

Idaho (Mr. RISCH), the Senator from Kansas (Mr. MORAN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Indiana (Mr. COATS) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. RES. 80

At the request of Mr. KIRK, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 86

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 125

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 125, a resolution supporting the goals and ideals of National Public Health Week.

AMENDMENT NO. 207

At the request of Mr. SANDERS, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Mary-

land (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 207 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. COBURN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 281 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 285

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 285 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. SCHUMER, Mr. ALEXANDER, Mr. KERRY, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. MERKLEY, and Mrs. STABENOW):

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

Mr. LEVIN. Mr. President, today a bipartisan group of Senators has introduced legislation that would allow the Senate to continue its leadership of our country toward a clean-energy future. Senators SCHUMER, ALEXANDER, KERRY, MURKOWSKI, BINGAMAN, and I have introduced a bill that would authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

Among the most successful job-creation efforts we have undertaken since the financial crisis devastated our economy is our attempt to help American manufacturers create the batteries and other components that will power the next generation of electric-powered vehicles. In my State of Michigan and in other places around the country, the grant program we enacted as part of the Recovery Act has sparked a boom of manufacturing job creation. Given a choice between watching our global competitors create those jobs and creating them in the United States, we have chosen the wiser course.

This has been part of a larger, and largely successful, effort to support the electric revolution in transportation.

President Obama's goal of 1 million electric vehicles on the road by 2015 is one part of that effort. He announced last week that by 2015, the government will buy only alternative-energy vehicles for its fleets as part of a strategy to cut U.S. oil imports by 1/3. Such a strategy would help our country economically, protect our environment and enhance our national security.

The legislation we introduce today is another, though smaller, part of that effort. It would ensure that the Senate leads by example as we transition to a clean-energy future. It would establish—at no net cost to the taxpayer—charging stations to power plug-in hybrid electric vehicles. While these vehicles are an important part of our future, they will bring changes in how we think about cars and driving. Instead of looking for gas stations, drivers will need charging stations where they can replenish the batteries that power their vehicles.

The President and others have proposed plans to help encourage the creation of that infrastructure in communities around the country. So should the Senate. This bill would ensure that Senate employees have available the infrastructure to support next-generation vehicles. It would be an important statement of leadership from the Senate. It would provide an example to other employers of how they can support both the needs of their employees and our national interest in energy security.

I am thankful for the support of Senators SCHUMER, ALEXANDER, KERRY, MURKOWSKI, and BINGAMAN on this bill, and for the assistance of the staffs of Senators SCHUMER and ALEXANDER on the Rules Committee. These Senators have recognized the value of Senate leadership in moving our nation toward a future liberated from imported oil, and I hope our other colleagues will as well.

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. 739

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

SECTION 1. BATTERY RECHARGING STATIONS FOR PRIVATELY OWNED VEHICLES IN PARKING AREAS UNDER THE JURISDICTION OF THE SENATE AT NO NET COST TO THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this Act, the term “covered employee” means—

(1) an employee whose pay is disbursed by the Secretary of the Senate; or

(2) any other individual who is authorized to park in any parking area under the jurisdiction of the Senate on Capitol Grounds.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (3), funds appropriated to the Architect of the Capitol under the heading “CAPITOL POWER PLANT” under the heading “ARCHITECT OF THE CAPITOL” in any fiscal year are available to construct, operate, and maintain on a reimbursable basis battery recharging stations in parking areas under the jurisdiction

of the Senate on Capitol Grounds for use by privately owned vehicles used by Senators or covered employees.

(2) VENDORS AUTHORIZED.—In carrying out paragraph (1), the Architect of the Capitol may use 1 or more vendors on a commission basis.

(3) APPROVAL OF CONSTRUCTION.—The Architect of the Capitol may construct or direct the construction of battery recharging stations described under paragraph (1) after—

(A) submission of written notice detailing the numbers and locations of the battery recharging stations to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(C) FEES AND CHARGES.—

(1) IN GENERAL.—Subject to paragraph (2), the Architect of the Capitol shall charge fees or charges for electricity provided to Senators and covered employees sufficient to cover the costs to the Architect of the Capitol to carry out this section, including costs to any vendors or other costs associated with maintaining the battery recharging stations.

(2) APPROVAL OF FEES OR CHARGES.—The Architect of the Capitol may establish and adjust fees or charges under paragraph (1) after—

(A) submission of written notice detailing the amount of the fee or charge to be established or adjusted to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(D) DEPOSIT AND AVAILABILITY OF FEES, CHARGES, AND COMMISSIONS.—Any fees, charges, or commissions collected by the Architect of the Capitol under this section shall be—

(1) deposited in the Treasury to the credit of the appropriations account described under subsection (b); and

(2) available for obligation without further appropriation during—

(A) the fiscal year collected; and

(B) the fiscal year following the fiscal year collected.

(E) ANNUAL REPORTS.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

(F) EFFECTIVE DATE.—This Act shall apply with respect to fiscal year 2011 and each fiscal year thereafter.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 740. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. I am pleased to be joined by Senators MURKOWSKI, DURBIN, and TOM UDALL in the introduction of the Garrett Lee Smith Memorial Act Reauthorization.

This legislation continues the important work of my former colleague Senator Gordon Smith, who authored the original law, which was named for his 22-year old son, Garrett, who was a student at Utah Valley University when he took his own life. I want to once again recognize Gordon Smith for his work to champion suicide prevention and mental health initiatives.

Currently, this law supports 35 States, 16 Tribes and Tribal organizations, and 38 colleges and universities

in their efforts to prevent youth suicide. Indeed, with the help of these important programs, we have made real progress since the 2004 passage of this law in identifying at-risk youth and young adults, providing proven mental health and substance use disorder treatments, and educating the public about youth suicide prevention efforts.

Unfortunately, suicide remains the third leading cause of death for adolescents and young adults age 10 to 24, and results in 4,400 lives lost each year. According to the Centers for Disease Control and Prevention, approximately 150,000 individuals in this age group annually receive medical care for self-inflicted injuries at Emergency Departments across the U.S.

Suicide is particularly prevalent among college-age students as it is the second leading cause of death, resulting in approximately 1,100 deaths each year. The 2010 National Survey of Counseling Center Directors at colleges and universities found that 10.8 percent of students seek counseling each year, an increase of nearly 1 percent from 2009. At the same time, the average ratio of counselors to students has remained constant at one to 1,786.

Many young people who commit suicide have a treatable mental illness, but they don't get the help they need. The legislation we introduced today provides critical resources for prevention and outreach programs to reach at risk youth before it is too late.

It would increase the authorized grant level to States, tribes, and college campuses for the implementation of proven programs and initiatives designed to address mental health and wellness and reduce youth suicide.

Additionally, I am particularly pleased that the bill would enable college counseling centers to have greater flexibility in their use of Federal resources. Counseling centers will continue to be able to apply for funds to operate suicide prevention hotlines and organize educational and awareness efforts about youth suicide prevention; however, with this bill they will also be able to use funds for the provision of counseling services to students and the hiring of appropriately trained personnel. These two components are integral to identifying and treating students who may be at risk with the goal of preventing suicide and attempted suicide on campuses.

Our bipartisan legislation is supported by 43 coalition members of the Mental Health Liaison Group and the American Council on Education.

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

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

S. 740

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 "Garrett Lee Smith Memorial Act Reauthorization of 2011".

SEC. 2. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

(a) REPEAL.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb-34) is repealed.

(b) SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) (as amended by subsection (a)) is amended by inserting after section 520B the following:

"SEC. 520C. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a research, training, and technical assistance resource center to provide appropriate information, training, and technical assistance to States, political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations concerning the prevention of suicide among all ages, particularly among groups that are at high risk for suicide.

"(b) RESPONSIBILITIES OF THE CENTER.—The center established under subsection (a) shall—

"(1) assist in the development or continuation of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

"(2) ensure the surveillance of suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

"(3) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

"(4) further identify and understand causes and associated risk factors for suicide for all ages, particularly among groups that are at high risk for suicide;

"(5) analyze the efficacy of new and existing suicide early intervention and prevention techniques and technology for all ages, particularly among groups that are at high risk for suicide;

"(6) ensure the surveillance of suicidal behaviors and nonfatal suicidal attempts;

"(7) study the effectiveness of State-sponsored statewide and tribal suicide early intervention and prevention strategies for all ages particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;

"(8) promote the sharing of data regarding suicide with Federal agencies involved with suicide early intervention and prevention, and State-sponsored statewide and tribal suicide early intervention and prevention strategies for the purpose of identifying previously unknown mental health causes and associated risk factors for suicide among all ages particularly among groups that are at high risk for suicide;

"(9) evaluate and disseminate outcomes and best practices of mental health and substance use disorder services at institutions of higher education; and

"(10) conduct other activities determined appropriate by the Secretary.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$5,000,000 for each of the fiscal years 2012 through 2016."

SEC. 3. YOUTH SUICIDE INTERVENTION AND PREVENTION STRATEGIES.

Section 520E of the Public Health Service Act (42 U.S.C. 290bb-36) is amended to read as follows:

“SEC. 520E. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants or cooperative agreements to eligible entities to—

“(1) develop and implement State-sponsored statewide or tribal youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

“(2) support public organizations and private nonprofit organizations actively involved in State-sponsored statewide or tribal youth suicide early intervention and prevention strategies and in the development and continuation of State-sponsored statewide youth suicide early intervention and prevention strategies;

“(3) provide grants to institutions of higher education to coordinate the implementation of State-sponsored statewide or tribal youth suicide early intervention and prevention strategies;

“(4) collect and analyze data on State-sponsored statewide or tribal youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

“(5) assist eligible entities, through State-sponsored statewide or tribal youth suicide early intervention and prevention strategies, in achieving targets for youth suicide reductions under title V of the Social Security Act.

“(b) ELIGIBLE ENTITY.—

“(1) DEFINITION.—In this section, the term ‘eligible entity’ means—

“(A) a State;

“(B) a public organization or private nonprofit organization designated by a State to develop or direct the State-sponsored statewide youth suicide early intervention and prevention strategy; or

“(C) a federally recognized Indian tribe or tribal organization (as defined in the Indian Self-Determination and Education Assistance Act) or an urban Indian organization (as defined in the Indian Health Care Improvement Act) that is actively involved in the development and continuation of a tribal youth suicide early intervention and prevention strategy.

“(2) LIMITATION.—In carrying out this section, the Secretary shall ensure that a State does not receive more than one grant or cooperative agreement under this section at any one time. For purposes of the preceding sentence, a State shall be considered to have received a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under paragraph (1)(B). Nothing in this paragraph shall be construed to apply to entities described in paragraph (1)(C).

“(c) PREFERENCE.—In providing assistance under a grant or cooperative agreement under this section, an eligible entity shall give preference to public organizations, private nonprofit organizations, political subdivisions, institutions of higher education, and tribal organizations actively involved with the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy that—

“(1) provide early intervention and assessment services, including screening programs, to youth who are at risk for mental or emotional disorders that may lead to a suicide attempt, and that are integrated with school systems, educational institutions, juvenile justice systems, substance use disorder pro-

grams, mental health programs, foster care systems, and other child and youth support organizations;

“(2) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

“(3) employ or include in their applications a commitment to evaluate youth suicide early intervention and prevention practices and strategies adapted to the local community;

“(4) provide timely referrals for appropriate community-based mental health care and treatment of youth who are at risk for suicide in child-serving settings and agencies;

“(5) provide immediate support and information resources to families of youth who are at risk for suicide;

“(6) offer access to services and care to youth with diverse linguistic and cultural backgrounds;

“(7) offer appropriate postsuicide intervention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

“(8) offer continuous and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public and highlight the risk factors associated with youth suicide and the life-saving help and care available from early intervention and prevention services;

“(9) ensure that information and awareness campaigns on youth suicide risk factors, and early intervention and prevention services, use effective communication mechanisms that are targeted to and reach youth, families, schools, educational institutions, and youth organizations;

“(10) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention strategies and that child-serving professionals and providers involved in early intervention and prevention services are properly trained in effectively identifying youth who are at risk for suicide;

“(11) provide continuous training activities for child care professionals and community care providers on the latest youth suicide early intervention and prevention services practices and strategies;

“(12) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;

“(13) provide services in areas or regions with rates of youth suicide that exceed the national average as determined by the Centers for Disease Control and Prevention; and

“(14) obtain informed written consent from a parent or legal guardian of an at-risk child before involving the child in a youth suicide early intervention and prevention program.

“(d) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of grant funds received under this section shall be used to provide direct services, of which not less than 5 percent shall be used for activities authorized under subsection (a)(3).

“(e) CONSULTATION AND POLICY DEVELOPMENT.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall collaborate with relevant Federal agencies and suicide working groups responsible for early intervention and prevention services relating to youth suicide.

“(2) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

“(A) State and local agencies, including agencies responsible for early intervention and prevention services under title XIX of the Social Security Act, the State Children’s Health Insurance Program under title XXI of the Social Security Act, and programs funded by grants under title V of the Social Security Act;

“(B) local and national organizations that serve youth at risk for suicide and their families;

“(C) relevant national medical and other health and education specialty organizations;

“(D) youth who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention services;

“(E) families and friends of youth who are at risk for suicide, who have survived suicide attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

“(F) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve youth at risk for suicide and their families; and

“(G) third-party payers, managed care organizations, and related commercial industries.

“(3) POLICY DEVELOPMENT.—In carrying out this section, the Secretary shall—

“(A) coordinate and collaborate on policy development at the Federal level with the relevant Department of Health and Human Services agencies and suicide working groups; and

“(B) consult on policy development at the Federal level with the private sector, including consumer, medical, suicide prevention advocacy groups, and other health and education professional-based organizations, with respect to State-sponsored statewide or tribal youth suicide early intervention and prevention strategies.

“(f) RULE OF CONSTRUCTION; RELIGIOUS AND MORAL ACCOMMODATION.—Nothing in this section shall be construed to require suicide assessment, early intervention, or treatment services for youth whose parents or legal guardians object based on the parents’ or legal guardians’ religious beliefs or moral objections.

“(g) EVALUATIONS AND REPORT.—

“(1) EVALUATIONS BY ELIGIBLE ENTITIES.—Not later than 18 months after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

“(A) the evaluations conducted under paragraph (1); and

“(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants, collaborations, and consultations under this section.

“(h) RULE OF CONSTRUCTION; STUDENT MEDICATION.—Nothing in this section shall be construed to allow school personnel to require that a student obtain any medication as a condition of attending school or receiving services.

“(i) PROHIBITION.—Funds appropriated to carry out this section, section 527, or section 529 shall not be used to pay for or refer for abortion.

“(j) PARENTAL CONSENT.—States and entities receiving funding under this section shall obtain prior written, informed consent

from the child's parent or legal guardian for assessment services, school-sponsored programs, and treatment involving medication related to youth suicide conducted in elementary and secondary schools. The requirement of the preceding sentence does not apply in the following cases:

“(1) In an emergency, where it is necessary to protect the immediate health and safety of the student or other students.

“(2) Other instances, as defined by the State, where parental consent cannot reasonably be obtained.

“(k) RELATION TO EDUCATION PROVISIONS.—Nothing in this section shall be construed to supersede section 444 of the General Education Provisions Act, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this section shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001; Public Law 107-110).

“(1) DEFINITIONS.—In this section:

“(1) EARLY INTERVENTION.—The term ‘early intervention’ means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

“(2) EDUCATIONAL INSTITUTION; INSTITUTION OF HIGHER EDUCATION; SCHOOL.—The term—

“(A) ‘educational institution’ means a school or institution of higher education;

“(B) ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965; and

“(C) ‘school’ means an elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965).

“(3) PREVENTION.—The term ‘prevention’ means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

“(4) YOUTH.—The term ‘youth’ means individuals who are between 10 and 24 years of age.

“(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$32,000,000 for each of the fiscal years 2012 through 2016.”.

SEC. 4. MENTAL HEALTH AND SUBSTANCE USE DISORDERS SERVICES AND OUTREACH ON CAMPUS.

Section 520E-2 of the Public Health Service Act (42 U.S.C. 290bb-36b) is amended to read as follows:

“SEC. 520E-2. MENTAL HEALTH AND SUBSTANCE USE DISORDERS SERVICES ON CAMPUS.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services and in consultation with the Secretary of Education, shall award grants on a competitive basis to institutions of higher education to enhance services for students with mental health or substance use disorders and to develop best practices for the delivery of such services.

“(b) USES OF FUNDS.—Amounts received under a grant under this section shall be used for 1 or more of the following activities:

“(1) The provision of mental health and substance use disorder services to students, including prevention, promotion of mental health, voluntary screening, early intervention, voluntary assessment, treatment, and management of mental health and substance abuse disorder issues.

“(2) The provision of outreach services to notify students about the existence of mental health and substance use disorder services.

“(3) Educating students, families, faculty, staff, and communities to increase awareness

of mental health and substance use disorders.

“(4) The employment of appropriately trained staff, including administrative staff.

“(5) The provision of training to students, faculty, and staff to respond effectively to students with mental health and substance use disorders.

“(6) The creation of a networking infrastructure to link colleges and universities with providers who can treat mental health and substance use disorders.

“(7) Developing, supporting, evaluating, and disseminating evidence-based and emerging best practices.

“(c) IMPLEMENTATION OF ACTIVITIES USING GRANT FUNDS.—An institution of higher education that receives a grant under this section may carry out activities under the grant through—

“(1) college counseling centers;

“(2) college and university psychological service centers;

“(3) mental health centers;

“(4) psychology training clinics;

“(5) institution of higher education supported, evidence-based, mental health and substance use disorder programs; or

“(6) any other entity that provides mental health and substance use disorder services at an institution of higher education.

“(d) APPLICATION.—To be eligible to receive a grant under this section, an institution of higher education shall prepare and submit to the Secretary an application at such time and in such manner as the Secretary may require. At a minimum, such application shall include the following:

“(1) A description of identified mental health and substance use disorder needs of students at the institution of higher education.

“(2) A description of Federal, State, local, private, and institutional resources currently available to address the needs described in paragraph (1) at the institution of higher education.

“(3) A description of the outreach strategies of the institution of higher education for promoting access to services, including a proposed plan for reaching those students most in need of mental health services.

“(4) A plan, when applicable, to meet the specific mental health and substance use disorder needs of veterans attending institutions of higher education.

“(5) A plan to seek input from community mental health providers, when available, community groups and other public and private entities in carrying out the program under the grant.

“(6) A plan to evaluate program outcomes, including a description of the proposed use of funds, the program objectives, and how the objectives will be met.

“(7) An assurance that the institution will submit a report to the Secretary each fiscal year concerning the activities carried out with the grant and the results achieved through those activities.

“(e) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that describe programs to be carried out under the grant that—

“(1) demonstrate the greatest need for new or additional mental and substance use disorder services, in part by providing information on current ratios of students to mental health and substance use disorder health professionals and

“(2) demonstrate the greatest potential for replication.

“(f) REQUIREMENT OF MATCHING FUNDS.—

“(1) IN GENERAL.—The Secretary may make a grant under this section to an institution of higher education only if the institution agrees to make available (directly or

through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for each \$1 of Federal funds provided under the grant, toward the costs of activities carried out with the grant (as described in subsection (b)) and other activities by the institution to reduce student mental health and substance use disorders.

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(3) WAIVER.—The Secretary may waive the application of paragraph (1) with respect to an institution of higher education if the Secretary determines that extraordinary need at the institution justifies the waiver.

“(g) REPORTS.—For each fiscal year that grants are awarded under this section, the Secretary shall conduct a study on the results of the grants and submit to the Congress a report on such results that includes the following:

“(1) An evaluation of the grant program outcomes, including a summary of activities carried out with the grant and the results achieved through those activities.

“(2) Recommendations on how to improve access to mental health and substance use disorder services at institutions of higher education, including efforts to reduce the incidence of suicide and substance use disorders.

“(h) DEFINITIONS.—In this section, the term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965.

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$7,000,000 for each of the fiscal years 2012 through 2016.”.

MENTAL HEALTH LIAISON GROUP,
APRIL 5, 2011.

Hon. JACK REED,
U.S. Senate, Washington, DC.

Hon. RICHARD J. DURBIN,
U.S. Senate, Washington, DC.

Hon. LISA MURKOWSKI,
U.S. Senate, Washington, DC.

Hon. TOM UDALL,
U.S. Senate, Washington, DC.

DEAR SENATORS: The undersigned organizations in the Mental Health Liaison Group are pleased to write in support of the legislation you will soon introduce, the Garrett Lee Smith Memorial Act Reauthorization of 2011. This legislation renews the commitment to critically important youth and college suicide prevention programs administered by the Substance Abuse and Mental Health Services Administration, as well as strengthens those programs, ensuring they are best designed to meet the needs of those they are intended to serve.

The Garrett Lee Smith Memorial Act (GLSMA) currently supports grants in 35 States and 16 Tribes or Tribal organizations as part of the State/Tribal Youth Suicide Prevention and Early Intervention Program as well as funds programs at 38 institutions of higher education through the Campus Suicide Prevention program. While much has been achieved thanks to the successful grants supported by the GLSMA, there remains much to do. In 2007, suicide was the third leading cause of death for young people ages 15-24 years and the second leading cause of death among college students. According to the Center for Disease Control and Prevention, “a nationwide survey of youth in

grades 9-12 in public and private schools in the United States (U.S.) found that 15% of students reported seriously considering suicide, 11% reported creating a plan, and 7% reporting trying to take their own life in the 12 months preceding the survey." The 2010 American College Health Association's National College Health Assessment II noted that 45.6% of students surveyed reported feeling that things were hopeless and 30.7% reported feeling so depressed it was difficult to function during the past 12 months.

Since its creation in 2004, the Garrett Lee Smith Memorial Act has provided resources to communities and college campuses all across the country, and supported needed technical assistance to develop and disseminate effective strategies and best practices related to youth suicide prevention.

Our organizations support all three elements of the GLSMA, which provide a comprehensive approach to addressing the national problem of youth suicide. Specifically, the State and Tribal program fosters the creation of public-private collaborations and the development of critically needed prevention and early intervention strategies. Next, the Campus Suicide Prevention Program enhances services, outreach and education for students with mental health or substance use disorders and calls for the development of best practice for the delivery of such services. Finally, the Suicide Prevention Resource Center provides information and training to States, Tribes, and tribal organizations, institutions of higher education, and public organizations or private non-profit groups in an effort to prevent suicide among all ages, particularly among high risk groups, such as youth.

We are especially pleased that you have included modest but needed growth in the authorization levels for these programs. This measured increase acknowledges the important efforts that have come from the development of these programs as well as the significant work that remains to build suicide prevention capacity across the country.

Our organizations are grateful to you and your colleagues for your strong bipartisan approach regarding this program. We thank Senators Murkowski, Durbin and Tom Udall for joining with you in support of this effort and demonstrating extraordinary leadership on youth suicide prevention.

We are most grateful to you and your staff for your tireless work on this legislation over the past years. Your unwavering leadership and commitment to youth suicide prevention undoubtedly has important implications for the current and future health and wellbeing of our nation's youth. We welcome the opportunity to work with you and your staff to ensure that the Garrett Lee Smith Memorial Act is promptly reauthorized.

Sincerely,

American Academy of Child and Adolescent Psychiatry, American Art Therapy Association, American Association for Geriatric Psychiatry, American Association for Marriage and Family Therapy, American Association for Psychoanalysis in Clinical Social Work, American Association of Pastoral Counselors, American Association on Health and Disability*, American Counseling Association, American Dance Therapy Association, American Foundation for Suicide Prevention/SPAN USA, American Group Psychotherapy Association, American Orthopsychiatric Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association.

American Psychotherapy Association, Association for Ambulatory Behavioral Healthcare, Association for the Advancement of Psychology, American Psychiatric Nurses Association, Anxiety Disorders Asso-

ciation of America, Bazelon Center for Mental Health Law, Center for Clinical Social Work, Clinical Social Work Association, Depression and Bipolar Support Alliance, Eating Disorders Coalition for Research, Policy & Action, Mental Health America, NAADAC, the Association for Addiction Professionals, National Association of County Behavioral Health and Developmental Disability Directors, National Association of State Mental Health Program Directors, National Alliance on Mental Illness.

National Association for Children's Behavioral Health, National Association of Rural Mental Health, National Association of Mental Health Planning & Advisory Councils, National Association of Psychiatric Health Systems, National Association of School Psychologists, National Association of Social Workers, National Coalition for Mental Health Recovery, National Council for Community Behavioral Healthcare, National Council on Problem Gambling, School Social Work Association of America, Therapeutic Communities of America, Tourette Syndrome Association, U.S. Psychiatric Rehabilitation Association, Witness Justice.

* not a MHLG member

Mr. DURBIN. Mr. President, three years ago, a mentally disturbed gunman walked into a campus lecture hall at Northern Illinois University and shot 22 students, killing 5 of them. Northern Illinois University is not the first college to experience this kind of tragedy. We all remember the horrific events at Virginia Tech in 2007 where 32 lives were taken by a gunman.

In the aftermath of these shootings, we asked what could have been done to prevent it. And years later, we are still trying to make sense of it. Some believe nothing can be done to stop a disturbed person from committing acts of violence. But I believe we can and should do more.

For a long time, we have overlooked the mental health needs of students on college campuses. We know now that many mental illnesses start to manifest in this period when young people leave the security of home and regular medical care. The responsibility for the students' well-being often shifts from parents to students, and the students aren't always completely prepared. It is easier for a young person's problems to go unnoticed when he or she is away at college than when they are at home, in the company of parents, old friends, and high school teachers. College also provides a new opportunity for young people to experiment with drugs or alcohol.

The consequences of not detecting or addressing mental health needs among students are real. Suicide remains the third leading cause of death for adolescents and young adults between ages 10-24. Suicide takes the lives of more young adults than AIDS, cancer, heart disease, pneumonia, birth defects, and influenza combined. Forty-five percent of college students report having felt so depressed that it was difficult to function. Ten percent have contemplated suicide. There are over 1,000 suicides on college campus each year. These heartbreaking and traumatic incidents demonstrate the tragic consequences of mental instability and

help us recognize we need to do more to support students during what can be very tough years.

Fortunately, many students can succeed in college if they have appropriate counseling services and access to needed medications. These services make a real impact. Students who seek help are six times less likely to kill themselves. Colleges are welcoming students today who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment.

But while the needs for mental health services on campus are rising, colleges are facing financial pressures and having trouble meeting this demand. As I have travelled around my State, I have learned just how thin colleges and universities are stretched when it comes to providing counseling and other support services to students.

Take Southern Illinois University in Carbondale. SIUC has 8 full-time counselors for 20,000 students. That is 1 counselor for every 2,500 students. The recommended ratio is 1 counselor for every 1,500 students. And there is another problem. Like many rural communities, Carbondale only has one community mental health agency. That agency is overwhelmed by the mental health needs of the community and refuses to serve students from SIUC. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

The story is the same across the country. Colleges are trying to fill in the gaps, but because of the shortage of counselors, students' needs are overlooked. A recent survey of college counseling centers indicates that the average ratio of professional-staff-to-students is 1 to 1,900. Although interest in mental health services is high, the recession has put pressure on administrators to cut budgets wherever they can. At times, counseling centers are in the crosshairs. Ten percent of survey respondents said their budgets were cut during the 2007-8 academic year, half said their budgets stayed the same, and nearly a quarter reported that their funds increased by 3 percent or less.

With so many students looking for help and so few counselors to see them, counseling centers have to cut back on outreach. Without outreach, the chances of finding students who need help but don't ask for it goes down. This is a serious problem. We know that some students exhibit warning signs of a tortured mental state and four out of five young adults show warning signs before attempting suicide. But faculty and students don't always know how or where to express their concerns. Outreach efforts by

campus counseling centers can help educate the community about warning signs to look for as well as how to intervene. Of the students who committed suicide across the country in 2007, only 22 percent had received counseling on campus. That means that of the 1,000 college students who took their own lives, 800 may never have looked for help. How many of those young lives could have been saved if our college counseling centers had the resources they needed to identify those students and help them? Our students deserve better.

We need to help schools meet the needs of their students, and that is why I am an original cosponsor of the Garrett Lee Smith Memorial Act Reauthorization. This bill includes an important provision of the Mental Health on Campus Improvement Act, which I introduced last Congress that would increase funding for colleges and universities to improve their mental health services. Colleges could use the funding to hire personnel, increase outreach, and educate the campus community about mental health. The Garrett Lee Smith Memorial Act Reauthorization would provide States, tribes/tribal organizations, and universities with much needed resources to prevent suicide.

Reflecting on the loss of his own son, the well-known minister Rev. William Sloan Coffin once said, "When parents die, they take with them a portion of the past. But when children die, they take away the future as well." I hope the Garrett Lee Smith Memorial Act will help prevent the unnecessary loss of more young lives and bright futures.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BEGICH, and Mr. CARDIN):

S. 743. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to reintroduce the whistleblower Protection Enhancement Act. I am pleased that Senators COLLINS, GRASSLEY, LIEBERMAN, LEVIN, CARPER, LEAHY, HARKIN, PRYOR, LANDRIEU, MCCASKILL, TESTER, BEGICH, and CARDIN have joined as cosponsors of this bill.

The need for stronger whistleblower protections is clear. As we slowly recover from the deepest recession since the Great Depression, and grapple with unsustainable budget deficits, we can-

not wait to act on measures to make sure the government uses taxpayer money efficiently and effectively.

This legislation will help us hold those who manage the public's dollars accountable by strengthening protections for Federal employees who shed light on government waste, fraud, and abuse. Studies have shown that employee whistleblowers are responsible for uncovering more fraud than auditors, internal compliance officers, and law enforcement officials combined. As an example of the type of disclosures we need to encourage, in one of the few cases in which a whistleblower prevailed, an Internal Revenue Service manager disclosed alleged fraud and preferential treatment of certain wealthy and influential taxpayers. The Merit Systems Protection Board denied his claim, but five years after the whistleblower retaliation occurred, the Court of Appeals reversed. Ensuring that dedicated civil servants can come forward and report wrongdoing without facing retaliation is an important step for saving taxpayer dollars, reducing the deficit, and improving our country's long-term economic health.

Our bill also will contribute to public health and safety, civil rights and civil liberties, national security, and other critical interests. Federal employees may be the only people in the position to observe a problem with a drug safety trial, a cover up of violations during a food inspection, overreach in Federal law enforcement, or safety concerns at a nuclear plant. But few employees will have the courage to disclose Federal Government wrongdoing, which can affect every aspect of government operations, without meaningful whistleblower protections.

The Whistleblower Protection Act, WPA, was intended to shield Federal whistleblowers from retaliation, but the Court of Appeals or the Federal Circuit and the Merit Systems Protection Board repeatedly have issued decisions that misconstrue the WPA and scale back its protections. Federal whistleblowers have prevailed on the merits of their claims before the Federal Circuit which has sole jurisdiction over Federal employee whistleblower appeals, only three times in hundreds of cases since 1994. correction is urgently needed.

Our bill would eliminate a number of restrictions that the Federal Circuit has read into the law regarding when disclosures are covered by the WPA. Because of the Federal Circuit's restrictive reading of the WPA, it would establish a pilot program to allow multi-circuit review for 5 years, and would require a Government Accountability Office review of that change 40 months after enactment. This bill would also bar agencies from revoking an employee's security clearance in retaliation for whistleblowing.

Additionally, this bill expands coverage to new groups of whistleblowers. This bill would expand the coverage of the Whistleblower Protection Act to

include employees of the Transportation Security Administration. Intelligence Community employees for the first time would be protected as well, with an administrative process modeled on the protections for Federal Bureau of Investigations employees. Moreover, it would make clear that whistleblowers who disclose censorship of scientific information that could lead to gross government waste or mismanagement, danger to public health or safety, or a violation of law are protected.

I have been a long-time proponent of strengthening oversight by protecting Federal whistleblowers. Last Congress, my Whistleblower Protection Enhancement Act, S. 372, passed both the Senate and the House of Representatives by unanimous consent in December 2010. In the 110th Congress, my bill, the Federal Employee Protection of Disclosures Act, S. 274, passed the Senate by unanimous consent in December 2007, and a similar bill, H.R. 985, also passed in the House of Representatives in March 2008. Unfortunately, both times, we were not able to reconcile the two bills and enact whistleblower protections before the Congress adjourned. I intend to finish the job this Congress. Whistleblowers simply cannot wait any longer.

Congress has a duty to provide strong protections for Federal whistleblowers. Only when Federal employees are confident that they will not face retaliation will they feel comfortable coming forward to disclose information that can be used to improve government operations, our national security, and the health of our citizens. I urge my colleagues to support this legislation.

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. 743

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 "Whistleblower Protection Enhancement Act of 2011".

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i), by striking "a violation" and inserting "any violation"; and

(2) in subparagraph (B)(i), by striking "a violation" and inserting "any violation (other than a violation of this section)".

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting "or section 2302(b)(9) (A)(i), (B), (C), or

(D)” after “section 2302(b)(8)” or “(b)(8)” each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting “or protected activity” after “disclosure” each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A) and inserting the following:

“(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

“(i) with regard to remedying a violation of paragraph (8); or

“(ii) with regard to remedying a violation of any other law, rule, or regulation;”;

(ii) in subparagraph (B), by inserting “(i) or (ii)” after “subparagraph (A)”.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

“(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

“(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

“(B) the disclosure revealed information that had been previously disclosed;

“(C) of the employee’s or applicant’s motive for making the disclosure;

“(D) the disclosure was not made in writing;

“(E) the disclosure was made while the employee was off duty; or

“(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

“(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.”.

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking “and” at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) ‘disclosure’ means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

“(i) any violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”.

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

“This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee whose

conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.”.

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking “and” after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

“(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and”.

(b) PROHIBITED PERSONNEL PRACTICE.—

(1) IN GENERAL.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking “or” at the end;

(B) in paragraph (12), by striking the period and inserting “; or”; and

(C) by inserting after paragraph (12) the following:

“(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: ‘These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.’”.

(2) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

(A) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(B) may continue to be enforced after the effective date of this Act with regard to a

former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(c) RETALIATORY INVESTIGATIONS.—

(1) AGENCY INVESTIGATION.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

“(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.”.

(2) DAMAGES.—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

“(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.”.

SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

“(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or”.

SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

“(3)(A) A final order of the Board may impose—

“(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

“(ii) an assessment of a civil penalty not to exceed \$1,000; or

“(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

“(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee’s decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.”.

SEC. 107. REMEDIES.

(a) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking “agency involved” and inserting “agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case”.

(b) DAMAGES.—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code,

are amended by striking all after “travel expenses,” and inserting “any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).” each place it appears.

SEC. 108. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

“(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

“(B) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2011, a petition to review a final order or final decision of the Board that raises no challenge to the Board’s disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under paragraph (2).”

(b) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

“(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board’s decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

“(2) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2011, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board’s disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D). The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under sub-

section (b)(2) if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board’s decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.”

SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

“§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

“(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

“(1) the provisions of section 2302(b) (1), (8), and (9);

“(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

“(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

“2304. Prohibited personnel practices affecting the Transportation Security Administration.

“2305. Responsibility of the Government Accountability Office.

“2306. Coordination with certain other provisions of law.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) DEFINITIONS.—In this subsection—

(1) the term “agency” has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term “applicant” means an applicant for a covered position;

(3) the term “censorship related to research, analysis, or technical information” means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term “covered position” has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term “employee” means an employee in a covered position in an agency; and

(6) the term “disclosure” has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: “For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.”

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.

Section 2302(c) of title 5, United States Code, is amended by inserting “, including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures” after “chapter 12 of this title”.

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

“(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).”

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.”

(2) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under paragraph (1)—

(i) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

SEC. 116. REPORTING REQUIREMENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than 40 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this paragraph shall include—

(A) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b) (8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2009 through the end of the fiscal year 2009.

SEC. 117. ALTERNATIVE REVIEW.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

“(k)(1) In this subsection, the term ‘appropriate United States district court’, as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

“(A) the prohibited personnel practice is alleged to have been committed; or

“(B) the employee, former employee, or applicant for employment allegedly affected by such practice resides.

“(2)(A) An employee, former employee, or applicant for employment in any case to which paragraph (3) or (4) applies may file an action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

“(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at that time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

“(3) This paragraph applies in any case in which—

“(A) an employee, former employee, or applicant for employment—

“(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

“(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

“(B) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the issuance of a final order or decision by the Board; and

“(C) such employee, former employee, or applicant provides written notice to the Board of filing an action under this subsection before the filing of that action.

“(4) This paragraph applies in any case in which—

“(A) an employee, former employee, or applicant for employment—

“(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

“(ii) files an appeal under section 7701(a)(1) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

“(B)(i) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment files a motion requesting a certification consistent with subparagraph (C) to the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case; and

“(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action; and

“(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—

“(i) under standard applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action (including any allegations made with the motion under subparagraph (B)) would not be subject to dismissal; and

“(ii)(I) the Board is not likely to dispose of the case within 270 days after the date on which a request for that corrective action has been duly submitted; or

“(II) the case—

“(aa) consists of multiple claims;

“(bb) requires complex or extensive discovery;

“(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former employee, or applicant pending in a Federal court; or

“(dd) involves a novel question of law.

“(5) The Board shall grant or deny any motion requesting a certification described under paragraph (4)(i) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a request for corrective action within 15 days after granting or denying a motion requesting certification.

“(6)(A) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—

“(i) a motion requesting a certification was denied; and

“(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).

“(B) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.

“(C) The reviewing court’s decision shall not be considered evidence of any determination by the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

“(7) In any action filed under this subsection—

“(A) the district court shall have jurisdiction without regard to the amount in controversy;

“(B) at the request of either party, such action shall be tried by the court with a jury;

“(C) the court—

“(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and

“(ii) may award any relief which the court considers appropriate under subsection (g), except—

“(I) relief for compensatory damages may not exceed \$300,000; and

“(II) relief may not include punitive damages; and

“(iii) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and

“(D) the Special Counsel may not represent the employee, former employee, or applicant for employment.

“(8) An appeal from a final decision of a district court in an action under this subsection shall be taken to the Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

“(9) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether under section 1214(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.”.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 118. MERIT SYSTEMS PROTECTION BOARD SUMMARY JUDGMENT.

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

“(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.”.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by adding “or” after the semicolon; and

(3) by adding at the end the following:

“(C) any communication that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App);”.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(D) An employee of any agency, as that term is defined under section 2302(a)(2)(C) of title 5, United States Code, who intends to

report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency of which that employee is employed.”;

(2) in subsection (c), by striking “intelligence committees” and inserting “appropriate committees”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “either or both of the intelligence committees” and inserting “any of the appropriate committees”; and

(B) in paragraphs (2) and (3), by striking “intelligence committees” each place that term appears and inserting “appropriate committees”;

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “intelligence”; and

(ii) in subparagraph (B), by inserting “or an activity involving classified information” after “an intelligence activity”; and

(B) by striking paragraph (2), and inserting the following:

“(2) The term ‘appropriate committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D), the term ‘appropriate committees’ means the committees of appropriate jurisdiction.”.

SEC. 120. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

“(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

“(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

“(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

“(i) about prohibitions on retaliation for protected disclosures; and

“(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

“(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

“(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

“(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

“(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “section 3(d)(1)” and inserting “section 3(d)(1)(A)”; and

(2) by striking “section 3(d)(2)” and inserting “section 3(d)(1)(B)”.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

TITLE II—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 201. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

“§ 2303A. Prohibited personnel practices in the intelligence community

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation;

“(2) the term ‘intelligence community element’—

“(A) means—

“(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

“(B) does not include the Federal Bureau of Investigation; and

“(3) the term ‘personnel action’ means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policy-making, or policy-advocating character).

“(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), or to the head of the employing agency (or an employee designated by the head of that agency for such purpose), which the employee reasonably believes evidences—

“(1) a violation of any law, rule, or regulation, except for an alleged violation that occurs during the conscientious carrying out of official duties; or

“(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

“(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

“(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

“(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights currently provided under any other law, rule, or regulation, including section 2303;

“(2) repeal section 2303; or

“(3) provide the President or Director of National Intelligence the authority to revise

regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

“2303A. Prohibited personnel practices in the intelligence community.”.

SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “Not” and inserting “Except as otherwise provided, not”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6), by striking the period at the end and inserting “; and”;

(4) by inserting after paragraph (6) the following:

“(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2011—

“(A) developing policies and procedures that permit, to the extent practicable, individuals who challenge in good faith a determination to suspend or revoke a security clearance or access to classified information to retain their government employment status while such challenge is pending; and

“(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

“Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

“(A) for an independent and impartial fact-finder;

“(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

“(C) that the employee or former employee may be represented by counsel;

“(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

“(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

“(i) the employee and the agency concerned agree to an extension; or

“(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

“(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of national security, including ex parte submissions if the agency determines that the interests of national security so warrant; and

“(G) that the employee or former employee shall have no right to compel the production of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, except evidence necessary to establish that the employee made the disclosure or communication such employee alleges was protected by subparagraphs (A), (B), and (C) of subsection (j)(1).”.

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following:

“(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

“(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee’s security clearance or access determination because of—

“(A) any disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

“(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

“(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

“(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

“(C) any communication that complies with—

“(i) subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

“(ii) subsection (d)(5)(A), (D), or (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or

“(iii) subsection (k)(5)(A), (D), or (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403-3h);

“(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

“(E) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (D); or

“(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General,

if the actions described under subparagraphs (D) through (F) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order

to be kept classified in the interest of national defense or the conduct of foreign affairs.

“(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

“(3) DISCLOSURES.—

“(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

“(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

“(ii) the disclosure revealed information that had been previously disclosed;

“(iii) of the employee’s motive for making the disclosure;

“(iv) the disclosure was not made in writing;

“(v) the disclosure was made while the employee was off duty; or

“(vi) of the amount of time which has passed since the occurrence of the events described in the disclosure.

“(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

“(4) AGENCY ADJUDICATION.—

“(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by paragraph (7) of subsection (a), except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

“(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed \$300,000.

“(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall find that paragraph (1) of this subsection was violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency’s assessment of the particular threat to the national security interests of the United States in the instant matter.

“(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

“(A) DEFINITION.—In this paragraph, the term ‘Board’ means the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

“(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination to the Board.

“(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney General, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

“(D) REVIEW.—The Board’s review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

“(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional proceedings in accordance with the rules of procedure issued by the Board.

“(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder’s opportunity to see and hear the witnesses.

“(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall then separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (including any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

“(H) REMEDIES.—

“(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the agency head to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed \$300,000. The

Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

“(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee’s security clearance or access determination is clearly consistent with the interests of national security, it shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

“(I) CONGRESSIONAL NOTIFICATION.—

“(i) ORDERS.—Consistent with the protection of sources and methods, at the time the Board issues an order, the Chairperson of the Board shall notify—

“(I) the Committee on Homeland Security and Government Affairs of the Senate;

“(II) the Select Committee on Intelligence of the Senate;

“(III) the Committee on Oversight and Government Reform of the House of Representatives;

“(IV) the Permanent Select Committee on Intelligence of the House of Representatives; and

“(V) the committees of the Senate and the House of Representatives that have jurisdiction over the employing agency, including in the case of a final order or decision of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or the National Reconnaissance Office, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(ii) RECOMMENDATIONS.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board’s recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

“(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

“(A) agency action under this section; or

“(B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

“(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.”

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(a)) is amended by adding at the end the following:

“(9) The term ‘access determination’ means the process for determining whether an employee—

“(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry); and

“(B) possesses a need to know under that Order.”

(d) **RULE OF CONSTRUCTION.**—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall be construed to require the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to classified national security information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of section 3001(b)(7) of such Act, as so amended.

SEC. 203. REVISIONS RELATING TO THE INTELLIGENCE COMMUNITY WHISTLE-BLOWER PROTECTION ACT.

(a) **IN GENERAL.**—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—
 (A) by inserting “(1)” after “(b)”; and
 (B) by adding at the end the following:
 “(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this section for the head of the establishment apply to the recipient of the Inspector General’s transmission. The Director of National Intelligence shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Review Act of 2011 regarding all transmissions under this paragraph.”;

(2) by designating subsection (h) as subsection (i); and

(3) by inserting after subsection (g), the following:

“(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.”.

(b) **CENTRAL INTELLIGENCE AGENCY.**—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subparagraph (B)—
 (A) by inserting “(i)” after “(B)”; and
 (B) by adding at the end the following:

“(i) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case the requirements of this subsection for the Director apply to the recipient of the Inspector General’s submission; and”;

(2) by adding at the end the following:

“(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.”.

SEC. 204. REGULATIONS; REPORTING REQUIREMENTS; NONAPPLICABILITY TO CERTAIN TERMINATIONS.

(a) **DEFINITIONS.**—In this section—

(1) the term “congressional oversight committees” means the—

(A) the Committee on Homeland Security and Government Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

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

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term “intelligence community element”—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(b) **REGULATIONS.**—

(1) **IN GENERAL.**—The Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this Act.

(2) **APPELLATE REVIEW BOARD.**—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as added by this Act; and

(B) that shall include a subpanel that reflects the composition of the intelligence committee, which shall be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community.

(c) **REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.**—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) **NONAPPLICABILITY TO CERTAIN TERMINATIONS.**—Section 2303A of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply to adverse security clearance or access determinations if the affected employee is concurrently terminated under—

(1) section 1609 of title 10, United States Code;

(2) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 403–1(m)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 403–4a(e)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 301. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of enactment of this Act.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. KERRY):

S. 744. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases, for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, this weekend I know that Marylanders will be taking advantage of Passport Day this Saturday, April 9. During these weekend hours at our passport acceptance facilities in Maryland, my constituents will have the ability to renew their passports or apply for a new passport, as we get ready for the summer travel season.

When Marylanders apply for and ultimately receive their passports, I want them to continue to have confidence that the U.S. passport is the gold standard for identification. It certifies

an individual's identity and U.S. citizenship, and allows the passport holder to travel in and out of the United States and to foreign countries. It allows the passport holder to obtain further identification documents, and to set up bank accounts.

The U.S. Government simply cannot allow U.S. passports to be issued in this country on the basis of fraudulent documents. There is too much at stake. Unfortunately, hearings that I have chaired in the last Congress have convinced me that we have serious vulnerabilities in our passport issuance process that need to be closed quickly.

Nearly two years ago, on May 5, 2009, I chaired a Judiciary Terrorism Subcommittee hearing entitled "The Passport Issuance Process: Closing the Door to Fraud." During the hearing last year, we learned about a Government Accountability Office, GAO, undercover investigation that had been requested by Senators KYL and FEINSTEIN to test the effectiveness of the passport issuance process, and to determine whether malicious individuals such as terrorists, spies, or other criminals could use counterfeit documents to obtain a genuine U.S. passport. What we learned from GAO was that "terrorists or criminals could steal an American citizen's identity, use basic counterfeiting skills to create fraudulent documents for that identity, and obtain a genuine U.S. passport." But that 2009 GAO report was not the first time that problems with the passport issuance process were identified. In 2005 and 2007, GAO also brought these issues to light.

Vulnerabilities in the passport issuance process are very serious because it can have a profound impact on the national security of the United States.

A new GAO undercover investigation that I requested, along with Senators KYL, FEINSTEIN, LIEBERMAN and COLLINS, also revealed that while some improvements have been made by the State Department, the passport issuance process is still susceptible to fraud. A Judiciary Terrorism Subcommittee hearing that I chaired in July of 2010 revealed that the State Department issued five additional passports on the basis of fraudulent identity documents that had been submitted by undercover GAO agents.

As a result, today I am reintroducing the Passport Identity Verification Act, or PIVA. This legislation is co-sponsored by Senators FEINSTEIN, LIEBERMAN, and KERRY. It is a common-sense solution that will give the State Department the legal authorities that it needs to access relevant information contained in federal, state, and other databases that can be used to verify the identity of every passport applicant, and to detect passport fraud, without extending the time that the State Department takes to approve passports. The legislation also requires the State Department to promulgate regulations to limit access to this in-

formation, and to ensure that personnel involved in the passport issuance process only access this information for authorized purposes. These are very important privacy and security protections in this legislation.

The legislation also requires the Secretary of State to conduct a formal study examining whether biometric information and technology can be used to enhance the ability to verify the identity of a passport applicant and to detect passport fraud.

I understand that the American people can become concerned when their travel plans, whether for leisure or business, are linked to their ability to obtain a passport in a timely fashion. My legislation would not lengthen the average amount of time it takes U.S. citizens to obtain passports. We have got to get this right, and it is not simply a question of process, techniques, and training. We need to make sure that the agencies that are responsible for processing passport application documents are concerned about national security as well as customer service, and we need to make sure they have the legal authorities, the resources, and the technology they need to verify the identity of a passport applicant and to detect passport fraud.

We already have much of the technology and the information to prevent such issuance of genuine U.S. passports based on fraudulent documents or information. The Passport Identity Verification Act will dramatically improve the State Department's ability to detect passport fraud, and strengthen the integrity of every American's passport.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 749. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

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

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

S. 749

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 "Fair Elections Revenue Act of 2011".

SEC. 2. FAIR ELECTIONS FUND REVENUE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

"CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS

"Sec. 4501. Imposition of tax.

"SEC. 4501. IMPOSITION OF TAX.

"(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

"(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed \$500,000.

"(c) QUALIFIED PERSON.—For purposes of this section, the term 'qualified person' means any person which—

"(1) is not a State or local government, a foreign nation, or an organization described in section 501(c)(3) which is exempt from taxation under section 501(a), and

"(2) has contracts with the Government of the United States with a value in excess of \$10,000,000.

"(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

"(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections."

(b) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

"CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS"

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 750. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. 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. 750

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 "Fair Elections Now Act".

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

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

Sec. 101. Findings and declarations.

Sec. 102. Eligibility requirements and benefits of Fair Elections financing of Senate election campaigns.

"TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

"Subtitle A—General Provisions

"Sec. 501. Definitions.

"Sec. 502. Fair Elections Fund.

"Subtitle B—Eligibility and Certification

"Sec. 511. Eligibility.

- “Sec. 512. Qualifying contribution requirement.
- “Sec. 513. Contribution and expenditure requirements.
- “Sec. 514. Debate requirement.
- “Sec. 515. Certification.

“Subtitle C—Benefits

- “Sec. 521. Benefits for participating candidates.
- “Sec. 522. Allocations from the Fund.
- “Sec. 523. Matching payments for qualified small dollar contributions.
- “Sec. 524. Political advertising vouchers.

“Subtitle D—Administrative Provisions

- “Sec. 531. Fair Elections Oversight Board.
- “Sec. 532. Administration provisions.
- “Sec. 533. Violations and penalties.
- Sec. 103. Prohibition on joint fundraising committees.
- Sec. 104. Exception to limitation on coordinated expenditures by political party committees with participating candidates.

TITLE II—IMPROVING VOTER INFORMATION

- Sec. 201. Broadcasts relating to all Senate candidates.
- Sec. 202. Broadcast rates for participating candidates.
- Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

- Sec. 301. Petition for certiorari.
- Sec. 302. Filing by Senate candidates with Commission.
- Sec. 303. Electronic filing of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Severability.
- Sec. 402. Effective date.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

- (1) creating a culture that fosters actual or perceived conflicts of interest by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;
- (2) diminishing or appearing to diminish Senators’ accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;
- (3) undermining the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;
- (4) imposing large, unwarranted costs on taxpayers through legislative and regulatory distortions caused by unequal access to lawmakers for campaign contributors;
- (5) making it difficult for some qualified candidates to mount competitive Senate election campaigns;
- (6) disadvantaging challengers and discouraging competitive elections; and
- (7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE FAIR ELEC-

TIONS FUND.—The Senate finds and declares that providing the option of the replacement of large private campaign contributions with allocations from the Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

- (1) reducing the actual or perceived conflicts of interest created by fully private financing of the election campaigns of public officials and restoring public confidence in the integrity and fairness of the electoral and legislative processes through a program which allows participating candidates to adhere to substantially lower contribution limits for contributors with an assurance that there will be sufficient funds for such candidates to run viable electoral campaigns;
 - (2) increasing the public’s confidence in the accountability of Senators to the constituents who elect them, which derives from the program’s qualifying criteria to participate in the voluntary program and the conclusions that constituents may draw regarding candidates who qualify and participate in the program;
 - (3) helping to reduce the ability to make large campaign contributions as a determinant of a citizen’s influence within the political process by facilitating the expression of support by voters at every level of wealth, encouraging political participation, and incentivizing participation on the part of Senators through the matching of small dollar contributions;
 - (4) potentially saving taxpayers billions of dollars that may be (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;
 - (5) creating genuine opportunities for all Americans to run for the Senate and encouraging more competitive elections;
 - (6) encouraging participation in the electoral process by citizens of every level of wealth; and
 - (7) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.
- SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.
- The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:
- “TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS
- “Subtitle A—General Provisions
- “SEC. 501. DEFINITIONS.
- “In this title:
- “(1) ALLOCATION FROM THE FUND.—The term ‘allocation from the Fund’ means an allocation of money from the Fair Elections Fund to a participating candidate pursuant to section 522.
- “(2) BOARD.—The term ‘Board’ means the Fair Elections Oversight Board established under section 531.
- “(3) FAIR ELECTIONS QUALIFYING PERIOD.—The term ‘Fair Elections qualifying period’ means, with respect to any candidate for Senator, the period—
- “(A) beginning on the date on which the candidate files a statement of intent under section 511(a)(1); and
- “(B) ending on the date that is 30 days before—
- “(i) the date of the primary election; or
- “(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.
- “(4) FAIR ELECTIONS START DATE.—The term ‘Fair Elections start date’ means, with respect to any candidate, the date that is 180 days before—

- “(A) the date of the primary election; or
 - “(B) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.
 - “(5) FUND.—The term ‘Fund’ means the Fair Elections Fund established by section 502.
 - “(6) IMMEDIATE FAMILY.—The term ‘immediate family’ means, with respect to any candidate—
 - “(A) the candidate’s spouse;
 - “(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate’s spouse; and
 - “(C) the spouse of any person described in subparagraph (B). - “(7) MATCHING CONTRIBUTION.—The term ‘matching contribution’ means a matching payment provided to a participating candidate for qualified small dollar contributions, as provided under section 523.
 - “(8) NONPARTICIPATING CANDIDATE.—The term ‘nonparticipating candidate’ means a candidate for Senator who is not a participating candidate.
 - “(9) PARTICIPATING CANDIDATE.—The term ‘participating candidate’ means a candidate for Senator who is certified under section 515 as being eligible to receive an allocation from the Fund.
 - “(10) QUALIFYING CONTRIBUTION.—The term ‘qualifying contribution’ means, with respect to a candidate, a contribution that—
 - “(A) is in an amount that is—
 - “(i) not less than the greater of \$5 or the amount determined by the Commission under section 531; and
 - “(ii) not more than the greater of \$100 or the amount determined by the Commission under section 531; - “(B) is made by an individual—
 - “(i) who is a resident of the State in which such Candidate is seeking election; and
 - “(ii) who is not otherwise prohibited from making a contribution under this Act; - “(C) is made during the Fair Elections qualifying period; and
 - “(D) meets the requirements of section 512(b). - “(11) QUALIFIED SMALL DOLLAR CONTRIBUTION.—The term ‘qualified small dollar contribution’ means, with respect to a candidate, any contribution (or series of contributions)—
 - “(A) which is not a qualifying contribution (or does not include a qualifying contribution);
 - “(B) which is made by an individual who is not prohibited from making a contribution under this Act; and
 - “(C) the aggregate amount of which does not exceed the greater of—
 - “(i) \$100 per election; or
 - “(ii) the amount per election determined by the Commission under section 531.
- “SEC. 502. FAIR ELECTIONS FUND.
- “(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ‘Fair Elections Fund’.
- “(b) AMOUNTS HELD BY FUND.—The Fund shall consist of the following amounts:
- “(1) APPROPRIATED AMOUNTS.—
- “(A) IN GENERAL.—Amounts appropriated to the Fund.
- “(B) SENSE OF THE SENATE REGARDING APPROPRIATIONS.—It is the sense of the Senate that—
- “(i) there should be imposed on any payment made to any person (other than a State or local government or a foreign nation) who has contracts with the Government of the United States in excess of \$10,000,000 a tax equal to 0.50 percent of amount paid pursuant to such contracts, except that the aggregate tax for any person for any taxable year shall not exceed \$500,000; and

“(ii) the revenue from such tax should be appropriated to the Fund.

“(2) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the Fund.

“(3) OTHER DEPOSITS.—Amounts deposited into the Fund under—

“(A) section 513(c) (relating to exceptions to contribution requirements);

“(B) section 521(c) (relating to remittance of allocations from the Fund);

“(C) section 533 (relating to violations); and

“(D) any other section of this Act.

“(4) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

“(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

“(d) USE OF FUND.—

“(1) IN GENERAL.—The sums in the Fund shall be used to provide benefits to participating candidates as provided in subtitle C.

“(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

“Subtitle B—Eligibility and Certification

“SEC. 511. ELIGIBILITY.

“(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

“(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the Fair Elections start date and ending on the last day of the Fair Elections qualifying period.

“(2) The candidate meets the qualifying contribution requirements of section 512.

“(3) Not later than the last day of the Fair Elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

“(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 513;

“(B) if certified, will comply with the debate requirements of section 514;

“(C) if certified, will not run as a non-participating candidate during such year in any election for the office that such candidate is seeking; and

“(D) has either qualified or will take steps to qualify under State law to be on the ballot.

“(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general runoff election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate otherwise qualified to be on the ballot under State law.

“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.

“(a) IN GENERAL.—A candidate for Senator meets the requirement of this section if, during the Fair Elections qualifying period, the candidate obtains—

“(1) a number of qualifying contributions equal to the greater of—

“(A) the sum of—

“(i) 2,000; plus

“(ii) 500 for each congressional district in the State with respect to which the candidate is seeking election; or

“(B) the amount determined by the Commission under section 531; and

“(2) a total dollar amount of qualifying contributions equal to the greater of—

“(A) 10 percent of the amount of the allocation such candidate would be entitled to receive for the primary election under section 522(c)(1) (determined without regard to paragraph (5) thereof) if such candidate were a participating candidate; or

“(B) the amount determined by the Commission under section 531.

“(b) REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.—Each qualifying contribution—

“(1) may be made by means of a personal check, money order, debit card, credit card, or electronic payment account;

“(2) shall be accompanied by a signed statement containing—

“(A) the contributor's name and the contributor's address in the State in which the contributor is registered to vote; and

“(B) an oath declaring that the contributor—

“(i) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for Fair Elections financing;

“(ii) is making the contribution in his or her own name and from his or her own funds;

“(iii) has made the contribution willingly; and

“(iv) has not received any thing of value in return for the contribution; and

“(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

“(c) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

“(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

“(1) except as provided in subsection (b), accepts no contributions other than—

“(A) qualifying contributions;

“(B) qualified small dollar contributions;

“(C) allocations from the Fund under section 522;

“(D) matching contributions under section 523; and

“(E) vouchers provided to the candidate under section 524;

“(2) makes no expenditures from any amounts other than from—

“(A) qualifying contributions;

“(B) qualified small dollar contributions;

“(C) allocations from the Fund under section 522;

“(D) matching contributions under section 523; and

“(E) vouchers provided to the candidate under section 524; and

“(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through qualified small dollar contributions and qualifying contributions).

For purposes of this subsection, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

“(b) CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions de-

scribed in subsection (a)(1) from any person if—

“(1) the aggregate contributions from such person for any calendar year do not exceed \$100; and

“(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

“(c) EXCEPTION.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions that are not qualified small dollar contributions, qualifying contributions, or contributions that meet the requirements of subsection (b) and that are accepted before the date the candidate files a statement of intent under section 511(a)(1) are—

“(1) returned to the contributor; or

“(2) submitted to the Commission for deposit in the Fund.

“SEC. 514. DEBATE REQUIREMENT.

“A candidate for Senator meets the requirements of this section if the candidate participates in at least—

“(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

“(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

“SEC. 515. CERTIFICATION.

“(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 511(a)(3), the Commission shall—

“(1) certify whether or not the candidate is a participating candidate; and

“(2) notify the candidate of the Commission's determination.

“(b) REVOCATION OF CERTIFICATION.—

“(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

“(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

“(B) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

“(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay to the Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received.

“Subtitle C—Benefits

“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.

“(a) IN GENERAL.—For each election with respect to which a candidate is certified as a participating candidate, such candidate shall be entitled to—

“(1) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 522;

“(2) matching contributions, as provided in section 523; and

“(3) for the general election, vouchers for broadcasts of political advertisements, as provided in section 524.

“(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 522 and matching contributions under section 523 may only be used for campaign-related costs.

“(c) REMITTING ALLOCATIONS FROM THE FUND.—

“(1) IN GENERAL.—Not later than the date that is 45 days after an election in which the participating candidate appeared on the ballot, such participating candidate shall remit

to the Commission for deposit in the Fund an amount equal to the lesser of—

“(A) the amount of money in the candidate’s campaign account; or

“(B) the sum of the allocations from the Fund received by the candidate under section 522 and the matching contributions received by the candidate under section 523.

“(2) EXCEPTION.—In the case of a candidate who qualifies to be on the ballot for a primary runoff election, a general election, or a general runoff election, the amounts described in paragraph (1) may be retained by the candidate and used in such subsequent election.

“SEC. 522. ALLOCATIONS FROM THE FUND.

“(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 521(a)(1) to a participating candidate—

“(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 515;

“(2) in the case of a general election, not later than 48 hours after—

“(A) the date of the certification of the results of the primary election or the primary runoff election; or

“(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

“(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

“(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

“(c) AMOUNTS.—

“(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

“(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

“(3) GENERAL ELECTION ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

“(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

“(5) UNCONTESTED ELECTIONS.—

“(A) IN GENERAL.—In the case of a primary or general election that is an uncontested election, the Commission shall make an allocation from the Fund to a participating candidate for such election in an amount equal to 25 percent of the allocation which such candidate would be entitled to under this section for such election if this paragraph did not apply.

“(B) UNCONTESTED ELECTION DEFINED.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has campaign funds (including payments from the Fund) in an amount equal to or greater than 10 percent of the allocation a partici-

pating candidate would be entitled to receive under this section for such election if this paragraph did not apply.

“(d) BASE AMOUNT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the greater of—

“(A) the sum of—

“(i) \$750,000; plus

“(ii) \$150,000 for each congressional district in the State with respect to which the candidate is seeking election; or

“(B) the amount determined by the Commission under section 531.

“(2) INDEXING.—In each even-numbered year after 2013—

“(A) each dollar amount under paragraph (1)(A) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2012;

“(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

“(C) if any amount after adjustment under subparagraph (A) is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.

“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS.

“(a) IN GENERAL.—The Commission shall pay to each participating candidate an amount equal to 500 percent of the amount of qualified small dollar contributions received by the candidate from individuals who are residents of the State in which such participating candidate is seeking election after the date on which such candidate is certified under section 515.

“(b) LIMITATION.—The aggregate payments under subsection (a) with respect to any candidate shall not exceed the greater of—

“(1) 300 percent of the allocation such candidate is entitled to receive for such election under section 522 (determined without regard to subsection (c)(5) thereof); or

“(2) the percentage of such allocation determined by the Commission under section 531.

“(c) TIME OF PAYMENT.—The Commission shall make payments under this section not later than 2 business days after the receipt of a report made under subsection (d).

“(d) REPORTS.—

“(1) IN GENERAL.—Each participating candidate shall file reports of receipts of qualified small dollar contributions at such times and in such manner as the Commission may by regulations prescribe.

“(2) CONTENTS OF REPORTS.—Each report under this subsection shall disclose—

“(A) the amount of each qualified small dollar contribution received by the candidate;

“(B) the amount of each qualified small dollar contribution received by the candidate from a resident of the State in which the candidate is seeking election; and

“(C) the name, address, and occupation of each individual who made a qualified small dollar contribution to the candidate.

“(3) FREQUENCY OF REPORTS.—Reports under this subsection shall be made no more frequently than—

“(A) once every month until the date that is 90 days before the date of the election;

“(B) once every week after the period described in subparagraph (A) and until the date that is 21 days before the election; and

“(C) once every day after the period described in subparagraph (B).

“(4) LIMITATION ON REGULATIONS.—The Commission may not prescribe any regulations with respect to reporting under this subsection with respect to any election after the date that is 180 days before the date of such election.

“(e) APPEALS.—The Commission shall provide a written explanation with respect to any denial of any payment under this section and shall provide the opportunity for review and reconsideration within 5 business days of such denial.

“SEC. 524. POLITICAL ADVERTISING VOUCHERS.

“(a) IN GENERAL.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

“(b) CANDIDATES.—The Commission shall only disburse vouchers under the program established under subsection (a) to participants certified pursuant to section 515 who have agreed in writing to keep and furnish to the Commission such records, books, and other information as it may require.

“(c) AMOUNTS.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to the greater of—

“(1) \$100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office; or

“(2) the amount determined by the Commission under section 531.

“(d) USE.—

“(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

“(A) a candidate may exchange vouchers with a political party under paragraph (2); and

“(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising (as defined by the Commission in regulations), to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d).

“(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

“(A) IN GENERAL.—A participating candidate who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee of the political party of which the individual is a candidate (or, in the case of a participating candidate who is not a member of any political party, to a committee of the political party of that candidate’s choice) in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

“(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b) or otherwise modify that agreement or its application to that candidate.

“(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

“(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

“(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

“(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

“(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304;

“(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of title III of this Act; and

“(iii) the amount, if identified as a ‘voucher exchange’, shall not be considered a contribution for the purposes of sections 315 and 513.

“(e) VALUE; ACCEPTANCE; REDEMPTION.—

“(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

“(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

“(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system.

“(4) EXPIRATION.—

“(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

“(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

“(5) VOUCHER AS EXPENDITURE UNDER FECA.—The use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A).

“(f) DEFINITIONS.—In this section:

“(1) BROADCASTING STATION.—The term ‘broadcasting station’ has the meaning given that term by section 315(f)(1) of the Communications Act of 1934.

“(2) POLITICAL PARTY.—The term ‘political party’ means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

“Subtitle D—Administrative Provisions
“SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.

“(a) ESTABLISHMENT.—There is established within the Federal Election Commission an entity to be known as the ‘Fair Elections Oversight Board’.

“(b) STRUCTURE AND MEMBERSHIP.—

“(1) IN GENERAL.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom—

“(A) 2 shall be appointed after consultation with the majority leader of the Senate;

“(B) 2 shall be appointed after consultation with the minority leader of the Senate; and

“(C) 1 shall be appointed upon the recommendation of the members appointed under subparagraphs (A) and (B).

“(2) QUALIFICATIONS.—

“(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

“(B) PROHIBITION.—No member of the Board may be—

“(i) an employee of the Federal Government;

“(ii) a registered lobbyist; or

“(iii) an officer or employee of a political party or political campaign.

“(3) DATE.—Members of the Board shall be appointed not later than 60 days after the date of the enactment of this Act.

“(4) TERMS.—A member of the Board shall be appointed for a term of 5 years.

“(5) VACANCIES.—A vacancy on the Board shall be filled not later than 30 calendar days after the date on which the Board is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual’s predecessor was appointed.

“(6) CHAIRPERSON.—The Board shall designate a Chairperson from among the members of the Board.

“(c) DUTIES AND POWERS.—

“(1) ADMINISTRATION.—

“(A) IN GENERAL.—The Board shall have such duties and powers as the Commission may prescribe, including the power to administer the provisions of this title.

“(2) REVIEW OF FAIR ELECTIONS FINANCING.—

“(A) IN GENERAL.—After each general election for Federal office, the Board shall conduct a comprehensive review of the Fair Elections financing program under this title, including—

“(i) the maximum dollar amount of qualified small dollar contributions under section 501(11);

“(ii) the maximum and minimum dollar amounts for qualifying contributions under section 501(10);

“(iii) the number and value of qualifying contributions a candidate is required to obtain under section 512 to qualify for allocations from the Fund;

“(iv) the amount of allocations from the Fund that candidates may receive under section 522;

“(v) the maximum amount of matching contributions a candidate may receive under section 523;

“(vi) the amount and usage of vouchers under section 524;

“(vii) the overall satisfaction of participating candidates and the American public with the program; and

“(viii) such other matters relating to financing of Senate campaigns as the Board determines are appropriate.

“(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Board shall consider the following:

“(i) QUALIFYING CONTRIBUTIONS AND QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—The Board shall consider whether the number and dollar amount of qualifying contributions required and maximum dollar amount for such qualifying contributions and qualified small dollar contributions strikes a balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Board determines is appropriate.

“(ii) REVIEW OF PROGRAM BENEFITS.—The Board shall consider whether the totality of the amount of funds allowed to be raised by

participating candidates (including through qualifying contributions and small dollar contributions), allocations from the Fund under sections 522, matching contributions under section 523, and vouchers under section 524 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Board determines is appropriate.

“(C) ADJUSTMENT OF AMOUNTS.—

“(i) IN GENERAL.—Based on the review conducted under subparagraph (A), the Board shall provide for the adjustments of the following amounts:

“(I) the maximum dollar amount of qualified small dollar contributions under section 501(11)(C);

“(II) the maximum and minimum dollar amounts for qualifying contributions under section 501(10)(A);

“(III) the number and value of qualifying contributions a candidate is required to obtain under section 512(a)(1);

“(IV) the base amount for candidates under section 522(d);

“(V) the maximum amount of matching contributions a candidate may receive under section 523(b); and

“(VI) the dollar amount for vouchers under section 524(c).

“(ii) REGULATIONS.—The Commission shall promulgate regulations providing for the adjustments made by the Board under clause (i).

“(D) REPORT.—Not later than March 30 following any general election for Federal office, the Board shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Board based on such review.

“(d) MEETINGS AND HEARINGS.—

“(1) MEETINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this Act.

“(2) QUORUM.—Three members of the Board shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

“(e) REPORTS.—Not later than March 30, 2012, and every 2 years thereafter, the Board shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

“(f) ADMINISTRATION.—

“(1) COMPENSATION OF MEMBERS.—

“(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) PERSONNEL.—

“(A) DIRECTOR.—The Board shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

“(B) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Board determines to be appropriate.

“(C) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(D) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Board to assist in carrying out the duties of the Board. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

“(E) OTHER RESOURCES.—The Board shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies of the executive and legislative branches of the Federal Government. The Chairperson of the Board shall make requests for such access in writing when necessary.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

“SEC. 532. ADMINISTRATION PROVISIONS.

“The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

“(1) to establish procedures for—
“(A) verifying the amount of valid qualifying contributions with respect to a candidate;

“(B) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;

“(C) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

“(D) monitoring the use of allocations from the Fund and matching contributions under this title through audits or other mechanisms; and

“(E) the administration of the voucher program under section 524; and

“(2) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections.

“SEC. 533. VIOLATIONS AND PENALTIES.

“(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 515(a) accepts a contribution or makes an expenditure that is prohibited under section 513, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Fund.

“(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

“(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

“(A) the amount of benefits so used or not remitted, as appropriate; and

“(B) interest on any such amounts (at a rate determined by the Commission).

“(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude en-

forcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.”.

SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMITTEES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

“(6) No authorized committee of a participating candidate (as defined in section 501) may establish a joint fundraising committee with a political committee other than an authorized committee of a candidate.”.

SEC. 104. EXCEPTION TO LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 414a(d)) is amended—

(1) in paragraph (3)(A), by striking “in the case of” and inserting “except as provided in paragraph (5), in the case of” and

(2) by adding at the end the following new paragraph:

“(5)(A) The limitation under paragraph (3)(A) shall not apply with respect to any expenditure from a qualified political party-participating candidate coordinated expenditure fund.

“(B) In this paragraph, the term ‘qualified political party-participating candidate coordinated expenditure fund’ means a fund established by the national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, for purposes of making expenditures in connection with the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), that only accepts qualified coordinated expenditure contributions.

“(C) In this paragraph, the term ‘qualified coordinated expenditure contribution’ means, with respect to the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), any contribution (or series of contributions)—

“(i) which is made by an individual who is not prohibited from making a contribution under this Act; and

“(ii) the aggregate amount of which does not exceed \$500 per election.”.

TITLE II—IMPROVING VOTER INFORMATION

SEC. 201. BROADCASTS RELATING TO ALL SENATE CANDIDATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking “to such office” in paragraph (1) and inserting “to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign.”; and

(2) by inserting “for pre-emptible use thereof” after “station” in subparagraph (A) of paragraph (1).

(b) PREEMPTION; AUDITS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

“(d) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the re-

quirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

“(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

“(e) AUDITS.—During the 30-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.”.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking “or repeated”;

(2) by inserting “or cable system” after “broadcasting station”; and

(3) by striking “his candidacy” and inserting “the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee”.

(d) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking “the” in subsection (e)(1), as redesignated by subsection (b)(1), and inserting “BROADCASTING STATION.—”;

(2) by striking “the” in subsection (e)(2), as redesignated by subsection (b)(1), and inserting “LICENSEE; STATION LICENSE.—”;

(3) by inserting “REGULATIONS.—” in subsection (f), as redesignated by subsection (b)(1), before “The Commission”.

SEC. 202. BROADCAST RATES FOR PARTICIPATING CANDIDATES.

Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following:

“(3) PARTICIPATING CANDIDATES.—In the case of a participating candidate (as defined under section 501(9) of the Federal Election Campaign Act of 1971), the charges made for the use of any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

“(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

“(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

“(4) RATE CARDS.—A licensee shall provide to a candidate for Senate a rate card that discloses—

“(A) the rate charged under this subsection; and

“(B) the method that the licensee uses to determine the rate charged under this subsection.”.

SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase

of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report to the Commission and to the Federal Election Commission, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting “(including a proceeding before the Supreme Court on certiorari)” after “appeal”.

SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

“(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.”.

SEC. 303. ELECTRONIC FILING OF FEC REPORTS.

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking “under this Act—” and all that follows and inserting “under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers.”;

(2) in subparagraph (B), by striking “48 hours” and all that follows through “filed electronically)” and inserting “24 hours”; and

(3) by striking subparagraph (D).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SEVERABILITY.

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

SEC. 402. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2012.

By Mrs. FEINSTEIN (for herself,
Mr. ISAKSON, and Mr. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to call for a new effort to combat an often deadly form of cancer—by reintroducing the Lung Cancer Mortality Reduction Act. I am pleased to be joined by my cosponsors, Senator ISAKSON and Senator KERRY on this very important bill.

This bill will renew and improve Federal government's efforts to combat lung cancer. It will: set a goal to reduce lung cancer mortality by 50 percent by 2020; establish a Lung Cancer Mortality Reduction Program, with comprehensive interagency coordination, to develop and implement a plan to meet this goal; improve disparity programs to ensure that the burdens of lung cancer on minority populations are addressed; create a computed tomography screening demonstration project based on recent science; and establish a Lung Cancer Advisory Board, which will provide an annual report to Congress on the progress of the Mortality Reduction Program.

We have made great strides against many types of cancer in the last several decades. However, these gains are uneven.

When the National Cancer Act was passed in 1971, lung cancer had a 5-year survival rate of only 12 percent. After decades of research efforts and scientific advances, this survival rate remains only 15 percent.

In contrast, the 5 year survival rates of breast, prostate, and colon cancer have risen to 89, 99 and 65 percent respectively.

Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

Lung cancer causes more deaths annually than: colon cancer, breast cancer, prostate cancer, and pancreatic cancer combined.

A National Cancer Institute study in 2009 indicated that the value of life lost to lung cancer will exceed \$433 billion annually by 2020.

A four percent annual decline in mortality would reduce this amount by more than half.

A lung cancer diagnosis can be devastating. The average life expectancy following a lung cancer diagnosis is only 9 months.

This is because far too many patients are not diagnosed with lung cancer until it has progressed to the later stages. Lung cancer can be hard to diagnose, and symptoms may at first appear to be other illnesses, such as bronchitis, chronic obstructive pulmonary disease, or asthma.

As a result, only 16 percent of lung cancer patients are diagnosed when their cancer is still localized, and is the most treatable.

When I introduced this legislation in 2009, lung cancer lacked early detection

technology, to find the cancer when it was most treatable. Now, however, preliminary results show a screening method with a demonstrated reduction in mortality for lung cancer.

In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale study of screening methods to detect lung cancers at earlier stages.

The National Lung Screening Trial found a 20 percent reduction in lung cancer mortality among participants screened with the computed tomography screening versus a traditional X-ray.

This is the first time that researchers have seen evidence of a significant reduction in lung cancer mortality with a screening test.

This is why this legislation also includes the creation of a computed tomography screening demonstration project, to assess public health needs of screening for lung cancer, and develop the most effective, safe, equitable, and efficient process to maximize the benefit of screening.

Efforts to fight lung cancer lag behind other cancers, in part, due to stigma from smoking. Make no mistake, tobacco use causes the majority of lung cancer cases.

Tobacco cessation is a critical component of reducing lung cancer mortality. Less smoking means less lung cancer. Period.

But tobacco use does not fully explain lung cancer. Approximately 20 percent of lung cancer patients never smoked.

Two-thirds of individuals diagnosed with lung cancer who have never smoked are women.

60 percent of lung cancer patients are former smokers who quit, often decades ago.

These patients may have been exposed to second hand smoke, or they may have been exposed to radon, asbestos, chromium, or other chemicals. There could be other causes and associations that have not yet been discovered, genetic predispositions or other environmental exposures.

The President's National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer after smoking and listed 15 other environmental contaminants strongly associated with lung cancer.

I believe that we have the expertise and technology to make serious progress against this deadly cancer, and to reach the goal of halving lung cancer mortality by 2020.

We need this legislation to ensure that our government's resources are focused on this mission in the most efficient way possible.

Agency efforts must be coordinated, and all sectors of the federal government that may have some ideas to lend should be participating. That is what the Lung Cancer Mortality Reduction Program will accomplish.

In this bill the Secretary of Health and Human Services is tasked to work

in consultation with Secretaries and Directors from the Department of Defense, Veterans Affairs, the National Institutes of Health, the Centers for Disease Control and Prevention, and Food and Drug Administration, the Centers for Medicare and Medicaid, and the National Center on Minority Health and Health Disparities.

This means that each agency with an expertise on lungs, imaging, and cancer will be included in this long overdue process.

We can do better for Americans diagnosed with lung cancer. I ask my colleagues to support this legislation.

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. 752

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 “Lung Cancer Mortality Reduction Act of 2011”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

(2) The National Cancer Institute estimates that in 2010, there were 222,520 new diagnosis of lung cancer and 157,300 deaths attributed to the disease.

(3) According to projections published in the Journal of Clinical Oncology in 2009, between 2010 and 2030, the incidence of lung cancer will increase by 46 percent for women and by 58 percent for men. The increase in the incidence of lung cancer among minority communities during that time period will range from 74 percent to 191 percent.

(4) Lung cancer causes more deaths annually than the next 4 leading causes of cancer deaths, colon cancer, breast cancer, prostate cancer, and pancreatic cancer, combined.

(5) The 5-year survival rate for lung cancer is only 15 percent, while the 5-year survival rate for breast cancer is 89 percent, for prostate cancer 99 percent, and for colon cancer 65 percent. Yet in research dollars per death, lung cancer is the least funded of the major cancers.

(6) In 2001, the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was “far below the levels characterized for other common malignancies and far out of proportion to its massive health impact” and it gave the “highest priority” to the creation of an integrated multidisciplinary, multi-institutional research program. No comprehensive plan has been developed.

(7) While smoking is the leading risk factor for lung cancer, the President’s National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer and listed 15 other environmental contaminants strongly associated with lung cancer, and there is accumulating evidence that hormonal and genetic factors may influence the onset.

(8) Lung cancer is the most stigmatized of all the cancers and the only cancer blamed on patients, whether they smoked or not.

(9) Nearly 20 percent of lung cancer patients have never smoked. Sixty percent of individuals diagnosed with lung cancer are former smokers who quit, often decades ago.

(10) Lung cancer in men and women who never smoked is the sixth leading cause of

cancer death. Of individuals diagnosed with lung cancer who have never smoked, ⅔ are women.

(11) Lung cancer is the leading cause of cancer death in the overall population and in every major ethnic grouping, including white, African American, Hispanic, Asian and Pacific Islander, American Indian, and Alaskan Native, with an even disproportionately higher impact on African American males that has not been addressed.

(12) Military personnel, veterans, and munitions workers exposed to carcinogens such as Agent Orange, crystalline forms of silica, arsenic, uranium, beryllium, and battlefield fuel emissions have increased risk for lung cancer.

(13) Only 16 percent of lung cancer is being diagnosed at an early stage and there were no targets for the early detection or treatment of lung cancer included in the Department of Health and Human Services’s “Healthy People 2010” or “Healthy People 2020”.

(14) An actuarial analysis carried out by Milliman Inc. and published in Population Health Management Journal in 2009 indicated that early detection of lung cancer could save more than 70,000 lives a year in the United States.

(15) A National Cancer Institute study in 2009 indicated that while the value of life lost to lung cancer will exceed \$433,000,000,000 a year by 2020, a 4 percent annual decline in lung cancer mortality would reduce that amount by more than half.

(16) In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale randomized national trial that compared the effect of low-dose helical computed tomography (“CT”) and a standard chest x-ray on lung cancer mortality. The study found 20 percent fewer lung cancer deaths among study participants screened with the CT scan.

SEC. 3. SENSE OF THE SENATE CONCERNING INVESTMENT IN LUNG CANCER RESEARCH.

It is the sense of the Senate that—

(1) lung cancer mortality reduction should be made a national public health priority; and

(2) a comprehensive mortality reduction program coordinated by the Secretary of Health and Human Services is justified and necessary to adequately address all aspects of lung cancer and reduce lung cancer mortality among current smokers, former smokers, and non-smokers.

SEC. 4. LUNG CANCER MORTALITY REDUCTION PROGRAM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 399V-6. LUNG CANCER MORTALITY REDUCTION PROGRAM.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Lung Cancer Mortality Reduction Act of 2011, the Secretary, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the National Center on Minority Health and Health Disparities, and other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall implement a comprehensive program to achieve a 50 percent reduction in the mortality rate of lung cancer by 2020.

“(b) REQUIREMENTS.—The program implemented under subsection (a) shall include at least the following:

“(1) With respect to the National Institutes of Health—

“(A) a strategic review and prioritization by the National Cancer Institute of research grants to achieve the goal of the lung cancer mortality reduction program in reducing lung cancer mortality;

“(B) the provision of funds to enable the Airway Biology and Disease Branch of the National Heart, Lung, and Blood Institute to expand its research programs to include predispositions to lung cancer, the interrelationship between lung cancer and other pulmonary and cardiac disease, and the diagnosis and treatment of these interrelationships;

“(C) the provision of funds to enable the National Institute of Biomedical Imaging and Bioengineering to expedite the development of screening, diagnostic, surgical, treatment, and drug testing innovations to facilitate the potential of imaging as a biomarker and reduce lung cancer mortality, such as through expansion of the Quantum Grant Program and Image-Guided Interventions programs of the National Institute of Biomedical Imaging and Bioengineering;

“(D) the provision of funds to enable the National Institute of Environmental Health Sciences to implement research programs relative to lung cancer incidence; and;

“(E) the provision of funds to enable the National Institute on Minority Health and Health Disparities to collaborate on prevention, early detection, and disease management research, and to conduct outreach programs in order to address the impact of lung cancer on minority populations.

“(2) With respect to the Food and Drug Administration, the provision of funds to enable the Center for Devices and Radiologic Health to—

“(A) establish quality standards and guidelines for hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer;

“(B) provide for the expedited revision of standards and guidelines, as required to accommodate technological advances in imaging; and

“(C) conduct an annual random sample survey to review compliance and evaluate dose and accuracy performance.

“(3) With respect to the Centers for Disease Control and Prevention—

“(A) the provision of funds to establish a Lung Cancer Early Detection Program that provides low-income, uninsured, and underserved populations that are at high risk for lung cancer access to early detection services;

“(B) the provision of funds to enable the National Institute for Occupational Safety and Health to conduct research on environmental contaminants strongly associated with lung cancer in the workplace and implement measures to reduce lung cancer risk and provide for an early detection program; and

“(C) a requirement that State, tribal, and territorial plans developed under the National Comprehensive Cancer Control Program include lung cancer mortality reduction measures commensurate with the public health impact of lung cancer.

“(4) With respect to the Agency for Healthcare Research and Quality, the annual review of lung cancer early detection methods, diagnostic and treatment protocols, and the issuance of updated guidelines.

“(5) The cooperation and coordination of all programs for women, minorities, and health disparities within the Department of Health and Human Services to ensure that

all aspects of the Lung Cancer Mortality Reduction Program adequately address the burden of lung cancer on women and minority, rural, and underserved populations.

“(6) The cooperation and coordination of all tobacco control and cessation programs within agencies of the Department of Health and Human Services to achieve the goals of the Lung Cancer Mortality Reduction Program with particular emphasis on the coordination of drug and other cessation treatments with early detection protocols.”

SEC. 5. DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Defense and the Secretary of Veterans Affairs shall coordinate with the Secretary of Health and Human Services—

(1) in developing the Lung Cancer Mortality Reduction Program under section 399V-6 of the Public Health Service Act, as added by section 4;

(2) in implementing the demonstration project under section 6 within the Department of Defense and the Department of Veterans Affairs with respect to military personnel and veterans whose smoking history and exposure to carcinogens during active duty service has increased their risk for lung cancer; and

(3) in implementing coordinated care programs for military personnel and veterans diagnosed with lung cancer.

SEC. 6. LUNG CANCER SCREENING DEMONSTRATION PROJECT.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that a national computed tomography lung cancer screening demonstration project should be carried out expeditiously in order to assess the public health infrastructure needs and to develop the most effective, safe, equitable, and efficient process that will maximize the public health benefits of screening.

(b) DEMONSTRATION PROJECT IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”), in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, and the other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall establish a demonstration project, to be known as the Lung Cancer Computed Tomography Screening and Treatment Demonstration Project (referred to in this section as the “demonstration project”).

(c) PROGRAM REQUIREMENTS.—The Secretary shall ensure that the demonstration project—

(1) identifies the optimal risk populations that would benefit from screening;

(2) develops the most effective, safe, equitable and cost-efficient process for screening and early disease management;

(3) allows for continuous improvements in quality controls for the process; and

(4) serves as a model for the integration of health information technology and the concept of a rapid learning into the health care system.

(d) PARTICIPATION.—The Secretary shall select not less than 5 National Cancer Institute Centers, 5 Department of Defense Medical Treatment Centers, 5 sites within the Veterans Affairs Healthcare Network, 5 International Early Lung Cancer Action Program sites, 10 community health centers for minority and underserved populations, and additional sites as the Secretary determines

appropriate, as sites to carry out the demonstration project described under this section.

(e) QUALITY STANDARDS AND GUIDELINES FOR LICENSING OF TOMOGRAPHY SCREENING FACILITIES.—The Secretary shall establish quality standards and guidelines for the licensing of hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer through the demonstration project, that will require the establishment and maintenance of a quality assurance and quality control program at each such facility that is adequate and appropriate to ensure the reliability, clarity, and accuracy of the equipment and interpretation of the screening scan and set appropriate standards to control the levels of radiation dose.

(f) TIMEFRAME.—The Secretary shall conduct the demonstration project under this section for a 5-year period.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the projected cost of the demonstration project, and shall submit annual reports to Congress thereafter on the progress of the demonstration project and preliminary findings.

SEC. 7. LUNG CANCER ADVISORY BOARD.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a Lung Cancer Advisory Board (referred to in this section as the “Board”) to monitor the programs established under this Act (and the amendments made by this Act), and provide annual reports to Congress concerning benchmarks, expenditures, lung cancer statistics, and the public health impact of such programs.

(b) COMPOSITION.—The Board shall be composed of—

(1) the Secretary of Health and Human Services;

(2) the Secretary of Defense;

(3) the Secretary of Veterans Affairs;

(4) the Director of the Occupational Safety and Health Administration;

(5) the Director of the National Institute of Standards and Technology; and

(6) one representative each from the fields of clinical medicine focused on lung cancer, lung cancer research, radiology, imaging research, drug development, minority health advocacy, veterans service organizations, lung cancer advocacy, and occupational medicine to be appointed by the Secretary of Health and Human Services.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act (and the amendments made by this Act), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2012 through 2016.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 132—RECOGNIZING AND HONORING THE ZOOS AND AQUARIUMS OF THE UNITED STATES

Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 132

Whereas the 223 zoos and aquariums accredited by the Association of Zoos and

Aquariums support more than 142,000 jobs nationwide, making such zoos and aquariums a valuable part of local and national economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums generate more than \$15,000,000,000 in economic activity in the United States annually;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums attract more than 165,000,000 visitors each year and are a valuable part of regional, State, and local tourist economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have formally trained more than 400,000 teachers, and such zoos and aquariums support science curricula with effective teaching materials and hands-on opportunities and host more than 12,000,000 students annually on school field trips;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums provide a unique opportunity for the public to engage in conservation and education efforts, and more than 60,000 people invest more than 3,000,000 hours per year as volunteers at such zoos and aquariums;

Whereas public investment in accredited zoos and aquariums has dual benefits, including immediate job creation and environmental education for children in the United States;

Whereas accredited zoos and aquariums focus on connecting people and animals, and such zoos and aquariums provide a critical link to helping animals in their native habitats;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have provided more than \$90,000,000 per year over the past 5 years to support more than 4,000 field conservation and research projects in more than 100 countries; and

Whereas many Federal agencies have recognized accredited zoos and aquariums as critical partners in rescue, rehabilitation, confiscation, and reintroduction efforts for distressed, threatened, and endangered species: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the zoos and aquariums of the United States;

(2) commends the employees and volunteers at each zoo and aquarium for their hard work and dedication;

(3) recommends that people in the United States visit their local accredited zoo and aquarium and take advantage of the educational opportunities that such zoos and aquariums offer; and

(4) urges continued support for accredited zoos and aquariums and the important conservation, education, and recreation programs of such zoos and aquariums.

SENATE RESOLUTION 133—TO REQUIRE THAT NEW WAR FUNDING BE OFFSET

Mr. FRANKEN submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 133

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the “Pay for War Resolution”.

SEC. 2. DEFICIT-NEUTRAL WAR SPENDING.

(a) IN GENERAL.—For purposes of budget enforcement and except as provided in this section, it shall not be in order for the Senate to consider budget authority for overseas