S. 567

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 567, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 570

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. RES. 66

At the request of Mr. BOND, the names of the Senator from New York (Mr. SCHUMER), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 66, a resolution designating 2009 as the ''Year of the Noncommissioned Officer Corps of the United States Army''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 577. A bill to amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Immigration Fraud Prevention Act of 2009, on behalf of myself and Senator KENNEDY, to prevent the exploitation of people, citizens, and non-citizens alike, who are preyed on when seeking immigration assistance.

The Immigration Fraud Prevention Act would prevent and punish fraud and misrepresentation in the context of immigration proceedings. The act would create a new Federal crime to penalize those who engage in schemes to defraud aliens in connection with Federal immigration laws.

Specifically, the act would make it a Federal crime to wilfully and knowingly defraud or obtain or receive money or anything else of value from any person by false or fraudulent pretences, representations, or promises; and to wilfully, knowingly, and falsely represent that an individual is an attorney or accredited representative in any matter arising under Federal immigration law.

Violations of these crimes would result in a fine, imprisonment of not more than 5 years, or both.

The bill would also authorize the Attorney General and the Secretary of Homeland Security to use task forces currently in existence to detect and investigate individuals who are in violation of the immigration fraud crimes as created by the bill.

The act would also work to prevent immigration fraud by requiring that Immigration Judges issue warnings about unauthorized practice of immigration law to immigrants in removal proceedings, similar to the current law that requires notification of pro bono legal services to these immigrants; requiring the Attorney General to provide outreach to the immigrant community to help prevent fraud; providing that any materials used to carry out notification on immigration law fraud is done in the appropriate language for that community; and requiring the distribution of the disciplinary list of individuals not authorized to appear before the immigration courts and the Board of Immigration Appeals, BIA, currently maintained by the Executive Office of Immigration Review, EOIR.

Unfortunately, the need for Federal action to prevent and prosecute immigration fraud has escalated in recent years as citizens and non-citizens attempt to navigate the immigration legal system. Thus far, only States have sought to regulate the unauthorized practice of immigration law.

Since immigration law is a federal matter, I believe the solution to such misrepresentation and fraud should be addressed by Congress.

By enacting this bill, Congress would help prevent more victims like Vincent Smith, a Mexican national who has resided in California since 1975. His wife is an American citizen, and they live with their 6 U.S. citizen children in Palmdale, CA.

Mr. Smith would likely have received a green card at least two different times during his stay in California. However, in attempting to get legal counsel, Mr. Smith hired someone whom he thought was an attorney, but was not. As a result, Mr. Smith was charged more than $10,000 for processing his immigration paperwork, which was never filed. Mr. Smith now has no legal status and faces removal proceedings.

Another victim of immigration fraud is Raul, a Mexican national, who came to the United States in 2000. He also married a U.S. citizen, Loraina, making him eligible to apply for a green card. Raul and his wife went to Jose for legal help. Jose's business card said he had a ''law office'' and that he was an ''immigration specialist.'' But Jose was not a specialist and charged Raul $4,000 to file a frivolous asylum petition. While Raul thought he was going to receive a green card, he was instead placed into removal proceedings.

From California to New York, there are hundreds of stories like these. Many immigrants are preyed on because of their fears—others on their hope of realizing the American dream. They are charged exorbitant fees for the filing of frivolous paperwork that clog our immigration courts and keep families and businesses waiting in limbo for years.

Law enforcement officials say that many fraudulent ''immigration specialists'' close their businesses or move on to another part of the state or country before they can be held accountable. They can make $100,000 to $200,000 a year and the few who have been caught rarely serve more than a few months in jail. Often victims of such crimes are deported, sending them back to their home countries without accountability for the perpetrator of the fraud.

Most recently, hundreds of immigrants were exploited by Victor M. Espinal, who was arrested for allegedly posing as an immigration attorney. Nearly 125 of Mr. Espinal's clients attended the New York City Bar Association's free clinic to address their legal and immigration options. According to prosecutors, Mr. Espinal falsely claimed on his business cards that he was licensed and admitted to the California bar as well as the bar in the Dominican Republic.

Organizations such as the Los Angeles Country Bar Association, National Immigration Forum, American Immigration Lawyers Association, and American Bar Association have been documenting this exploitation for many years. Today, I ask my colleagues to join me and Senator KENNEDY in putting an end to it.

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 placed in the RECORD, as follows:

S. 577

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 ''Immigration Fraud Prevention Act of 2009''.

SEC. 2. SCHEMES TO DEFRAUD ALIENS.

(a) AMENDMENTS TO TITLE 18.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1041. Schemes to defraud aliens

''(a) IN GENERAL.—Any person who willfully and knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender willfully and knowingly claims or represents is authorized by or arises under Federal immigration laws, to—

''(1) defraud any person; or

''(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) MISREPRESENTATION.—Any person who willfully, knowingly, and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations or any successor regulation to such section) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding after the item related to section 1040 the following:

''1041. Schemes to defraud aliens.''.

(b) INVESTIGATION OF SCHEMES TO DEFRAUD ALIENS.—The Attorney General and the Secretary of Homeland Security shall use the Executive Office of Immigration Review to detect and investigate individuals who are in violation of section 1041 of title 18, United States Code, as added by subsection (a)(1).

SEC. 3. NOTICE AND OUTREACH.

(a) NOTICE TO ALIENS IN IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Subparagraph (E) of section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)) is amended to read as follows:

''(E)(i) The alien may be represented by counsel and the alien will be provided—

''(I) a period of time to secure counsel under subsection (b)(1); and

''(II) a current list of counsel prepared under subsection (b)(2).

''(ii) A description of who may represent the alien in the proceedings, including a notice that immigration consultants, visa consultants, and other unauthorized individuals may not provide that representation.''.

(2) LIST OF DISCIPLINED PRACTITIONERS.—Subsection (b) of section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended—

(A) by redesignating paragraph (3) as paragraph (6); and

(B) by inserting after paragraph (2) the following new paragraphs:

''(3) LIST OF DISCIPLINED PRACTITIONERS.—The Attorney General shall provide for lists (updated no less often than quarterly) of persons who are prohibited for providing representation in immigration proceedings.

''(4) FOREIGN LANGUAGE MATERIALS.—The materials required to be provided to an alien under this subsection shall be provided in appropriate languages, including English and Spanish.

''(5) ORAL NOTIFICATION.—At the earliest possible opportunity, an immigration judge shall orally advise an alien in a removal proceeding of the information described in paragraphs (2) and (3).''.

(b) OUTREACH TO IMMIGRANT COMMUNITIES.—

(1) AUTHORITY TO CONDUCT.—The Attorney General, through the Director of the Executive Office for Immigration Review, and the Secretary of Homeland Security shall carry out a program to educate aliens regarding who may provide legal services and representation to aliens in immigration proceedings through cost-effective outreach to immigrant communities.

(2) PURPOSE.—The purpose of the program authorized under paragraph (1) is to prevent aliens from being subjected to fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens.

(3) AVAILABILITY.—The Attorney General and the Secretary of Homeland Security shall make information regarding fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens available—

(A) at appropriate offices that provide services or information to aliens; and

(B) through Internet websites that are—

(i) maintained by the Attorney General or the Secretary; and

(ii) intended to provide information regarding immigration matters to aliens.

(4) FOREIGN LANGUAGE MATERIALS.—Any educational materials used to carry out the program authorized under paragraph (1) shall be made available to immigrant communities in appropriate languages, including English and Spanish.

By Mr. BENNET (for himself, Mr. CASEY, Mr. JOHANNS, and Mr. SANDERS):

S. 581. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children; to the Committee on Agriculture. Nutrition, and Forestry.

Mr. JOHANNS. Mr. President, I rise today to offer my support for the Military Family Nutrition Protection Act, which we introduced today to protect the eligibility of military families for nutrition assistance programs. This bill will do a great service to the families of our men and women serving in uniform in combat zones overseas.

When a soldier is deployed to a combat zone such as Iraq or Afghanistan, he or she receives a temporary increase in pay called ''combat pay.'' Too often, combat pay increases the soldier's salary to a level that makes his family ineligible for essential nutrition assistance programs like the School Lunch and School Breakfast programs; the Special Supplemental Nutrition Program for Women, Infants, and Children; and other programs. The family can no longer receive government assistance for food, despite the fact that the soldier's increase in pay is only temporary.

Our bill will remove this burden from our military families and stop punishing them for the sacrifices their loved ones make overseas. The bill stipulates that combat zone pay be excluded from consideration when determining a family's eligibility for all child nutrition programs. That way, when a soldier deploys to a combat zone, his or her family can continue to receive the nutrition assistance it needs, and our soldiers have one less thing to worry about in the combat zone.

As Secretary of Agriculture, I proposed a similar combat pay exemption for Food Stamp eligibility, a proposal that was included in the final version of the Farm Bill passed by Congress last year. The Military Family Nutrition Protection Act is the logical next step to ensuring our military families get the assistance they need while their loved ones are away at war.

As a member of the Senate Agriculture Committee, I am proud to cosponsor this important piece of legislation. I look forward to working on the upcoming reauthorization of the child nutrition programs, and I will urge my colleagues on the Committee and in the Senate to include the Military Family Nutrition Protection Act as part of that reauthorization.

By Mr. SANDERS (for himself and Mr. DURBIN):

S. 582. A bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes; to the Committee on Banking, Housing, and Urban affairs.

Mr. SANDERS. Mr. President, as I think all Americans understand, there is a new sense of outrage today at what Wall Street has done through their greed, their recklessness and, perhaps, illegal behavior, in plunging this Nation and, in fact, the world into a deep recession, which has caused the loss of millions and millions of jobs, had an extraordinarily negative impact on so many people's lives in terms of their savings and their ability to send their kids to college, and in terms of the loss of their homes. That is what Wall Street has done.

In my view, as I have said time and time before, we must have a deep investigation to understand what this crisis was, who are the people responsible for all of this damage, and we must hold them accountable. In fact, it will be a test of the criminal justice system of this country if, in fact, we have the courage to say to these millionaires and billionaires: You know what, the law applies to you too, and you cannot act illegally and cause so much damage to our country and the world.

One of the many senses of anger and frustration that we hear from the American people, one of them that I hear about very often from Vermonters, as well as people all over this country, is that at a time when we are providing hundreds of billions of dollars to bail out Wall Street, at a time when large banks are borrowing money from the Fed at a zero interest rate, the response of Wall Street has been to say: Thank you very much for all of that, and now we are going to charge you 15, 20, 25, 30 percent interest rates on your credit cards.

It seems to me that when the middle class is shrinking, when people are losing their savings, when people are losing their jobs, it is an absolute outrage that Wall Street, which is being bailed out by the taxpayers of this country, is now charging exorbitant and usurious interest rates for the American people.

What we are seeing now all over this country is millions of people who are suddenly receiving notices from these banks that say, oh, by the way, we are going to double or triple your interest rate. That is wrong and that has to end.

I am not going to quote from the Bible, but trust me, it goes back to the Bible, where there are very clear references to the immorality of usury. In fact, what we have to understand is that what Wall Street and these credit

card companies today are doing is not anything different than what gangsters and loan shark artists do who break people's kneecaps when they don't pay back, only these gangsters have three-piece suits and have millions of dollars. But at the same time they are destroying people's lives by charging 25, 30 percent interest rates.

Today, I will be introducing legislation that will require any lender in this country to immediately cap all interest rates on consumer loans at 15 percent, including credit cards.

How do we select 15 percent as the appropriate number to deal with the usury which is going on in this country? The reason we selected that number is because 15 percent is the same interest rate cap Congress imposed on credit union loans almost 30 years ago when it amended the Federal Credit Union Act.

Many people do not know this, but, in fact, right now credit unions, with certain exceptions, have to charge interest rates of 15 percent or lower. I do not see the credit unions of this country coming to Congress for hundreds of billions of dollars in bailouts. In fact, they are doing quite well. They are responding to the credit needs of their small businesses in their communities and to individuals. They are doing well. They have survived and have thrived with this regulation.

Right now, the National Credit Union Administration imposes a 15-percent cap, except under certain circumstances where the interest rate can go as high as 18 percent. The legislation I will be introducing today also would allow banks to charge higher interest rates if the Federal Reserve determines that is a necessity to maintain the safety and the soundness of lenders.

Essentially all we are saying today is we have to end the outrage by which Wall Street and large credit card companies are ripping off the American people, and the solution we are proposing is to simply emulate what the Federal Credit Union Act does for the credit unions all over this country.

I am very proud Senator DICK DURBIN is an original cosponsor of this legislation. I hope many of my colleagues will join him in sponsoring this bill.

Interestingly enough, the proposal we are introducing today is very similar to one former Senator Al D'Amato advocated for in 1991 when he offered an amendment to cap credit card interest rates. The D'Amato amendment would have capped all credit card interest rates at 14 percent. I should mention that amendment was adopted by the Senate with a vote of 74 to 19. If the Senate voted overwhelmingly in favor of that amendment back in 1991, I hope we will have at least or more support for my bill today because the problem today actually is far more severe.

This is legislation the American people want. The American people are sick and tired of being ripped off by Wall Street, especially when they are bailing out these large financial institutions.

Credit card use today is no longer just for luxuries. All over this country, people are buying their groceries with credit cards, and they are buying other basic necessities with credit cards because they have no other alternative. Young people are paying some of their college expenses with credit cards. Given that reality, given the fact that the middle class is hurting, it seems to me that if we are going to respond to the needs of the American people, we need to deal with the usury that is going on in this country. We need to cap interest rates.

I look forward very much to my colleagues supporting this legislation.

By Mr. PRYOR (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ALEXANDER, and Mr. DURBIN):

S. 583. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce, with my colleague, Senator PRYOR, the Building a Stronger America Act. This bipartisan legislation is a vital step toward recognizing the value of ''science parks''—which are concentrated high-tech, science, and research-related businesses—in strengthening America's global competitiveness. Through the development of new innovative technologies, competing and complementary companies working within close quarters are able to build upon each other's ideas when entering the national and global marketplace. Unlike well known industrial parks, science parks focus primarily on innovation and product advancement. These parks are a vital part of the Nation's economy, creating 2.57 jobs for each core job in a science park.

As ranking member of the Senate Committee on Small Business and Entrepreneurship and a senior member of the Senate Commerce Committee, I adamantly encourage increased investment in new and existing science, research, and technology parks throughout the United States as it is vital in the creation of new jobs. Our legislation would allow the Secretary of Commerce to guarantee up to 80 percent of loans exceeding $10 million for the construction of science parks. Additionally, the bill would provide grants for the development of feasibility studies and plans for the construction or expansion of science parks. This bipartisan measure would drive innovation and regional entrepreneurship by enabling science parks to renovate or build, while also encouraging rural and urban States to undertake studies on developing their own successful clusters.

On August 9, 2007, the President signed into law, the America Competes Act legislation authorizing $43 billion of new funding over the next three fiscal years that will boost Federal investment in math and science education programs. The bill we are introducing today would help to ensure that this workforce is provided with avenues in which to operate, building on the efforts of the America Competes Act by increasing research funding and education for our innovative workforce.

In my home State of Maine, we simply do not have the population density in any given area to support traditional science parks. However, Maine is a national leader in providing business ''incubation'' services. Incubators are critical to the success of new companies. To help startup entrepreneurs in Maine, incubation centers around the State provide business support tailored to companies in their region. The benefit of business incubators in Maine has been nothing short of monumental, with 87 percent of all businesses that graduate from incubators remaining in business, surviving, and creating new jobs. The seven technology centers located throughout Maine play a pivotal role in promoting technology-led economic development by advancing their own regional competitive advantages. Under the Building a Stronger America Act, both science parks and business incubators will be eligible for its vital assistance.

Residency in science parks provides businesses with numerous advantages, including access to a range of management, marketing, and financial services. At its heart, a science park provides an organized link to local research centers or universities, providing resident companies with the constant access to the expertise, knowledge, and technology they need to grow. These innovation centers are specifically geared toward the needs of new and small companies, providing a controlled environment for the incubation of firms and the achievement of high growth.

It is also vital to point out that the jobs science parks reflect the needs of a high-tech, innovative, and global marketplace. Science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs, for a total of 750,000 jobs in North America.

Our Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Through America's investments in science and technology, we continually change our country for the better. Ideas by innovative Americans in the private and public sector have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing this vital sector if America is to compete at the forefront of innovation, and I urge my colleagues to support this legislation.

By Mr. AKAKA (for himself, Mr. BINGAMAN and Mr. DURBIN):

S. 585. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

Mr. AKAKA. Mr. President, today I am introducing the Taxpayer Abuse Prevention Act. Refund anticipation loans, RALs, are short term loans facilitated by tax preparers and secured by a taxpayer's expected tax refund which typically carry a three or four digit interest rate. These predatory RALs prey on low-income taxpayers, diminishing their earned tax credits.

Earned Income Tax Credit, EITC, benefits are intended to help working families meet their food, clothing, housing, transportation, and education needs. According to the Internal Revenue Service, IRS, in 2007 EITC filers made up 63 percent of all RAL consumers despite being only 17 percent of the taxpayer population. The National Consumer Law Center estimates $567 million was drained out of the EITC program in 2007 by RAL loan and add-on fees. Working families cannot afford to lose a significant portion of their EITC funds by expensive, short-term RALs.

The high interest rates and fees charged on RALs are not justified because these loans are outstanding for only a short length of time and present minimal risk to lenders because of the Debt Indicator, DI, program. The DI program is a service provided by the IRS that informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, which assists tax preparers in ascertaining the ability of applicants to obtain their full refund so that the RAL can be repaid.

It is troubling that the Department of the Treasury facilitates the use of RALs. In 1995, use of the DI program was suspended because of massive fraud in e-filed returns with RALs. The use of the DI program was reinstated in 1999. The effect of the DI program on total RAL volume is clear: the number of RALs fell dramatically following the suspension of the program in 1995 and rose again to pre-suspension levels immediately following its reinstatement in 1999. Use of the DI program should once again be stopped because it is helping tax preparers make excessive profits from low- and moderate-income taxpayers who utilize RALs. The Department of the Treasury should not be facilitating the use of RALs that allow tax preparers to reap outrageous profits by exploiting working families.

The Taxpayer Abuse Prevention Act will protect consumers against predatory loans, reduce the involvement of the Department of the Treasury in facilitating the exploitation of taxpayers by terminating the DI program, and expand access to opportunities for saving and lending at mainstream financial services. My bill prohibits refund anticipation loans that utilize EITC benefits. Other federal benefits, such as Social Security, have similar restrictions to ensure that the beneficiaries receive the intended benefit.

My bill also limits several of the objectionable practices of RAL providers. It will prohibit lenders from using tax refunds to collect outstanding obligations for previous RALs. In addition, mandatory arbitration clauses for RALs that utilize federal tax refunds would be prohibited to ensure that consumers have the ability to take future legal action if necessary.

Too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings unnecessarily diminished by reliance on high-cost and often predatory financial services. In addition, the unbanked are unable to save in preparation for the loss of a job, a family illness, a down payment on a first home, or education expenses.

To address this problem, my bill also expands access to mainstream financial services. Electronic Transfer Accounts, ETAs, are low-cost accounts at banks and credit unions intended for recipients of certain Federal benefit payments, such as Social Security payments. My bill expands the eligibility for ETAs to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a RAL.

Furthermore, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and immediate access to financial opportunities found at banks and credit unions.

The timeliness of this legislation has never been greater. I urge all of my colleagues to support this important bill that offers consumer protection from predatory RALs and expand access to mainstream financial services.

I want to thank my colleagues, Senator BINGAMAN and Senator DURBIN, for cosponsoring 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 placed in the RECORD, as follows:

S. 585

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 ''Taxpayer Abuse Prevention Act''.

SEC. 2. PREVENTION OF DIVERSION OF EARNED INCOME TAX CREDIT BENEFITS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) is amended by adding at the end the following new subsection:

''(n) PREVENTION OF DIVERSION OF CREDIT BENEFITS.—The right of any individual to any future payment of the credit under this section shall not be transferable or assignable, at law or in equity, and such right or any moneys paid or payable under this section shall not be subject to any execution, levy, attachment, garnishment, offset, or other legal process except for any outstanding Federal obligation. Any waiver of the protections of this subsection shall be deemed null, void, and of no effect.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION ON DEBT COLLECTION OFFSET.

(a) IN GENERAL.—No person shall, directly or indirectly, individually or in conjunction or in cooperation with another person, engage in the collection of an outstanding or delinquent debt for any creditor or assignee by means of soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check that contains a provision permitting the creditor to repay, by offset or other means, an outstanding or delinquent debt for that creditor from the proceeds of the debtor's Federal tax refund.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 4. PROHIBITION OF MANDATORY ARBITRATION.

(a) IN GENERAL.—Any person that provides a loan to a taxpayer that is linked to or in anticipation of a Federal tax refund for the taxpayer may not include mandatory arbitration of disputes as a condition for providing such a loan.

(b) EFFECTIVE DATE.—This section shall apply to loans made after the date of the enactment of this Act.

SEC. 5. TERMINATION OF DEBT INDICATOR PROGRAM.

The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

SEC. 6. EXPANSION OF ELIGIBILITY FOR ELECTRONIC TRANSFER ACCOUNTS.

(a) IN GENERAL.—The last sentence of section 3332(j) of title 31, United States Code, is amended by inserting ''other than any payment under section 32 of such Code'' after ''1986''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 7. PROGRAM TO ENCOURAGE THE USE OF THE ADVANCE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with such private, nonprofit, and governmental entities as the Secretary determines appropriate, develop and implement a program to encourage the greater utilization of the advance earned income tax credit.

(b) REPORTS.—Not later than the date of the implementation of the program described in subsection (a), and annually thereafter, the Secretary of the Treasury shall report to the Committee on Finance of the

Senate and the Committee on Ways and Means of the House of Representatives on the elements of such program and progress achieved under such program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

SEC. 8. PROGRAM TO LINK TAXPAYERS WITH DIRECT DEPOSIT ACCOUNTS AT FEDERALLY INSURED DEPOSITORY INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall enter into cooperative agreements with federally insured depository institutions to provide low- and moderate-income taxpayers with the option of establishing low-cost direct deposit accounts through the use of appropriate tax forms.

(b) FEDERALLY INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(c) OPERATION OF PROGRAM.—In providing for the operation of the program described in subsection (a), the Secretary of the Treasury is authorized—

(1) to consult with such private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary, and

(2) to promulgate such regulations as necessary to administer such program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

By Mrs. MURRAY:

S. 586. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, today I am pleased to introduce legislation that would make a tremendous difference in the lives of the millions of Americans suffering from neurological illnesses, injuries, or disorders.

An estimated one in three Americans suffers from some kind of neurological condition, from Alzheimer's to Parkinson's to multiple sclerosis. An increasing number of our troops and veterans suffer from disorders such as Traumatic Brain Injury, TBI, and Post-Traumatic Stress Disorder, PTSD.

Yet, despite this, we still have only a limited understanding of how the brain works, or how best to treat, diagnose, and cure neurological diseases and conditions. It is taking a terrible toll on our families and communities.

I know from experience how devastating these brain injuries and disorders are for victims and their families. My own father developed MS when I was young, and when he became too sick to work, my family had to rely on food stamps for a time just to get by.

Every day, we hear heart-wrenching stories of Iraq and Afghanistan veterans suffering from TBI and PTSD. Veterans with these disorders are more likely to struggle with joblessness, homelessness, substance abuse, and depression. Many are in pain, desperate for help, but unsure where to find it. And, tragically, an increasing number are taking their own lives as a result.

A recent study by the Institute of Medicine, IOM, found that the long-term health consequences of TBI alone include dementia, Parkinson's-like symptoms, seizures, and problems related to socialization and unemployment. Clearly, TBI and related disorders will affect our servicemembers and veterans far into the future, and we owe it to them to develop better treatments and understanding of these injuries and disorders.

The Neurotechnology Initiative Act of 2009, which I am introducing today, would coordinate our efforts to support new developments in research, speed up our understanding of the human brain, and help lead to treatments for all victims of neurological disorders.

The legislation would make needed improvements to the research system in our country, which now is disjointed, often limiting the ability for life-altering research to reach patients in need. For example, it costs nearly $100 million more—and takes 2 years longer than average—to bring a drug that treats a neurological disease to the market. The combined economic burden of these illnesses and disorders is estimated at $1 trillion annually.

The National Neurotechnology Initiative Act would increase funding to the National Institutes of Health, NIH; help remove bottlenecks in the system to speed up research; coordinate neurological research across federal agencies by creating a blueprint for neuroscience at NIH; and streamline the FDA approval process for life-changing neurological drugs—without sacrificing safety.

The act also has economic benefits. It will help create jobs in the emerging field of neurotechnology. By developing better treatments, we can reduce health care costs for everyone.

This research also has the potential to transform highly specialized areas of medicine, computing, and defense. Most importantly, it could save or improve the lives of millions of Americans.

I am proud that this bill has support in the House, and I look forward to working on it with my colleagues here in the Senate.

By Mr. LUGAR:

S. 587. A bill to establish a Western Hemisphere Energy Cooperation Forum to establish partnerships with interested countries in the hemisphere to promote energy security through the accelerated development of sustainable biofuels production and energy alternatives, research, and infrastructure, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. 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 placed in the RECORD, as follows:

S. 587

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 ''Western Hemisphere Energy Compact''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The engagement of the United States Government on energy issues with governments of willing countries in the Western Hemisphere is a strategic priority because such engagement can help to—

(A) reduce the potential for conflict over energy resources;

(B) maintain and expand reliable energy supplies;

(C) expand the use of renewable energy; and

(D) reduce the detrimental effects of energy import dependence.

(2) Several nations in the Western Hemisphere, including Brazil, Canada, Mexico, the United States, and Venezuela, are important for global energy security and climate change mitigation.

(3) Current energy dialogues and agreements should be expanded and refocused, as needed, to meet the challenges described in paragraph (1).

(4) Countries in the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral and regional relationships among countries in the Western Hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, and coal, and there are significant opportunities for the production of renewable energy, including hydroelectric, solar, geothermal, and wind power. Countries in the Western Hemisphere can provide convenient and reliable markets for their own energy needs and for foreign trade in energy goods and services.

(5) Development of sustainable energy alternatives in countries in the Western Hemisphere can improve energy security, balance of trade, and environmental quality, and can provide markets for energy technology and agricultural products.

(6) Brazil and the United States have led the world in the production of ethanol. Deeper cooperation on biofuels with other countries in the hemisphere would extend economic, security, and political benefits. The Government of the United States has actively worked with the Government of Brazil to develop a strong biofuels partnership and to increase the production and use of biofuels. On March 9, 2007, the Memorandum of Understanding Between the United States

and Brazil to Advance Cooperation on Biofuels was signed in Sao Paulo, Brazil.

(7) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere. Several countries in the Western Hemisphere have endangered their investment climate. Other countries in the Western Hemisphere have been unable to make reforms necessary to create investment climates necessary to increase the domestic production of energy.

(8) It is the policy of the United States to promote free trade in energy among countries in the Western Hemisphere, which would—

(A) help support a growing energy industry;

(B) create jobs that benefit development and alleviate poverty;

(C) increase energy security through supply diversification; and

(D) strengthen integration among countries in the Western Hemisphere through closer cooperation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BIOFUEL.—The term ''biofuel'' means any liquid fuel that is derived from biomass.

(2) BIOMASS.—The term ''biomass'' means any organic matter that is available on a renewable or recurring basis, including agricultural crops, trees, wood, wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, animal wastes, municipal wastes, and other waste materials.

(3) PARTNER COUNTRY.—The term ''partner country'' means a country that has agreed to conduct a biofuels feasibility study under section 7.

(4) REGIONAL DEVELOPMENT BANK.—The term ''regional development bank'' means the African Development Bank, the Inter-American Development Bank, the Andean Development Corporation, the European Bank for Reconstruction and Development, and the Asian Development Bank.

SEC. 4. WESTERN HEMISPHERE ENERGY COOPERATION FORUM.

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, shall seek to establish a ministerial forum with countries in the Western Hemisphere to be known as the Western Hemisphere Energy Cooperation Forum (in this subsection referred to as the ''Energy Forum'').

(b) PURPOSES.—The purposes of the Energy Forum shall be to—

(1) strengthen relationships between countries of the Western Hemisphere through cooperation on energy issues;

(2) enhance cooperation, including information and technology cooperation, between major energy producers and major energy consumers in the Western Hemisphere;

(3) explore possibilities for countries in the Western Hemisphere to work together to promote renewable energy production (particularly in biofuels) and to lessen dependence on oil imports without reducing food security;

(4) ensure the energy supply is sufficient to facilitate continued economic, social, and environmental progress in the countries of the Western Hemisphere;

(5) provide an opportunity for open dialogue and joint commitments among partner countries and with private industry;

(6) provide partner countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere and to find solutions that are politically acceptable and practical in policy terms; and

(7) improve transparency in the energy sector.

(c) ACTIVITIES.—The Secretary of State, together with the Secretary of Energy, shall seek to implement, in cooperation with partner countries—

(1) an energy crisis initiative that will promote national and regional measures to respond to temporary energy supply disruptions, including participation in a Western Hemisphere energy crisis response mechanism in accordance with section 9(b);

(2) an energy sustainability initiative to facilitate the long-term security of the energy supply by fostering reliable sources of energy and improved energy efficiency, including—

(A) developing, deploying, and commercializing technologies for producing sustainable renewable energy within the Western Hemisphere;

(B) promoting production and trade in sustainable energy, including energy from biomass;

(C) facilitating investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), and energy efficiency (including automotive efficiency), cleaner fossil energy, renewable energy, and carbon sequestration technologies;

(D) promoting regional infrastructure and market integration;

(E) developing effective and stable regulatory frameworks;

(F) developing policy instruments to encourage the use of renewable energy and improved energy efficiency;

(G) establishing educational training and exchange programs between partner countries;

(H) identifying and removing barriers to trade in technology, services, and commodities;

(I) promoting dialogue and common measures of environmental sustainability for energy practices; and

(J) mapping potential energy resources from hydrocarbons, hydrokinetic, solar, wind, biomass, and geothermal;

(3) an energy for development initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including—

(A) increasing access to energy services for the poor;

(B) improving energy sector market conditions;

(C) promoting rural development though biomass and other renewable energy production and use;

(D) increasing transparency of, and participation in, energy infrastructure projects;

(E) promoting development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies;

(F) facilitating the use of carbon sequestration methods in agriculture and forestry, including facilitating participation in international carbon markets; and

(G) developing microenergy opportunities;

(4) a climate change mitigation and adaptation initiative, including activities such as—

(A) coordinating regional public and private partnerships for greenhouse gas reduction;

(B) identifying opportunities and facilitating mechanisms for forest preservation and reclamation;

(C) sharing best practices in energy policy formulation and execution;

(D) identifying areas at severe risk for climate change, such as drought, flooding, and other environmental phenomena that could lead to crisis;

(E) identifying areas in need of agricultural innovation to prepare for climate change, including using biotechnology where appropriate; and

(F) cataloging greenhouse gas emissions in the Western Hemisphere, including private sector reporting; and

(5) the increase use of biofuels based on the studies provided by each partner country under section 7.

(d) IMPLEMENTATION.—It is the sense of Congress that—

(1) all partner countries should meet at least once every year;

(2) partner countries should meet on a subregional basis, as needed; and

(3) civil society, indigenous populations, and private industry representatives should be integral to the activities of the Energy Forum.

(e) WESTERN HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, shall seek to establish a Western Hemisphere Energy Industry Group (in this subsection referred to as the ''Energy Group'') within the Energy Forum. The Energy Group should include representatives from industry and governments in the Western Hemisphere.

(2) PURPOSES.—The purposes of the Energy Group are to—

(A) increase public-private partnerships;

(B) foster private investment;

(C) enable countries in the Western Hemisphere to devise energy agendas that are compatible with industry capacity and cognizant of industry goals; and

(D) promote transparency in financial flows in the extractive industries in accordance with the principles of the Extractive Industries Transparency Initiative.

(3) DISCUSSION TOPICS.—It is the sense of Congress that the Energy Group should—

(A) promote a secure investment climate;

(B) research and deploy biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon capture and storage;

(C) develop and deploy energy efficient technologies and practices in the industrial, residential, and transportation sectors;

(D) invest in oil and natural gas production and distribution;

(E) maintain transparency of data relating to energy production, trade, consumption, and reserves;

(F) promote biofuels research; and

(G) establish training and education exchange programs.

(f) OIL AND NATURAL GAS WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary of State and the Secretary of Energy shall seek to establish an Oil and Gas Working Group within the Energy Forum or the Energy Group.

(2) PURPOSE.—The purpose of the Oil and Gas Working Group shall be to strengthen dialogue between international oil companies, national oil companies, and civil society groups on issues relating to international standards on transparency, social responsibility, and best practices in leasing and management of oil and natural gas projects.

(g) APPROPRIATION.—There are authorized to be appropriated to the Secretary of State $6,000,000 for fiscal year 2010 to carry out this section.

SEC. 5. UNITED STATES-BRAZIL BIOFUELS PARTNERSHIP.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Energy, shall work with the Government of Brazil to—

(1) coordinate efforts to promote the production and use of biofuels among countries

in the Western Hemisphere, giving preference to those countries that are among the poorest and most dependent on petroleum imports, including—

(A) coordinating the biofuels feasibility studies described in section 7;

(B) collaborating on policy and regulatory measures to—

(i) promote domestic biofuels production and use, including related agricultural and environmental measures;

(ii) reform the transportation sector to increase the use of biofuels, increase efficiency, reduce emissions, and integrate the use of advanced technologies; and

(iii) reform fueling infrastructure to allow for the use of biofuels and other alternative fuels;

(2) invite the European Union, China, India, South Africa, Japan, and other interested countries to join in and expand existing international efforts to promote the development of a global strategy to create global biofuels markets and promote biofuels production and use in developing countries;

(3) assess the feasibility of working with the World Bank and relevant regional development banks regarding—

(A) biofuels production capabilities; and

(B) infrastructure, research, and training related to such capabilities; and

(4) develop a joint and coordinated strategy regarding the construction and retrofitting of pipelines and terminals near major fuel distribution centers, coastal harbors, and railroads.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State $6,000,000 for fiscal year 2010 to carry out this section.

SEC. 6. INTERNATIONAL AGRICULTURAL EXTENSION PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall work with the Government of Brazil, the Government of Canada, and other governments of partner countries, to facilitate joint agricultural extension activities related to biofuels crop production, biofuels production, and the measurement and reduction of greenhouse gas emissions.

(b) EDUCATIONAL GRANTS.—The Secretary of Energy, in coordination with the Secretary of State and the Secretary of Agriculture, and in collaboration with the Government of Brazil, shall establish a grant program to finance advanced biofuels research and collaboration between academic and research institutions in the United States and Brazil.

(c) FUNDING SOURCES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2010—

(A) to the Secretary of Agriculture, $10,000,000 to carry out subsection (a); and

(B) to the Secretary of Energy, $14,000,000 to carry out subsection (b).

(2) SUPPLEMENTAL FUNDING SOURCES.—The Secretary of State shall work with the Government of Brazil, the government of each partner country, regional development banks, the Organization of American States, and other interested parties to identify supplemental funding sources for the biofuels feasibility studies described in section 7.

SEC. 7. BIOFUELS FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Energy, shall work with each partner country to conduct a study to determine the feasibility of increasing the production and use of biofuels in each such country.

(b) ANALYSIS OF THE ENERGY POLICY FRAMEWORK.—The study conducted under subsection (a) shall analyze—

(1) the energy policy of the partner country, particularly the impact of such policy on the promotion of biofuels; and

(2) the status and impact of any existing biofuels programs of the country.

(c) ASSESSMENT OF DEMAND.—The study conducted under subsection (a) shall assess, with respect to the partner country—

(1) the quantitative and qualitative current and projected demand for energy by families, villages, industries, public transportation infrastructure, and other energy consumers;

(2) the future demand for heat, electricity, and transportation;

(3) the demand for high-quality transportation fuel;

(4) the local market prices for various energy sources; and

(5) the employment, income generation, and rural development opportunities from the biofuels industry.

(d) ASSESSMENT OF RESOURCES.—The study conducted under subsection (a) shall—

(1) assess the present and future biomass resources that are available in each geographic region of the partner country to meet the demand assessed under subsection (c);

(2) include a plan for increasing the availability of existing biomass resources in the country; and

(3) include a plan for developing new, sustainable biomass resources in the country, including wood, manure, agricultural residues, sewage, and organic waste.

(e) ANALYSIS OF AVAILABLE TECHNOLOGIES SYSTEMS.—Based on the assessments described in subsections (c) and (d), the study for each partner country shall—

(1) analyze available technologies and systems for using biofuels in the country, including—

(A) converting biomass crops and agroforestry residues into pellets and briquettes;

(B) using low-pollution stoves;

(C) engaging in biogas production;

(D) engaging in charcoal and activated coal production;

(E) engaging in biofuels production;

(F) using combustion and co-combustion technologies; and

(G) using biofuels technologies in various geographic regions;

(2) analyze the economic viability of biomass technologies in the country; and

(3) compare the technologies and systems in the country relating to biofuels with the technologies and systems for conventional energy supplies to determine if biofuels technology is cost-effective, low-maintenance, and socially acceptable, and the impact of biofuels on economic development.

(f) ENVIRONMENTAL ASSESSMENT.—The study conducted by each partner country under subsection (a) shall assess—

(1) the probable environmental impact of increased biomass harvesting and production, and biofuels production and use; and

(2) the availability of financing for biofuels from global carbon credit trading mechanisms.

(g) FOOD SECURITY ASSESSMENT.—The study conducted by each partner country under subsection (a) shall assess the potential impact on food stocks and prices in the partner country.

(h) DEVELOPMENT OF POLICY OPTIONS TO PROMOTE BIOFUELS PRODUCTION AND USE.—

(1) IN GENERAL.—The study conducted by each partner country under subsection (a) shall identify and evaluate policy options to promote biofuels production and use, after taking into account—

(A) the existing energy policy of the country; and

(B) the technologies available to convert local biomass resources into biofuels in the country.

(2) COORDINATION.—In conducting the evaluation under paragraph (1), the partner country shall provide for participation of local, national, and international public, civil society, and private institutions that have responsibility or expertise in biofuels production and use.

(3) PRINCIPAL ISSUES.—The study shall address with respect to the partner country—

(A) the potential of biomass in the country and the barriers to the production of biofuels from such biomass products;

(B) the strategies for creating a market for biomass products;

(C) the potential contribution biofuels have in reducing fossil fuel consumption;

(D) environmental sustainability issues and policy options and the mitigating effect on carbon emissions of increased biofuels production;

(E) the potential contribution biofuels have on economic development, poverty reduction, and sustainability of energy resources;

(F) programs for the use of biofuels in the transportation sector;

(G) economic cooperation across international borders to increase biofuels production and use;

(H) the potential for technological collaboration and joint ventures for biofuels and the technological, cultural, and legal barriers that may impede such collaboration and joint ventures; and

(I) the economic aspects of the promotion of biofuels, including job creation, financing and loan mechanisms, credit mobilization, investment capital, and market penetration.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $20,000,000 for fiscal year 2010 to carry out this section.

SEC. 8. REGIONAL DEVELOPMENT BANKS.

The Secretary of the Treasury shall instruct the United States Executive Director to each regional development bank and inform the public that it is the policy of the United States that assistance provided by such bank should encourage development of renewable energy sources, including energy derived from biomass. In coordination with the Secretary of State and the Secretary of Energy, the Secretary of the Treasury shall provide information regarding progress in the development of renewable energy sources, including energy derived from biomass. The information shall be included in the annual report to Congress required by section 13 on the implementation of this Act.

SEC. 9. CARBON CREDIT TRADING MECHANISMS.

(a) IN GENERAL.—The Secretary of State shall work with interested governments in the Western Hemisphere and other countries to facilitate regional and hemispheric carbon trading mechanisms consistent with the United Nations Framework Convention on Climate Change and existing trade and financial agreements to—

(1) establish credits for the preservation of tropical forests;

(2) use greenhouse gas-reducing agricultural practices;

(3) jointly fund greenhouse gas sequestration studies and experiments in various geological formations; and

(4) jointly fund climate mitigation studies in vulnerable areas in the Western Hemisphere.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $10,000,000 for fiscal year 2010 to carry out this section.

SEC. 10. ENERGY CRISIS RESPONSE PREPAREDNESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and the governments of other countries during an energy crisis promotes

the national security of the United States and of the other countries.

(2) Credible contingency plans to respond to energy shortages may serve as a deterrent to the manipulation of energy supplies by export and transit countries.

(3) The vulnerability of most countries in the Western Hemisphere to supply disruptions from political, natural, or terrorism causes may introduce instability in the Western Hemisphere and can be a source of conflict, despite the existence of major energy resources in the Western Hemisphere. The United States and Canada are the only members of the International Energy Program in the Western Hemisphere.

(4) Regional and international agreements for the management of energy emergencies in the Western Hemisphere will benefit market stability and encourage development in participating countries.

(b) ESTABLISHMENT OF AN ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, shall immediately seek to establish a Western Hemisphere energy crisis response mechanism (in this subsection referred to as the ''mechanism'').

(2) SCOPE.—The mechanism established under paragraph (1) shall include—

(A) real-time information sharing and a coordination mechanism to respond to energy supply emergencies in the Western Hemisphere;

(B) technical assistance in the development and management of national and regional strategic energy reserves in the Western Hemisphere;

(C) the promotion of increased energy infrastructure integration between countries in the Western Hemisphere;

(D) emergency demand restraint measures in the Western Hemisphere;

(E) the development of the ability of countries in the Western Hemisphere to switch energy sources and to switch to alternative energy production capacity;

(F) energy demand intensity reduction programs as measured by energy consumption per unit of economic activity; and

(G) measures to strengthen sea lanes and infrastructure security in the Western Hemisphere.

(3) MEMBERSHIP.—The Secretary shall seek to include in the mechanism each major energy producer and major energy consumer in the Western Hemisphere and other members of the Energy Forum established pursuant to section 4(a).

(4) STUDY.—The Secretary of Energy shall—

(A) conduct a study of supply vulnerability relating to natural gas in the Western Hemisphere; and

(B) submit a report to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives that includes recommendations for infrastructure and regulatory needs for reducing supply disruption vulnerability and international coordination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy $10,000,000 for fiscal year 2010 to carry out this section.

SEC. 11. ENERGY FOREIGN ASSISTANCE.

(a) IN GENERAL.—The Administrator of the United States Agency for International Development (in this section referred to as the ''Administrator'') shall seek to increase United States foreign assistance for renewable energy, including assistance for activities to reduce dependence on imported energy by switching to biofuels.

(b) DEVELOPMENT STRATEGY REVIEW.—The Administrator shall—

(1) review country assistance strategies and make recommendations to increase assistance for renewable energy activities; and

(2) submit the results of the review conducted under paragraph (1) to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives not later than 180 days after the date of the enactment of this Act.

(c) EXPEDITED SUSTAINABLE ENERGY GRANTS.—

(1) AUTHORIZATION.—The Administrator is authorized to award grants to nongovernmental organizations for sustainable energy and job creation projects in at-risk nations, such as Haiti. Applications for grants shall be submitted in such form and in such manner as the Administrator determines and grants shall be awarded on an expedited basis upon approval of the application.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the United States Agency for International Development $10,000,000 to provide grants under this subsection.

SEC. 12. ENERGY PUBLIC DIPLOMACY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $5,000,000 for public diplomacy activities relating to renewable energy in the Western Hemisphere.

(b) LIMITATION.—Not less than 50 percent of any amount appropriated pursuant to paragraph (1) shall be used for education activities implemented through civil society organizations.

SEC. 13. REPORT.

The Secretary of State, in consultation with the Secretary of Energy, shall submit an annual report to Congress on the activities carried out to implement this Act.

By Mr. FEINGOLD (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. COCHRAN, and Mr. CARDIN):

S. 589. A bill to establish a Global Service Fellowship Program and to authorize Volunteers for Prosperity, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Global Service Fellowship Act with Senators VOINOVICH, WHITEHOUSE, COCHRAN and CARDIN. This important bill would provide more Americans the opportunity to volunteer overseas and strengthen our commitment to international volunteerism. This bill also authorizes Volunteers for Prosperity, VFP, an office created by President Bush under Executive Order 13317. As the new administration seeks to rebuild and restore our image abroad, increasing the number of Americans volunteering abroad is a critical component of that work. The federal government should facilitate such international volunteering experiences for U.S. citizens by promoting both short and long-term opportunities.

My bill would not only provide more opportunities for people-to-people engagement, it would also reduce barriers that the average citizen faces when trying to volunteer internationally. First of all, my bill would reduce financial barriers by awarding fellowships designed to defray some of the costs associated with volunteering. The fellowship can be applied toward many of the costs associated with such travel including airfare, housing, or program costs. By providing financial assistance, the Global Service Fellowship program opens the door for more Americans to participate—not just those with the resources to pay for it.

Secondly, my bill reduces volunteering barriers by offering flexibility in the length of the volunteer opportunity. I hear frequently from constituents who are unable to participate in volunteer programs because they cannot leave their jobs or family for years or months at a time, but are interested in creating cross cultural connections and contributing meaningfully to positive global change. A survey released by the Pew Global Attitudes Project in December 2008 indicates that between 2002 and 2008, opinions of the U.S. declined steeply in 14 out of the 19 countries polled. The Global Service Fellowship Program offers U.S. citizens an immediate opportunity to help reverse this negative trend on a schedule that works for them—from a month up to a year. My bill provides a commonsense approach to the time limitations of the average American while also recognizing the important role people-to-people engagement can play in countering negative views of our country around the world.

Not only does this bill make it easier for all Americans to apply for fellowships, it also engages Congress by giving Members of Congress the opportunity to notify their constituents who are awarded the fellowship—and calls on the recipient to report back to USAID and to their congressional representatives once they have returned from their time abroad. Through this process, Congress will see firsthand the benefit international volunteering brings to their communities and the Nation.

This program would cost $15 million, which is more than offset by a provision in my bill that would require the IRS to deposit all of its fee receipts in the Treasury as miscellaneous receipts. This program would be a valuable addition to our public diplomacy, development, and humanitarian efforts overseas and I encourage my colleagues to support the bill.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 590. A bill to assist local communities with closed and active military bases, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise in support of legislation that Senator PRYOR and I have introduced, the Defense Communities Assistance Act of 2009. As base communities nationwide struggle with a host of issues—from

the tumultuous economy, to closures as a result of the latest Defense Base Closure and Realignment, BRAC, round, to an influx in service personnel—the Federal Government must provide assistance to its base communities to effectively implement the various initiatives of the Department of Defense and to spur economic growth. This legislation, which is supported by the Association of Defense Communities, ADC, seeks to accomplish that goal by providing immediate benefits to all base communities, for both closed and active military installations across the country.

During even the best of economic times, the closure of a military base can devastate a local economy. Today, with our economy in a troubling recession, the outlook is even more grim, with communities facing overwhelming challenges in redeveloping a former military installation. For instance, the closure of the Naval Air Station Brunswick, NASB, in my home State of Maine will create profoundly negative economic consequences with an estimated loss of 6,500 jobs. Given these trying economic times, we must ensure that every effort is made to foster redevelopment in communities affected by base closures.

There is no question that the negative effects of base closures are disproportionately and unfairly borne by the communities where bases have closed. At the same time, communities surrounding active bases must cope with realignments, global repositioning, and grow the force initiatives to accommodate service personnel influxes at their own expense. That is why this comprehensive measure includes key provisions to assist not only bases facing closure, but active base communities absorbing growth impacts.

Accordingly, this legislation would grant permanent authority for the military departments to exchange real property deemed excess to the DOD, in return for the construction of new facilities, or to limit encroachments, at other active installations. This authority provides military departments with greater flexibility in real estate asset management and has previously only been available to property on an installation that had been closed or realigned.

In recent years, the Army has engaged in pilot programs at installations to procure municipal services, such as water and electricity, from a city or county government. These municipal service agreements have been successful, saving the Army several million dollars and providing significant benefits. In the National Defense Authorization Act for fiscal year 2008, this authority was extended to the other two military departments and allowed each service to purchase municipal services for three installations. This legislation builds on that success and greatly extends the military departments' authority to purchase, from a county government or other local government, municipal services for military installations across the country.

Additionally, this bill would address the Defense State Memorandum of Agreement, DSMOA, program which was established to facilitate and fund State oversight of contaminated DOD sites, including BRAC sites. DOD has recently interpreted DSMOA in a manner that has severely impaired state budgets, which has in turn reduced State oversight at these sites. The Defense Communities Assistance Act would ensure that funding under DSMOA may be used for state BRAC property transfer activities while also preventing withholding DSMOA funds when States exercise their enforcement authority.

Additionally, section 330 of the National Defense Authorization Act for fiscal year 1993 was originally adopted with the intention of protecting parties involved in base redevelopment from liability for undiscovered pre-existing pollution conditions at closed military installations. Regrettably, recent court decisions have been inconsistent in interpreting section 330 creating uncertainty that has left base closure property holders with difficulty in obtaining environmental insurance among other problems. This bill provides vital clarification to ensure the original intention of protecting parties involved in base redevelopment from unnecessary liability at closed military installations.

Furthermore, the national economic problems that our country currently faces demand swift and efficient action to avert a deeper and more intractable recession. That is why this legislation would repeal section 3006 of the National Defense Authorization Act for fiscal year 2002, thereby encouraging the Secretary of Defense to provide no-cost Economic Development Conveyances, EDCs, to base communities as a preferred property disposal mechanism. This provision would help to spur job generation and economic development immediately.

As a result of five BRAC rounds, hundreds of military installations have been decommissioned or downsized with the expectation that the properties would be available for local reuse and economic development. At the same time, an inconsistent and time consuming transfer process by the military departments has left thousands of acres of former installation property in Federal ownership, with the fallow acreage hampering the host community's economic recovery. There is tremendous risk that in the current economic climate, with property values at their lowest position in the past decade, these properties will sit fallow for years without the use of no-cost EDCs.

This measure is stimulative in nature by getting property off the books of the Federal Government and into the hands of developers to be redeveloped quickly so that displaced workers in the community will once again become employed. Encouraging expedited free, or less than fair market value, property transfers would result in incentives for private investment, significant infrastructure and public benefits, and the potential generation of tens of thousands of jobs. That is why it is a responsible course of action for the Government to provide these communities with the tools and resources, such as no-cost EDCs, needed to recover from a closure.

The timeframe and uncertainty of the BRAC transfer process is the single greatest obstacle to redevelopment of the underutilized lands. Expediting transfer of these former military bases would stimulate both private and public investment in infrastructure and redevelopment, resulting in job creation and economic development activity, the rebuilding of inadequate local infrastructure funded by the redevelopment project, and local, State, and Federal tax generation. Moreover, the Federal Government would be relieved of its property management responsibilities, saving hundreds of millions of dollars annually.

I urge my colleagues to join Senator PRYOR and me in support of 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. 590

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 ''The Defense Communities Assistance Act of 2009''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of the Congress, that as the Federal Government implements base closures and realignments, global repositioning, and grow the force initiatives, it is necessary to assist local communities coping with the impact of these programs at both closed and active military installations. To aid communities to either recover quickly from closures or to accommodate growth associated with troop influxes, the Federal Government must provide assistance to communities to effectively implement the various initiatives of the Department of Defense.

SEC. 3. PERMANENT AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION AND AGREEMENTS TO LIMIT ENCROACHMENT.

Section 2869(a)(3) of title 10, United States Code, is amended by striking ''shall apply only during the period'' and all that follows through ''September 30, 2008'' and inserting ''without limitation on duration''.

SEC. 4. EXTENSION OF AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

''§ 2465a. Contracts for procurement of municipal services for military installations in the United States

''(a) CONTRACT AUTHORITY.—Subject to section 2465 of this title, the Secretary concerned may enter into a contract for the procurement of municipal services described in subsection (b) for a military installation in the United States from a county, municipal government, or other local governmental unit in the geographic area in which the installation is located.

''(b) COVERED MUNICIPAL SERVICES.—The municipal services that may be procured for a military installation under the authority of this section are as follows:

''(1) Refuse collection.

''(2) Refuse disposal.

''(3) Library services.

''(4) Recreation services.

''(5) Facility maintenance and repair.

''(6) Utilities.

''(c) EXCEPTION FROM COMPETITIVE PROCEDURES.—The Secretary concerned may enter into a contract under subsection (a) using procedures other than competitive procedures if—

''(1) the term of the proposed contract does not exceed 5 years;

''(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair, reasonable, represents the least cost to the Federal Government, and, to the maximum extent practicable, takes into consideration the interests of small business concerns (as that term is defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); and

''(3) the business case supporting the Secretary's determination under paragraph (2)—

''(A) describes the availability, benefits, and drawbacks of alternative sources; and

''(B) establishes that performance by the county or municipal government or other local governmental unit will not increase costs to the Federal Government, when compared to the cost of continued performance by the current provider of the services.

''(d) LIMITATION ON DELEGATION.—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than a Deputy Assistant Secretary for Installations and Environment, or another official of the Department of Defense at an equivalent level.

''(e) CONGRESSIONAL NOTIFICATION.—The Secretary concerned may not enter into a contract under subsection (a) for the procurement of municipal services until the Secretary notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees. The notification shall include a summary of the business case and an explanation of how the adverse impact, if any, on civilian employees of the Department of Defense will be minimized.

''(f) GUIDANCE.—The Secretary of Defense shall issue guidance to address the implementation of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2465 the following new item:

''2465a. Contracts for purchase of municipal services for military installations in the United States.''.

(c) EXTENSION OF PILOT PROGRAM.—Section 325(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2020''.

SEC. 5. REIMBURSABLE ACTIVITIES UNDER THE DEFENSE-STATE MEMORANDUM OF AGREEMENT PROGRAM.

Section 2701(d)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and the processing of property transfers before or after remediation, provided the Secretary shall not condition funding based on the manner in which a State exercises its enforcement authority, or its willingness to enter into dispute resolution prior to exercising that enforcement authority.''.

SEC. 6. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTIES.

Section 330(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note), is amended by striking ''cost or other fee'' and all that follows through ''contaminant,'' and inserting ''cost, statutory or regulatory requirement or order, or other cost, expense, or fee arising out of any such requirement or claim for personal injury, environmental remediation, or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance, pollutant, or contaminant''.

SEC. 7. REQUIREMENT FOR NO-COST ECONOMIC DEVELOPMENT CONVEYANCES.

(a) REPEAL OF CERTAIN REQUIREMENTS.—Subsection (a) of section 3006 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1350), and the amendments made by that subsection, are hereby repealed. Effective as of the date of the enactment of this Act, the provisions of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) that were amended by section 3006(a) of the National Defense Authorization Act for Fiscal Year 2002, as such provisions were in effect on December 27, 2001, are hereby revived.

(b) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the provisions of section 2905 of the Defense Base Closure and Realignment Act of 1990 revived by subsection (a) to ensure that the military departments transfer surplus real and personal property at closed or realigned military installations without consideration to local redevelopment authorities for economic development purposes, and without the requirement to value such property.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of current and anticipated economic development conveyances, projected job creation, community reinvestment, and progress made as a result of the enactment of this section.

By Mr. REID (for himself and Mr. ENSIGN):

S. 591. A bill to establish a National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I am pleased to say that we are closing the book on our Nation's failed nuclear waste policy. After decades of fighting the Yucca Mountain project, I can say with confidence that Nevada will not serve as the Nation's nuclear waste dump.

Nevadans and all Americans will be safer and more secure thanks to President Obama's commitment to finding scientifically sound and responsible solutions to dealing with nuclear waste.

I am proud to say that I have been working on a new volume in this terribly difficult debate. Bad policy like the Yucca Mountain project is easy to oppose. But it is not always easy to craft better policy.

That is what I am doing with Senator ENSIGN today—working to replace our failed approach to dealing with nuclear waste with a much better policy. We are unveiling our plan to form a congressional commission to evaluate and make recommendations on alternative approaches to managing nuclear waste.

This is a step that is way past due.

I began opposing the idea of dumping nuclear waste in Nevada when it was first proposed in the early 1980s. I was still a member of the House then, and I continued this fight in the Senate with most Nevadans firmly behind my efforts to kill the project. I have fought against the Yucca Mountain project vigorously, but from the very beginning I was also calling for long-range planning on nuclear waste because it was the right thing to do.

I continued calling for researching alternatives to Yucca in 1995 when I introduced legislation with my close friend and colleague, Senator Dick Bryan, to establish a commission on nuclear waste. Unfortunately, Congress did not listen, even though evidence was piling up showing that Yucca Mountain could become a death trap for Nevadans.

The Government's decades-long focus on Yucca Mountain has left us barren with very few good proposals for dealing with nuclear waste. Now that President Obama and Secretary Chu have taken Yucca Mountain off the table, we need to begin looking closely at new ideas. We should even dust off some older ones that have been ignored for far too long.

The legislation we are introducing today forms a temporary commission to review and make recommendations on a wide variety of alternatives to Yucca.

The commission will look at everything from at-reactor dry cask storage to reprocessing. The commission will consider having the Federal Government take title to nuclear waste, but will also consider chartering a Federal corporation to manage nuclear waste.

Very importantly, the commission will consider the security of temporary storage facilities for nuclear waste so we can give assurances to communities near nuclear power plants that their safety will not be compromised.

The cosponsors of this legislation do not all share the same views about nuclear power and we do not share the same views about nuclear waste. For example, I have long said that nuclear waste needs to remain on site where it is produced until the Government has a safe and scientifically sound solution. Others would like to reprocess and

reuse nuclear waste in nuclear reactors. Many still feel that some form of permanent disposal is a good solution.

But forming a commission is something the bill's sponsors and others agree upon because it will create a process that will help our Nation take a critical step away from the failed Yucca Mountain policy.

I look forward to continuing working with my colleagues to make sure we take responsible actions necessary to begin addressing nuclear waste.

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. 591

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 ''National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel Establishment Act of 2009''.

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

SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the ''National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel'' (referred to in this Act as the ''Commission'').

SEC. 3. PURPOSES.

The purposes of the Commission are—

(1) to evaluate potential improvements in the approach of the United States to high-level radioactive waste and spent nuclear fuel management in the event that the proposed Yucca Mountain high-level waste repository is never operational or constructed for any spent nuclear fuel, high-level waste, or other radioactive waste disposal; and

(2) to submit to the appropriate committees of Congress a report that contains a description of the findings, conclusions, and recommendations of the Commission to improve the approach of the United States for the management of defense waste, spent nuclear fuel, high-level waste, and commercial radioactive waste.

SEC. 4. COMPOSITION.

(a) MEMBERS.—The Commission shall be composed of 9 members who meet each qualification described in subsection (b), of whom—

(1) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the chairperson of each appropriate committee of the Senate;

(2) 2 shall be appointed by the Minority Leader of the Senate, in consultation with the ranking member of each appropriate committee of the Senate;

(3) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the chairperson of each appropriate committee of the House of Representatives;

(4) 2 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of each appropriate committee of the House of Representatives; and

(5) 1 shall be appointed jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives.

(b) QUALIFICATIONS.—

(1) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be—

(A) engaged in any high-level radioactive waste or spent nuclear fuel activities under contract with the Department of Energy; or

(B) an officer or employee of—

(i) the Federal Government;

(ii) an Indian tribe;

(iii) a State; or

(iv) a unit of local government.

(2) OTHER QUALIFICATIONS.—Individuals appointed to the Commission shall, to the maximum extent practicable, be prominent United States citizens, with national recognition and significant depth of experience in engineering, fields of science relevant to used nuclear fuel management, energy, governmental service, environmental policy, law, public administration, or foreign affairs.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed by not later than 90 days after the date of enactment of this Act.

(c) CHAIRPERSON.—The individual appointed under subsection (a)(5) shall serve as Chairperson of the Commission.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(e) ADMINISTRATION.—

(1) MEETINGS.—After the initial meeting of the Commission, the Commission shall meet on the call of the Chairperson or a majority of the members of the Commission.

(2) QUORUM.—Five members of the Commission shall constitute a quorum.

(3) VACANCIES.—Any vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner in which the original appointment was made.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) conduct an evaluation to advise Congress on the feasibility, cost, risks, and legal, public health, and environmental impacts (including such impacts on local communities) of alternatives to the spent fuel and high-level waste strategies of the Federal Government including—

(A) transferring from the Department of Energy responsibility for the high-level radioactive waste and spent fuel management program of the United States to a Government corporation established for that purpose;

(B) endowing such a Federal Government corporation with authority and funding necessary to provide for storage and management of high-level radioactive waste and spent nuclear fuel;

(C) cost-sharing options between the Federal Government and private industry for the development of nuclear fuel management technology and licensing;

(D) establishing Federal or private centralized interim storage facilities in communities that are willing to serve as hosts;

(E) research and development leading to deployment of advanced fuel cycle technologies (including reprocessing, transmutation, and recycling technologies) that are not vulnerable to weapons proliferation;

(F) transferring to the Department of Energy title to—

(i) spent nuclear fuel inventories at reactor sites in existence as of the date of enactment of this Act; and

(ii) future nuclear fuel inventories at reactor sites;

(G) while long-term solutions for spent nuclear fuel management are developed, requiring the transfer of spent nuclear fuel inventories—

(i) to at-reactor dry casks in a manner to ensure public safety and the security of the inventories; and

(ii) after the date on which the spent nuclear fuel inventory has been stored in a cooling pond for a period of not less than 7 years;

(H) permanent, deep geologic disposal for civilian and defense wastes, and interim strategies for the treatment of defense wastes; and

(I) additional management and technological approaches, including improved security of spent nuclear fuel storage installations, as the Commission determines to be appropriate for consideration;

(2) consult with Federal agencies (including the Nuclear Waste Technical Review Board and the National Academy of Sciences), interested individuals, States, local governments, organizations, and businesses as the Commission determines to be necessary to carry out the duties of the Commission;

(3) submit recommendations on the disposition of the existing fees charged to nuclear energy ratepayers, and the recommended disposition of the available balances consistent with the recommendations of the Commission regarding the management of spent nuclear fuel; and

(4) analyze the financial impacts of the recommendations of the Commission described in paragraph (3) on the contractual liability of the Federal Government under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222).

(b) REPORT.—The Commission shall submit to Congress a final report in accordance with this Act containing such findings, conclusions, and recommendations as the Commission considers appropriate.

SEC. 6. POWERS.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers to be appropriate.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act.

(2) FURNISHING OF INFORMATION.—Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics in a timely manner directly to the Commission, on request made by the Chairperson of the Commission, or any member designated by a majority of the Commission.

(3) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and staff of the Commission in a manner that is consistent with applicable law (including regulations and Executive orders).

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the duties of the Commission.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may reasonably request and as may be authorized by law.

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

SEC. 7. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

SEC. 8. STAFF.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson, in accordance with rules agreed on by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out the duties of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of that title.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) does not apply to members of the Commission.

(b) DETAILEES.—

(1) IN GENERAL.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission.

(2) RIGHTS.—The detailee shall retain the rights, status, and privileges of the regular employment of the detailee without interruption.

(c) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of that title.

SEC. 9. COMPENSATION; TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from the home or regular place of business of a member of the Commission in the performance of services for the Commission, a member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 10. SECURITY CLEARANCES.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the maximum extent practicable pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this Act without the appropriate security clearances.

SEC. 11. REPORTS.

(a) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall make available to the public for comment an interim report containing such findings, conclusions, and recommendations as have been agreed to by a majority of the Commission members.

(b) FINAL REPORT.—Not later than 2 years after the date of the first meeting of the Commission, the Commission shall submit to Congress a final report, the contents of which shall—

(1) contain the items described in subsection (a), as agreed to by a majority of the members of the Commission;

(2) contain the opinion of each member of the Commission who does not approve of any item contained in the final report (including an explanation of the opinion and any alternative recommendation); and

(3) take into account public comments received under subsection (a).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

SEC. 13. TERMINATION.

(a) IN GENERAL.—The authority provided to the Commission by this Act terminates on the last day of the 180 day-period beginning on the date on which the final report is submitted under section 11(b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—During the 180-day period referred to in subsection (a), the Commission may conclude the activities of the Commission, including providing testimony to committees of Congress concerning reports of the Commission and disseminating the final report of the Commission.

By Mrs. FEINSTEIN (for herself and Mr. SCHUMER):

S. 593. A bill to ban the use of bisphenol A in food containers, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to ban Bisphenol A, BPA, from food and drink containers. I am pleased to be working with Congressman MARKEY on this issue, and he will be introducing identical legislation in the House. I would also like to thank my colleague Senator SCHUMER, who has agreed to cosponsor this legislation.

I believe this is a good and necessary bill. The science shows that BPA is added to food and drink containers, and leaches into these foods and beverages, especially when heated in a plastic container.

Make no mistake, chemicals are everywhere, even in our food. In many cases, we know very little about their safety. I strongly believe that the time has come to utilize a precautionary standard in all food and beverages with respect to chemical additives. If you do not know for certain the chemical is benign, it should not be used.

Bisphenol A, known commonly as BPA, is one such example. It is used in consumer products all around us: plastic containers that store food, compact discs, water bottles, canned soups and other canned foods, even baby bottles.

More than 100 studies suggest that BPA exposure at very low doses is linked to a variety of health problems, including prostate and breast cancer, obesity, attention deficit and hyperactivity disorder, brain damage, altered immune system, lowered sperm counts, and early puberty.

The National Toxicology Program in the Department of Health and Human Services has cited ''some concern'' that Bisphenol A may affect neural development in fetuses, infants, and children at current human exposures.

The solution is simple. My legislation will ban the use of Bisphenol A from food and drink containers. This ban will be effective 180 days following enactment of the legislation.

The bill will create a waiver process, in case a company demonstrates that it is technologically impossible to replace BPA in that time frame. A manufacturer can receive a one year waiver, which is renewable, while they work to remove BPA from their product. They must submit a plan to remove BPA, and their product must be labeled as containing BPA.

The legislation also directs the Food and Drug Administration to routinely review the ''List of Substances Generally Regarded as Safe.'' If new evidence emerges that suggests a chemical is not safe for use in a particular manner, it will be removed from the product.

Scientists have raised alarms regarding BPA for some time. It is an endocrine disruptor, mimicking estrogen when it is exposed to a cell.

Scientists at Stanford University accidentally discovered BPA's estrogen-mimicking effects in 1993. A mysterious estrogen-like chemical skewed results of their lab work, and they finally realized that BPA was leaching from laboratory flasks.

We know that BPA is found in almost everyone. Data from the National Health and Nutrition Survey, NHANES, conducted by the Centers for Disease Control found BPA in the bodies of 92.6 percent of the people surveyed. The study did not examine the exposure of children under 6. But it did find that levels were highest in young children, a troubling finding given that exposure to BPA is potentially most dangerous during these critical early years of development.

We know a major source of this exposure: the cans that contain our food,

the containers we eat from, even the baby bottles used to serve formula.

The Environmental Working Group commissioned an independent lab to study BPA in cans in 2007. They tested 97 cans of some of the most popular consumer products. Their findings will alarm any consumer: 53 of the 97 cans tested had detectable levels of BPA; 20 of the 53 cans with BPA have high enough levels that consuming that canned product would expose a person to levels near those that have been found to impact laboratory rats; 1 in 10 cans contained enough BPA to expose a pregnant woman or child to more than 200 times the Government's safe level. The same is true for 1 out of every 3 cans of infant formula.

For women who regularly eat canned food, their exposure level throughout a pregnancy may exceed safe doses.

These are not exotic products, but the canned goods that are in pantries across this county: meal replacement shakes, canned soups, vegetables, and canned pastas, like ravioli.

Baby bottles are also a common exposure source. Multiple studies have confirmed that many of the most popular brands of baby bottles leach BPA. A coalition of health and environmental groups, in their recent report ''Baby's Toxic Bottle'', identified several popular brands of baby bottles that leach BPA when heated: Avent; Disney, Dr. Brown's, Evenflo; Gerber; Playtex.

Now every parent knows that milk served to babies is often heated, at least to room temperature. And these bottles, when heated, leached between 5 and 8 parts per billion of BPA, a level that is within the range that has been shown to cause harm in animal studies.

We know that BPA is a hormone disrupting chemical, and may act like estrogen when in the human body. While the science is still emerging, research is connecting Bisphenol A with a variety of serious health effects. These include: early onset of puberty; hyperactivity; lowered sperm count; miscarriage.

The chemical industry will try to reassure consumers that BPA is safe, and that studies have found these health effects only in laboratory animals exposed to BPA in high doses.

But new evidence that goes beyond laboratory rat models is emerging. Last year, researchers at the Yale School of Medicine linked BPA to problems in brain function and mood disorders in monkeys, for the first time connecting the chemical to health problems in primates.

The Yale scientists exposed monkeys to low levels of BPA, which the Environmental Protection Agency, EPA, have deemed safe for humans.

Researchers found that this chemical exposure interfered with brain cell connections vital to memory, learning and mood.

The researchers stated that the findings suggest that exposure to low-dose BPA may cause widespread effects on brain structure and function.

In September of last year, the Journal of the American Medical Association, JAMA, published a study that links BPA levels in people to several serious health problems.

The study examined the BPA concentrations found in 1455 adults who participated in the 2003–2004 National Health and Nutrition Examination Survey, NHANES, a study which detected BPA in more than 90 percent of Americans tested. Using this data, researchers linked higher BPA concentrations to adverse health affects, including: cardiovascular disease; type II diabetes; clinically abnormal concentrations of some liver enzymes.

The Los Angeles Times reported on the study on September 17th, stating ''that the quarter of the group with the highest BPA levels—levels still considered safe by the FDA—were more than twice as likely to suffer from diabetes and cardiovascular disease as the quarter with the lowest levels.''

This is the first large scale study to be done examining human exposure, and I believe it must be taken very seriously.

Industry continues to insist that BPA is not harmful. But one study shows us why we should be skeptical about research coming from chemical companies.

In 2006, the journal Environmental Research published an article comparing the results of government funded studies into low dose exposure to BPA with studies funded by the BPA industry.

The results are astounding; 92 percent of the Government funded studies found that exposure to BPA caused health problems in animals.

However, none of the industry funded research identified any health problems in animals exposed to low levels of BPA.

This raises serious questions about the validity of the chemical industry's studies. It also illustrates why our Nation's regulatory agencies should not and cannot solely rely on chemical companies to conduct research into their products.

The Food and Drug Administration agrees that the science is incomplete. The FDA's Science Board released a report in October 2008 that raised serious questions about the previous FDA assessments that found BPA to be safe.

In response, the FDA has asked for more studies and more research. More research is fine, but I feel strongly that we must not leave a dangerous chemical on the market while scientists learn exactly how dangerous it is.

Sufficient evidence exists for us to act now. I believe strongly in taking a precautionary approach to our chemical policy; people should be protected from chemicals until we know that they are safe for use.

There is a great deal wrong with the regulatory system in this country and the way we address dangerous chemicals. Our system is essentially backwards. Chemicals are added to products before we know much about them. To be removed from the market, a chemical must be proven to be exceedingly dangerous.

That means that while we wait for evidence of harm to develop, our children are using dangerous products, and possibly eating contaminated food.

I believe it should be the reverse. We should follow the lead of the European Union, and Canada, and remove chemicals until we know them to be safe. We should not be waiting for proof of danger, which too often comes in the form of birth defects, cancer, and other irreversible health harms.

While we continue to work to change our regulatory system, the time has come to apply this precautionary principle to BPA. Without question, there is more scientific work to be done. But we must not continue to expose our citizens to these risks while we wait to confirm BPA's dangers beyond a reasonable doubt.

The Canadian government has already taken this approach with BPA, moving to eliminate polycarbonate baby bottles that contain Bisphenol A last year. Canadian officials stated that because safe alternatives are readily available, this ban is a prudent way to reduce risk for vulnerable infants.

Many large retailers and producers, including Toys ''R'' Us, Nalgene, and Wal-Mart have agreed to no longer sell or produce baby bottles or plastic water bottles containing BPA. And just last week, the leading manufacturers of baby bottles announced they would no longer sell baby bottles made with BPA.

This is great news. I commend them, but we should not be forced to rely on retailers to product American consumers from health hazards.

The Congress agreed with this precautionary approach and banned six plasticizing chemicals, called phthalates, in legislation last year. Like BPA, phthalates have been linked to a variety of health problems in young children. Instead of doing nothing with the evidence mounts, Congress chose to step in and protect children from this risk.

The time has come to do the same with Bisphenol A.

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 placed in the RECORD, as follows:

S. 593

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 ''Ban Poisonous Additives Act of 2009''.

SEC. 2. BAN ON USE OF BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) TREATMENT OF BISPHENOL A AS ADULTERATING THE FOOD OR BEVERAGE.—For purposes of applying section 402(a)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(6)), a food container (which for purposes of this Act includes a beverage container) that is composed, in whole or in part,

of bisphenol A, or that can release bisphenol A into food (as defined for purposes of the Federal Food, Drug, and Cosmetic Act), shall be treated as a container described in such section (relating to containers composed, in whole or in part, of a poisonous or deleterious substance which may render the contents injurious to health).

(b) EFFECTIVE DATES.—

(1) REUSABLE FOOD CONTAINERS.—

(A) DEFINITION.—In this Act, the term ''reusable food container'' means a reusable food container that does not contain a food item when it is introduced or delivered for introduction into interstate commerce.

(B) APPLICABILITY.—Subsection (a) shall apply to reusable food containers on the date that is 180 days after the date of enactment of this Act.

(2) OTHER FOOD CONTAINERS.—Subsection (a) shall apply to food containers that are packed with a food and introduced or delivered for introduction into interstate commerce on or after the date that is 180 days after the date of enactment of this Act.

(c) WAIVER.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary''), after public notice and opportunity for comment, may grant to any facility (as that term is defined in section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d)) a waiver of the treatment described in subsection (a) for a certain type of food container, as used for a particular food product, if such facility—

(A) demonstrates that it is not technologically feasible to replace Bisphenol A in such type of container for such particular food product; and

(B) submits to the Secretary a plan and timeline for removing Bisphenol A from such type of container for that food product.

(2) APPLICABILITY.—A waiver granted under paragraph (1) shall constitute a waiver of the treatment described in subsection (a) for any facility that manufactures, processes, packs, holds, or sells the particular food product for which the waiver was granted.

(3) LABELING.—Any product for which the Secretary grants such a waiver shall display a prominent warning on the label that the container contains Bisphenol A, in a manner that the Secretary shall require, which manner shall ensure adequate public awareness of potential health effects associated with bisphenol-A.

(4) DURATION.—

(A) INITIAL WAIVER.—Any waiver granted under paragraph (1) shall be valid for not longer than 1 year after the applicable effective date in subsection (b).

(B) RENEWAL OF WAIVER.—The Secretary may renew any waiver granted under subparagraph (A) for a period of not more than 1 year.

(d) LIST OF SUBSTANCES THAT ARE GENERALLY RECOGNIZED AS SAFE.—

(1) REVIEW.—The Secretary, acting through the Commissioner of Food and Drugs, shall, not later than 1 year after enactment of this Act and not less than once every 5 years thereafter, review—

(A) the substances that are generally recognized as safe, listed in part 182 of title 21, Code of Federal Regulations (or any successor regulations);

(B) the direct food substances affirmed as generally recognized as safe, listed in part 184 of title 21, Code of Federal Regulations (or any successor regulations); and

(C) the indirect food substances affirmed as generally recognized as safe, listed in part 186 of title 21, Code of Federal Regulations (or any successor regulations).

(2) PUBLIC COMMENT.—In conducting the review described in paragraph (1), the Secretary shall provide public notice and opportunity for comment.

(3) REMEDIAL ACTION.—If, after conducting the review described in paragraph (1), the Secretary determines that, with regard to a substance listed in such part 182, 184, or 186, new scientific evidence, including scientific evidence showing that the substance causes reproductive or developmental toxicity in humans or animals, supports—

(A) banning a substance;

(B) altering the conditions under which a substance may be introduced into interstate commerce; or

(C) imposing restrictions on the types of products for which the substance may be used,

the Secretary shall remove such substance from the list of substances, direct food substances, or indirect food substances generally recognized as safe, as appropriate, and shall take other remedial action, as necessary.

(4) DEFINITION.—In this Act, the term ''reproductive or developmental toxicity'' has the meaning given such term in section 409(h)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by section 3.

(e) SAVINGS PROVISION.—Nothing in this Act shall affect the right of a State, political subdivision of a State, or Indian Tribe to adopt or enforce any regulation, requirement, liability, or standard of performance that is more stringent than a regulation, requirement, liability, or standard of performance under this Act or that—

(1) applies to a product category not described in this Act; or

(2) requires the provision of a warning of risk, illness, or injury associated with the use of food containers composed of bisphenol A.

SEC. 3. AMENDMENTS TO SECTION 409 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Subsection (h) of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(h)(1)) is amended—

(1) in paragraph (1)—

(A) by striking ''manufacturer or supplier for a food contact substance may'' and inserting ''manufacturer or supplier for a food contact substance shall'';

(B) by inserting ''(A)'' after ''notify the Secretary of'';

(C) by striking '', and of'' and inserting ''; (B)''; and

(D) by striking the period after ''subsection (c)(3)(A)'' and inserting ''; (C) the determination of the manufacturer or supplier that no adverse health effects result from low dose exposures to the food contact substance; and (D) the determination of the manufacturer or supplier that the substance has not been shown, after tests which are appropriate for the evaluation of the safety of food contact substances, to cause reproductive or developmental toxicity in man or animal.''; and

(2) by striking paragraph (6) and inserting the following:

''(6) In this section—

''(A) the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food; and

''(B) the term 'reproductive or developmental toxicity' means biologically-adverse effects on the reproductive systems of female or male humans or animals, including alterations to the female or male reproductive system development, the related endocrine system, fertility, pregnancy, pregnancy outcomes, or modifications in other functions that are dependent on the integrity of the reproductive system.''.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 594. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to introduce the Agriculture Smart Trade Act along with my colleague Senator STABENOW. The goal of this legislation is to ensure that, as we consider the various free trade agreements that come before the Senate, we are also looking at the big picture, including the increased risk of accidentally importing invasive pests or diseases and the ability for American agricultural producers to access new export markets once trade agreements are in effect. Our bill is supported by United Fresh, the national association of fruit and vegetable growers and processors, and the U.S. Apple Association.

The bill does two things. First, it requires the administration to send a report to Congress prior to the start of formal trade negotiations with a foreign nation detailing potential invasive pests and disease that could pose a risk to U.S. agriculture. Furthermore, this report must identify what additional agricultural inspectors and other personnel are needed to prevent these pests and diseases from being brought into the United States.

Second, the bill requires the administration to disclose in the same report all sanitary and photosanitary, also known as SPS, trade barriers that could unduly restrict export markets for American commodities. What we have seen in the past is that a trading partner will raise SPS barriers to prevent American products from entering their country. Some of these SPS barriers are not grounded in science are simply non-tariff trade barriers. As the Administration begins negotiations for a trade agreement, we all need to take a look at what kinds of SPS issues we have with potential trading partners. Are their SPS concerns based in science? We need to be sure that once an agreement is in effect, we will have access to those foreign markets as stipulated in the trade agreement.

I want to be very clear that this bill does not in any way limit the President's authority to negotiate trade agreements under Fast-Track, nor does it prevent trade legislation from being considered by the Congress. What this bill does is provide the Senate and the House of Representatives with a more complete picture of what potential trade agreements involve beyond the obvious import and export quotas.

Regardless of how any senator feels about the free trade agreements that we review and debate, I think all of my colleagues will agree with me that increased international trade means an increased risk of importing bugs and diseases that have the potential to devastate our food sources, jeopardize the

livelihoods of our farmers, and cost our states a fortune. We need to acknowledge the risk and put in place the best safeguards we can to prevent the accidental introduction of these harmful pests.

I am not merely speculating about the risk of invasive pests and disease. It is a fact that all of our states are battling insects and crop diseases and dreading the next outbreak.

Most recently in Pennsylvania we discovered that the western part of our state is infested with the Emerald Ash Borer, an invasive beetle that was accidently imported to the U.S. through Detroit via wooden shipping pallets from China. This beetle is costing our commercial nursery growers millions of dollars in lost stock. Senator Stabenow knows better than anyone how much money, time and other resources the Ash Borer has cost the states of Michigan, Illinois, Indiana, Ohio, and Pennsylvania. But that's just one example. Orange growers in Florida have spent the past decade fighting to contain and eradicate citrus canker, an invasive disease that causes citrus trees to produce less and less fruit until they prematurely die. And California and Texas have dealt with expensive eradication programs to deal with the Mediterranean fruit fly or ''Med fly.''

The list goes on and on. There is not a single state that has not been impacted by invasive pests or diseases. So I hope that my colleagues will support the Agriculture Smart Trace Act, and help us make smart decisions that will protect our growers and our economy while opening new export markets. Because that is what this bill is about—smart trade.

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 placed in the RECORD, as follows:

S. 594

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 ''Agriculture Smart Trade Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FREE TRADE AGREEMENT.—The term ''free trade agreement'' means a trade agreement entered into with a foreign country that provides for—

(A) the reduction or elimination of duties, import restrictions, or other barriers to or distortions of trade between the United States and the foreign country; or

(B) the prohibition of or limitation on the imposition of such barriers or distortions.

(2) INVASIVE AGRICULTURAL PESTS AND DISEASES.—The term ''invasive agricultural pests and diseases'' means agricultural pests and diseases, as determined by the Secretary of Agriculture—

(A) that are not native to ecosystems in the United States; and

(B) the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

(3) SANITARY AND PHYTOSANITARY MEASURE.—The term ''sanitary and phytosanitary measure'' has the meaning given that term in the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)).

SEC. 3. REQUIREMENT FOR REPORTS BEFORE INITIATING NEGOTIATIONS TO ENTER INTO FREE TRADE AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days before the date on which the President initiates formal negotiations with a foreign country to enter into a free trade agreement with that country, the President shall submit to Congress a report on—

(1) invasive agricultural pests or diseases in that country; and

(2) sanitary or phytosanitary measures imposed by the government of that country on goods imported into that country.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) INVASIVE AGRICULTURAL PESTS AND DISEASES.—With respect to any invasive agricultural pests or diseases in the country with which the President intends to negotiate a free trade agreement—

(A) a list of all invasive agricultural pests and diseases in that country;

(B) a list of agricultural commodities produced in the United States that might be affected by the introduction of such pests or diseases into the United States; and

(C) a plan for preventing the introduction into the United States of such pests and diseases, including an estimate of—

(i) the number of additional inspectors, officials, and other personnel necessary to prevent such introduction and the ports of entry at which the additional inspectors, officials, and other personnel will be needed; and

(ii) the total cost of preventing such introduction.

(2) SANITARY AND PHYTOSANITARY MEASURES.—With respect to sanitary or phytosanitary measures imposed by the government of the country with which the President intends to negotiate a free trade agreement on goods imported into that country—

(A) a list of any such sanitary and phytosanitary measures that may affect the exportation of agricultural commodities from the United States to that country;

(B) an assessment of the status of any petitions filed by the United States with the government of that country requesting that that country allow the importation into that country of agricultural commodities produced in the United States;

(C) an estimate of the economic potential for the exportation of agricultural commodities produced in the United States to that country if the free trade agreement enters into force; and

(D) an assessment of the effect of sanitary and phytosanitary measures imposed or proposed to be imposed by the government of that country on the economic potential described in subparagraph (C).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 74—EXPRESSING THE SENSE OF THE SENATE ON THE IMPORTANCE OF STRENGTHENING BILATERAL RELATIONS IN GENERAL, AND INVESTMENT RELATIONS SPECIFICALLY, BETWEEN THE UNITED STATES AND BRAZIL

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 74

Whereas the United States and Brazil enjoy a longstanding economic partnership sustained by robust trade, investment, and energy cooperation;

Whereas investment in and by Brazil promotes economic growth, generates greater wealth and employment, strengthens the manufacturing and services sectors, and enhances research, technology, and productivity;

Whereas the United States is the largest direct investor abroad, with total world-wide investments of $2,800,000,000,000 in 2007;

Whereas the United States has historically been the largest direct investor in Brazil, investing a total of $41,600,000,000 in 2007;

Whereas the sound economic policy of the Government of Brazil was given an investment-grade rating by 2 of the 3 major investment rating agencies in 2008;

Whereas the United States is the largest recipient of direct investment in the world, with total foreign direct investments of $2,100,000,000,000 in 2007;

Whereas the United States receives direct investment from Brazil, including a total of $1,400,000,000 in 2007;

Whereas Brazil is the only country with a gross national product of more than $1,000,000,000,000 with which the United States does not have a bilateral tax treaty;

Whereas Brazil is the 4th largest investor in United States Treasury securities, which are important to the health of the United States economy;

Whereas Brazil ranked 3rd among other countries in the number of corporations listed on the New York Stock Exchange in 2008, with 31 corporations listed;

Whereas a bilateral tax treaty between the United States and Brazil would enhance the partnerships between investors in the United States and Brazil and benefit small and medium-sized enterprises in both the United States and Brazil;

Whereas a bilateral tax treaty between Brazil and the United States would promote a greater flow of investment between Brazil and the United States by creating the certainty that comes with a commitment to reduce taxation and eliminate double taxation;

Whereas the Brazil-U.S. Business Council and the U.S.-Brazil CEO Forum have worked to advance a bilateral tax treaty between the United States and Brazil;

Whereas the Senate intends to closely monitor the progress on treaty negotiations and hold a periodic dialogue with officers of the Department of the Treasury; and

Whereas the United States and Brazil will greatly benefit from deeper political and economic ties: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government and the Government of Brazil should continue to develop their partnership; and

(2) the Secretary of the Treasury should pursue negotiations with officials of the Government of Brazil for a bilateral tax treaty that—