STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. DODD, Mr. CASEY, and Mr. BINGAMAN):

S. 3950. A bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011; to the Committee on Finance.

Mr. KERRY. Mr. President, the Centers for Medicare and Medicaid Services, CMS, recently announced that nearly three-quarters of Medicare enrollees will see no increase in their Medicare Part B premium in 2011.

This group of beneficiaries is protected by a ''hold harmless'' provision in the law for years when there is no increase in Social Security checks. As a result, these beneficiaries will continue to pay the same monthly premium of $96.40 that they have paid since 2008.

Unfortunately, 27 percent of Medicare beneficiaries do not receive this ''hold-harmless'' protection and will see their monthly premiums disproportionately increase to $115.40 to shoulder the full load for those beneficiaries who are held harmless. This represents an increase of nearly 19 percent over the past two years with no cost of living adjustment to their retirement pensions or annuities.

This inequity in the law negatively affects new Medicare enrollees, low-income beneficiaries who receive Medicare and Medicaid, higher income enrollees who already pay higher premiums, and seniors who do not receive Social Security, such as federal, state, and local government retirees.

I believe we have a responsibility to protect all Medicare beneficiaries from premium increase, especially during these tough economic times when every penny counts. A premium increase for many seniors would mean choosing between food and medicine and that's a choice they should not have to make.

That is why today I am introducing the Medicare Premium Fairness Act. This legislation would restore fairness to our Medicare system and put money in the pockets of 12 million seniors and individuals with disabilities who desperately need it. It would correct this inequity in the law by applying the ''hold harmless'' provision to all Medicare beneficiaries, so that no enrollee will pay a monthly premium more than $96.40 in 2011.

The Medicare Premium Fairness Act is cosponsored by Senator DODD and Senator CASEY, both of whom have been integral to the development of this legislation. Our legislation is supported by twenty four organizations that represent retirees and senior citizens across the country. I would like to thank all of the number of organizations who have endorsed our legislation today, including the American Federation of State, County and Municipal Employees, AFSCME, the National Active and Retired Federal Employees Association, NARFE, and the National Committee to Preserve Social Security and Medicare, NCPSSM.

Now is the time to protect all Medicare beneficiaries from substantial and unfair Part B premium increases next year. I look forward to working with my colleagues in the Senate to pass the Medicare Premium Fairness Act before the end of the year.

By Mr. AKAKA:

S. 3953. A bill to amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, today, I am introducing legislation that would expand an existing VA benefit program for certain children with spina bifida. These benefits are currently provided under chapter 18 of title 38, United States Code, to the natural children of veterans who were exposed to herbicides such as Agent Orange, in Vietnam or near the Demilitarized Zone, DMZ, in Korea during the Vietnam era.

Current law provides benefits for the natural children of veterans exposed to herbicides only if the veteran served in a specific location, during a specific time frame. VA reports that 1,222 chilen currently receive these benefits and that only 10 of these receive them based on the service of a parent who served in outside of Vietnam.

However, VA has conceded that certain veterans who worked on the perimeter of Air Force bases in Thailand outside of the locations provided in current law during the Vietnam era were exposed to herbicides. As a result, children of those veterans suffering from spina bifida are excluded from the benefits provided based solely on where the exposure occurred.

The legislation I am introducing today would correct this inequity. Because only a very small number of children whose veteran parent served outside of Vietnam currently receive benefits, I expect only a small number of children would qualify for benefits under this bill. However, it is an inequity that should be remedied.

I urge our colleagues to support this bill and provide the exact same benefit to all children who have spina bifida related to the veteran parent's exposure to herbicides regardless of the location of their parent's exposure.

By Mr. BEGICH:

S. 3955. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, today I am introducing the Space Available Equity Act.

Members and retirees of the National Guard and Reserve, their families, and surviving military spouses make great sacrifices for our Nation. However, too often these individuals do not receive the benefits they have earned for their service.

For instance, members of the reserve components and ''gray area'' retirees, National Guardsmen or Reservists eligible for retirement but under the age of 60, have limited space-available travel privileges on Department of Defense aircraft under current regulation. Their space-available travel benefits are restricted to the continental United States and are not extended to their dependents, unlike active duty members and retirees.

Surviving spouses of a military member eligible for retired pay retain no space-available travel privileges at all after the death of their spouse, despite having made a lifetime commitment to the military or in many cases, lost their loved one in war.

To correct these inequities, I am introducing the National Guard, Reserve, Gray Area Retiree, and Surviving Spouse Space-available Travel Equity Act. This bill will give these deserving individuals comprehensive and equitable space-available travel privileges on Department of Defense aircraft. The bill is endorsed by the National Guard Association of the United States.

I urge my colleagues to join me in giving parity to our reserve component members and surviving military spouses.

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. 3955

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 ''National Guard, Reserve, ''Gray Area'' Retiree, and Surviving Spouses Space-available Travel Equity Act of 2010''.

SEC. 2. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2651 the following new section:

''§ 2652. Space-available travel on department of defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members and dependents

''(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as active

duty members of the uniformed services under any other provision of law or Department of Defense regulation.

''(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

''(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

''(1) IN GENERAL.—An unremarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

''(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

''(A) is entitled to retired pay;

''(B) dies in line of duty while on active duty and is not eligible for retired pay; or

''(C) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

''(d) DEPENDENTS.—A dependent of a member or former member described in either subsections (a) or (b) or of a deceased member entitled to retired pay holding a valid Uniformed Services Identification and Privilege Card and a surviving unremarried spouse and the surviving dependent of a deceased member or former member described in subsection (b) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

''(e) DEFINITION OF DEPENDENT.—In this section, the term 'dependent' has the meaning given that term in section 1072 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2651 the following new item:

''2652. Space-available travel on department of defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members and dependents.''.

By Mr. BEGICH:

S. 3956. A bill to amend title 10, United States Code, to permit the use of commissary and exchange facilities by former members of the Armed Forces who were retired or separated for physical disability; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, I am introducing a bill to provide medically separated servicemembers and their family continued access to commissaries and exchanges. Unfortunately, these individuals lose many benefits upon their honorable discharge from the military for disabilities and injuries which prevent them continuing service.

These servicemembers have served their country dutifully. They have earned the right to retain commissary and exchange privileges after being honorably discharged for disabilities that prevent further service and may preclude certain types of employment thus hindering their ability to provide for their families.

My legislation will give commissary and exchange privileges to individuals medically separated from the military to ease economic hardships faced after their discharge. Additionally, by granting commissary and exchange privileges to these Soldiers, Sailors, Airmen, and Marines they will be able to stay connected to their military communities.

This legislation is supported by the National Guard Association of the United States. I hope my colleagues will join me in this effort to honor and recognize the sacrifices of our disabled servicemembers.

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. 3956

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

SECTION 1. USE OF COMMISSARY AND EXCHANGE FACILITIES BY FORMER MEMBERS OF THE ARMED FORCES WHO WERE RETIRED OR SEPARATED FOR PHYSICAL DISABILITY.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1063 the following new section:

''§ 1063a. Use of commissary stores and MWR retail facilities: former members retired or separated for physical disability

''(a) ELIGIBILITY OF FORMER MEMBERS.—A former member of the armed forces who was retired or separated from the armed forces for physical disability under chapter 61 of this title shall be permitted to use commissary stores and MWR retail facilities on the same basis as members of the armed forces on active duty.

''(b) MWR RETAIL FACILITY DEFINED.—In this section, the term 'MWR retail facility' has the meaning given that term in section 1063(e) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by inserting after the item relating to section 1063 the following new item:

''1063a. Use of commissary stores and MWR retail facilities: former members retired or separated for physical disability.''.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 3957. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I introduce the Graduate Medical Education Reform Act of 2010 along with my colleague Senator WHITEHOUSE.

During my tenure in Congress, I have worked to ensure that medical schools and teaching hospitals have adequate resources to train the next generation of doctors. I have championed legislation to improve the financing of GME payments to teaching hospitals and annually spearhead efforts to increase grant funding for health professions programs through the appropriations process. In addition, the new health insurance reform law contains an entire title of workforce provisions, many of which I helped to write. The consistent goal of these efforts has been to support our future health care workforce and improve the care that patients receive. The GME Reform Act is an extension of those efforts.

The legislation challenges recent statements by some experts that Medicare overpays teaching hospitals to train medical residents by increasing federal oversight of medical residency programs. For most teaching hospitals, which incur higher costs than other hospitals, this funding is essential to support residency programs and provide high-quality patient care. In addition, now is not the time to starve these important programs of the funding necessary to train our future health care workforce since 30 million more Americans will gain access to health insurance in 2014.

First, the legislation would enhance GME payment transparency. New information about the amount of GME funding that teaching hospitals receive respective to the costs to remain operational would demonstrate that more could be done to support these important programs.

The GME Reform Act would also ensure that teaching hospitals and residency programs spend GME funding to train residents in new models of care and updated technology. Some medical residents, including those in my state, are already trained in these areas, but that is not the case in programs throughout the country. This legislation would encourage reform in every program by linking three percent of indirect medical education payments to teaching hospitals to the performance of residency programs. Medical colleges, accrediting bodies, and other stakeholders that are most familiar with how to train residents would set the specific performance measures. This new oversight would help to break down the silos in medicine and ensure that physicians work together to provide patients with comprehensive health care.

These are important and sensible reforms. As I said, many programs throughout the country have already acted in this manner. But, since it is often most effective to have a reasonable balance of oversight and incentives, this legislation would provide a bonus payment to programs that train at least one-third of all residents in primary care.

In addition, this legislation would transform the way that children's hospitals receive payments for training the future health care workforce by

taking those payments out of the discretionary appropriations process and providing mandatory, stable funding every year through a new trust fund.It would also extend residency training funds to children's psychiatric hospitals and women and infants hospitals. There are just a handful of hospitals around the country that fall in these two categories, including two in Rhode Island. Indeed, they should also have access to the resources necessary to support the training of residents.

I am pleased that the GME Reform Act is supported by the only medical school in my state, the Warren Alpert Medical School of Brown University.

My colleagues, Leader REID, Senator NELSON of Florida, and Senator SCHUMER have also taken great interest in supporting our future health care workforce by championing legislation to increase the number of physicians trained each year. This effort is vitally important to ending the shortage of primary care providers in many areas, responding to the increased demand of a growing and aging population, and preparing for the implementation of the new health insurance reform law. I look forward to continuing to support their efforts and working with them on the GME Reform Act as well.

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

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

S. 3957

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 ''Graduate Medical Education Reform Act of 2010''.

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

SEC. 2. MEDICARE INDIRECT MEDICAL EDUCATION PERFORMANCE ADJUSTMENT AND PRIMARY CARE TRAINING BONUS.

Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) is amended—

(1) by redesignating the clause (x) as added by section 5505(b) of the Patient Protection and Affordable Care Act as clause (xi); and

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

''(xii) ADJUSTMENT FOR PERFORMANCE.—

''(I) IN GENERAL.—The Secretary shall establish and implement procedures under which the amount of payments that a hospital would otherwise receive for indirect medical education costs under this subparagraph for discharges occurring during an applicable period is adjusted based on the performance of the hospital on measures of health care work force priorities specified by the Secretary.

''(II) MEASURES.—The measures of health care workforce priorities specified by the Secretary under this clause shall include the extent of training provided in—

''(aa) primary care (as defined in subclause (VII)), excluding fellowships;

''(bb) a variety of settings and systems;

''(cc) the coordination of patient care across settings;

''(dd) the relevant cost and value of various diagnostic and treatment options;

''(ee) interprofessional and multidisciplinary care teams;

''(ff) methods for identifying system errors and implementing system solutions; and

''(gg) the use of health information technology.

''(III) MEASURE DEVELOPMENT PROCEDURES.—

''(aa) IN GENERAL.—The measures of health care workforce priorities specified by the Secretary under this clause shall be measures that have been adopted or endorsed by a consensus organization (such as the Accreditation Council for Graduate Medical Education or the Commission on Osteopathic College Accreditation), that include measures that have been submitted by teaching hospitals and medical schools, and that the Secretary identifies as having used a consensus-based process for developing such measures.

''(bb) PROPOSED SET OF MEASURES.—Not later than January 1, 2013, the Secretary shall publish in the Federal Register a proposed set of measures for use under this clause. The Secretary shall provide for a period of public comment on such measures.

''(cc) FINAL SET OF MEASURES.—Not later than June 30, 2013, the Secretary shall publish in the Federal Register the set of measures to be specified by the Secretary for use under this clause.

''(IV) ADJUSTMENT.—Subject to subclause (V), the Secretary shall determine the amount of any adjustment under this clause to payments to a hospital under this subparagraph in an applicable period. Such adjustment may not exceed an amount equal to 3 percent of the total amount that the hospital would otherwise receive under this subparagraph in such period.

''(V) BUDGET NEUTRAL.—In making adjustments under this clause, the Secretary shall ensure that the total amount of payments made to all hospitals under this subparagraph for an applicable period is equal to the total amount of payments that would have been made to such hospitals under this subparagraph in such period if this clause and clause (xii)(III) had not been enacted.

''(VI) PRIMARY CARE DEFINED.—In this clause, the term 'primary care' means family medicine, general internal medicine, general pediatrics, preventive medicine, obstetrics and gynecology, and psychiatry.

''(VII) APPLICABLE PERIOD DEFINED.—In this clause, the term 'applicable period' means the 12-month period beginning on July 1 of each year (beginning with 2013).

''(xiii) BONUS PAYMENT FOR TRAINING IN PRIMARY CARE.—

''(I) IN GENERAL.—Subject to subclause (III), in the case of discharges occurring during an applicable period, in addition to the amount of payments that a hospital receives for indirect medical education costs under this subparagraph for such discharges (determined after any adjustment under clause (xii)), there shall also be paid to the hospital an amount equal to 1 percent of such payments if, during such applicable period, at least 33 percent of full-time equivelent residents (excluding fellowships) enrolled in the hospital's medical residency training programs were enrolled in medical residency training programs in primary care (as defined in clause (xii)(VI)).

''(II) PAYMENTS FROM MEDICAL EDUCATION TRUST FUND.—Payments to hospitals under subclause (I) shall be made from the Medical Education Trust Fund under section 9512 of the Internal Revenue Code of 1986.

''(III) LIMITATION.—The total of the payments made to eligible hospitals under subclause (I) with respect to an applicable period shall not exceed an amount equal to the funds appropriated to such Trust Fund under subsection (b)(1) of such section 9512 for the fiscal year ending on September 30 of such applicable period.''.

SEC. 3. PAYMENTS FOR GRADUATE MEDICAL EDUCATION TO HOSPITALS NOT OTHERWISE ELIGIBLE FOR PAYMENTS UNDER THE MEDICARE PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''GRADUATE MEDICAL EDUCATION PAYMENTS FOR HOSPITALS NOT OTHERWISE ELIGIBLE

''SEC. 1899B. (a) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under which payments are made to eligible hospitals for each applicable period for direct expenses and indirect expenses associated with operating approved graduate medical residency training programs.

''(2) REQUIREMENTS.—Under the program under paragraph (1), the provisions of section 340E of the Public Health Service Act shall apply to payments to eligible hospitals in a similar manner as such provisions apply to payments to children's hospitals under such section 340E, except that—

''(A) payments to eligible hospitals under the program shall be made from the Medical Education Trust Fund under section 9512 of the Internal Revenue Code of 1986; and

''(B) the total of the payments made to eligible hospitals under the program in an applicable period shall not exceed an amount equal to—

''(i) the funds appropriated to such Trust Fund under subsection (b)(1) of such section 9512 for the fiscal year ending on September 30 of such applicable period; minus

''(ii) the total amount of payments made to hospitals under section 1886(d)(5)(B)(xiii) in applicable period.

''(b) ELIGIBLE HOSPITAL DEFINED.—In this section, the term 'eligible hospital' means the following hospitals:

''(1) A children's hospital (as defined in section 340E(g)(2) of the Public Health Service Act).

''(2) A freestanding psychiatric hospital that has—

''(A) 90 percent or more inpatients under the age of 18;

''(B) its own Medicare provider number as of December 6, 1999; and

''(C) an accredited residency program.

''(3) A hospital—

''(A) that annually has at least 3,000 births;

''(B) for which less than 4 percent of the total annual discharges from the hospital are Medicare discharges of individuals who, as of the time of the discharge—

''(i) were entitled to, or enrolled for, benefits under part A; and

''(ii) were not enrolled in—

''(I) a Medicare Advantage plan under part C;

''(II) an eligible organization under section 1876; or

''(III) a PACE program under section 1894;

''(C) that has its own Medicare provider number; and

''(D) that has an accredited residency program.

''(c) APPLICABLE PERIOD DEFINED.—In this section, the term 'applicable period' has the meaning given that term in section 1886(d)(5)(B)(xii)(VII).

''(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.''.

SEC. 4. INCREASING GRADUATE MEDICAL EDUCATION TRANSPARENCY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress and the National Health Care Workforce Commission under section 5101 of the Patient Protection and Affordable Care Act a report on the graduate medical education payments that hospitals receive under the Medicare program. The report shall include the following information with respect to each hospital that receives such payments:

(1) The direct graduate medical education payments made to the hospital under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)).

(2) The indirect medical education payments made to the hospital under section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(1)(B)).

(3) The number of residents counted for purposes of making the payments described in paragraph (1).

(4) The number of residents counted for purposes of making the payments described in paragraph (2).

(5) The number of residents, if any, that are not counted for purposes of making payments described in paragraph (1).

(6) The number of residents, if any, that are not counted for purposes of making payments described in paragraph (2).

(7) The percent that the payments described in paragraphs (1) and (2) that are made to the hospital make up of the total costs that the hospital incurs in providing graduate medical education, including salaries, benefits, operational expenses, and all other patient care costs.

SEC. 5. ESTABLISHMENT OF TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

''SEC. 9512. MEDICAL EDUCATION TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Medical Education Trust Fund' (hereafter in this section referred to as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

''(b) TRANSFERS TO FUND.—

''(1) APPROPRIATIONS.—There are hereby appropriated to the Trust Fund in each fiscal year (beginning with fiscal year 2013) the sum of an amount equivalent to one-half (or, in the case of fiscal year 2013, two-thirds) of the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans).

''(2) LIMITATION ON TRANSFERS.—No amount may be appropriated or transferred to the Trust Fund on and after the date of any expenditure from the Trust Fund which is not an expenditure permitted under this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this chapter or in a revenue Act; and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(c) TRUSTEE.—The Secretary of Health and Human Services shall be a trustee of the Trust Fund.

''(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund are available, without further appropriation, to the Secretary of Health and Human Services for making payments under sections 1886(d)(5)(B)(xiii) and 1899B of the Social Security Act.

''(e) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary of the Treasury based on the excess of—

''(1) the fees received in the Treasury under subchapter B of chapter 34, over

''(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 9512. Medical Education Trust Fund.''.

SEC. 6. PARTIAL FINANCING FOR TRUST FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.

(a) IMPOSITION OF FEE.—Section 4375(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$2'' and inserting ''$4''; and

(2) by striking ''$1'' and inserting ''$3''.

(b) CONFORMING AMENDMENT TO THE PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.—Section 9511(b)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting ''one-half (or, in the case of fiscal year 2013, one-third) of'' after ''equivalent to''.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

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

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

S. 3962

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 ''Development, Relief, and Education for Alien Minors Act of 2010'' or the ''DREAM Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 35 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of

continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY

SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

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

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

S. 3963

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 ''Development, Relief, and Education for Alien Minors Act of 2010'' or the ''DREAM Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 30 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland

Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 678—CONGRATULATING THE PENN STATE NITTANY LIONS FOR THEIR 400TH WIN UNDER HEAD FOOTBALL COACH JOE PATERNO

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 678

Whereas The Pennsylvania State University (referred to in this resolution as ''Penn State'') reached this milestone of 400 wins under Joe Paterno on November 6, 2010;

Whereas the Penn State Nittany Lions football team has been coached by Joe Paterno for 60 years starting in 1950 when Joe Paterno was an assistant coach;

Whereas, in 2009, the graduation rate of Penn State players under Joe Paterno was 89 percent, and the graduation success rate was 85 percent, the highest rates among all football teams in the final 2009 Associated Press Top 25 poll;

Whereas Penn State's football team has more wins under a single head coach than any other head coach in the National Collegiate Athletic Association (NCAA) Division 1A Football Bowl Subdivision (FBS) history;

Whereas Penn State is 1 of just 7 football teams with a history of more than 800 wins, and Joe Paterno has been active with the program for 691 of those games over 60 seasons, with an amazing record of 504 wins, 180 losses, and 7 ties (73.6 percent);

Whereas among Penn State's accolades under Joe Paterno's 45 years as head coach are 2 national championships, 7 undefeated seasons, 23 finished in the top 10 rankings, and 3 Big Ten conference championships since joining the NCAA Division 1A FBS conference in 1993;

Whereas Penn State has 24 bowl game wins and 36 bowl game appearances under Coach Joe Paterno, both of which are the most of any school under 1 football coach; and

Whereas the continued dedication to the players and emphasis on academic integrity and education of Penn State football under Joe Paterno has in Penn State fostering 15 Hall of Fame Scholar-Athletes, 34 first-team All-Americans, 44 overall Academic All-Americas, and 18 NCAA Postgraduate Scholarship winners: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Penn State football team for their unparalleled success resulting in 400 wins under head coach Joe Paterno; and

(2) commends the Penn State football program under head coach Joe Paterno for setting an example of honor, success, integrity, and respect for thousands of players, coaches, students, and fans throughout the Nation.

SENATE RESOLUTION 679—COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW

Mr. GREGG (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 679

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 552 et seq.), marks 1 of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire's Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated ''We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation's welfare in the future of preserving the forests'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 552 et seq.), to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.