UNITED STATES OF AMERICA DURING WORLD WAR II AS A MEMBER OF THE ARMED FORCES AND A PRISONER OF WAR, AND FOR HIS TIRELESS EFFORTS ON BEHALF OF OTHER MEMBERS OF THE ARMED FORCES TOUCHED BY WAR

Mrs. MURRAY submitted the following resolution; which was considered and agreed to:

S. RES. 652

Whereas Mr. Alfred Lind served in World War II from 1942 to 1945 as a member of the 58th Armored Field Artillery Battalion;

Whereas Mr. Lind was wounded in action in combat near Brolo, Sicily when his M-7 self-propelled howitzer was hit during a tank battle;

Whereas Mr. Lind was captured and held as a prisoner of war for 2 years, being transferred between Stalag IIB near Hammerstein, Stalag IIIB near Furstenberg, and Stalag IIIA near Luckenwalde;

Whereas, after the war, Mr. Lind returned to his roots as a farmer and retired after many years of hard work;

Whereas, after retiring, Mr. Lind turned his attention to supporting members of the Armed Forces by making quilts for the Quilts of Valor Foundation;

Whereas the Quilt of Valor Foundation distributes handmade quilts to members of the Armed Forces and veterans who have been wounded or touched by war to demonstrate support, honor and care for our Armed Forces;

Whereas the Quilt of Valor Foundation has made and distributed over 30,000 quilts to members of the Armed Forces and veterans since the foundation began in 2003;

Whereas Mr. Lind has made over 400 quilts in honor of other members of the Armed Forces who have been touched by war;

Whereas Mr. Lind passed away on September 10, 2010, at the age of 92; and

Whereas Mr. Lind was a true patriot, who continued his service to the Armed Forces of the United States long after his retirement: Now, therefore, be it

*Resolved*, That the Senate honors Mr. Alfred Lind for—

(1) his service to the United States as a soldier and as a prisoner of war; and

(2) his dedication to provide solace and comfort through Quilts of Valor to members of the Armed Forces and veterans alike.

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### SENATE RESOLUTION 653—DESIGNATING OCTOBER 30, 2010, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. BUNNING (for himself, Mr. UDALL of New Mexico, Mr. ALEXANDER, Mr. BINGAMAN, Mrs. MURRAY, Mr. MCCONNELL, Mr. GRASSLEY, Ms. CANTWELL, Mr. REID, Mr. UDALL of Colorado, Mr. CORKER, Mr. VOINOVICH, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 653

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas, in 2009, Congress recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States;

Whereas, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 30, 2010, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2010, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

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### SENATE RESOLUTION 654—DESIGNATING DECEMBER 18, 2010, AS ''GOLD STAR WIVES DAY''

Mr. BURR (for himself, Mr. WEBB, Mr. BURRIS, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to: