United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, MAY 19, 2009 *No. 77*

House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. TONKO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 19, 2009.

I hereby appoint the Honorable PAUL TONKO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

HONORING ARMY SPECIALIST JEREMIAH P. McCLEERY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, I rise today with the sad duty of recognizing the death in combat of Army Specialist Jeremiah P. McCleery, age 24, of Portola, California.

Mr. Speaker, if you read the observations of his friends, you very quickly realize this was not only an irreplaceable loss to his family and a monumental loss to his community, but it was also a terrible loss for our country.

Miah, as he was known, was simply a good kid. He made friends easily, he had a great sense of humor, and he had wanted to join the Army since he was 4 years old. He was an exemplary soldier who commanded the friendship and respect of his colleagues. He had fallen in love with a girl at Fort Hood before he shipped out, with their whole lives ahead of them.

A friend of his, Josh Rodgers, was asked when Miah McCleery was happiest, and the answer was, ''doing anything with his dad.'' They had lost his mother, Collette, to cancer a few years ago. His father, Joe, worked at a refuse collection company and later at a sheet metal business, and Miah was often at his side.

That same friend was asked why Jeremiah had enlisted. The response, ''he always wanted to when he was a kid. He probably just wanted to out of patriotic duty to go serve. And I think he wanted to go do his part.''

The question first asked by Jim Michener thunders across the countryside with a loss like this: ''Where do we get such men?'' Mr. Speaker, I don't know how to offer condolences to Miah McCleery's family, to his father, Joe, to his sisters, Lynette and Chastity, and to his grandparents and many friends. The loss they bear is beyond my comprehension.

I can only offer my awe and gratitude that humanity has within itself a small band of brothers like Jeremiah McCleery who stepped forward not for treasure or profit nor even to defend their own freedom. But rather, to win the freedom of a people half a world away. And they do it because their country asks and because it is virtuous and noble.

A few feet from here in the Capitol Rotunda is a fresco called the ''Apotheosis of Washington.'' It depicts General Washington, in uniform, ascending to the heavens, flanked by victory and freedom, and surrounded by the essence and fruits of a free Nation. And in that depiction, Washington beckons.

From little towns like Portola, California, decent young men and women with promising futures, like Jeremiah McCleery, have answered. And I don't know where we get such men, and I don't know how their families can bear it. But I do know what we owe them. And I do know that we can never repay that debt, except to honor their memory and keep their sacrifice always in mind, those who gave up everything ''to proclaim liberty throughout all the land, and unto all the inhabitants thereof.''

HONORING AND REMEMBERING LES SARNOFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. This is an era where new media and communication devices are seemingly created overnight. Was it only 3 years ago that YouTube bounced on the scene? It seems like it was last week that we first heard about Twitter.

Well, the first and most influential of the ''new media'' still plays a large role in our lives. Radio captures that magic in part because of the radio personalities who captivated us with their distinctive voices and wit, made larger than life by how much was left to our imagination in terms of the production and even what they looked like. William Conrad was the radio voice of Gunsmoke's marshal, Matt Dillon, who was played on TV by actor James Arness, 6 foot 6, tall and rangy with craggy good looks. William Conrad, the radio voice, sounded that way, but he was short and rotund. And while he looked distinctive, few would confuse him with a matinee idol. From Fred Alan, Jack Benny and Edward R. Murrow to Scott Simon, Garrison Keillor

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today, these people play an important role not just in a communication and entertainment medium, but in the lives of Americans.

In much of the commercial radio wasteland today, where content is centralized and digitized, while costs are cut, local personalities, who played such a profound role in virtually every community, are more and more a distant memory.

In my hometown of Portland, Oregon, we are still blessed with a few distinctive local voices. But sadly last month, we lost one who can only be described as an icon. For decades Les Sarnoff was the most distinctive personality in what started as an idiosyncratic, offbeat and obscure FM station. He helped it grow into a major commercial success and a Portland fixture. The characteristics that made him such a well respected professional and beloved local figure helped him rise above and survive the turmoil in the industry, the often destructive changes, to brighten the mornings of tens of thousands of my neighbors every day for the better part of three decades.

Les was a dedicated and disciplined professional, arising shortly after midnight every weekday to spend hours in preparation before his morning shift. He was a step ahead of legitimate trends in music, but with a profound respect for both music and artists that was timeless. He had a rapport and a chemistry with not only his audience, but the outstanding people that were part of his morning team over the years. Despite a demanding schedule and brutal hours, Les always made time to be part of public events and public affairs.

Now, media and people in politics need for, professional and ethical reasons, to maintain a certain distance. That is far more important to a media personality like Les, than for a politician like me. And observe that distance he did, but always with a sense that I was a friend, with a sense of interest and awareness whenever I would visit him in the station or more often do a telephone interview from our Nation's Capitol or an occasional lunch or interaction at a civic event. But it was not Les Sarnoff letting his guard down. It was Les revealing that at core he liked, understood and respected everyone. He was curious, funny and caring. Even in his passing, Les brought our community together as thousands gathered last Sunday to honor his memory in Portland's Pioneer Square, our City's front yard. By reflecting on his life, we reflect on ours.

To his wife Rita, Les' many friends and colleagues, because of his love for and work with you, we have all been touched. We will never be the same without Les, but also, we will never be the same because of Les Sarnoff.

WORLD HEPATITIS DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TOWNS) for 5 minutes.

Mr. TOWNS. Mr. Speaker, today, May 19, marks the second annual World Hepatitis Day, when the need for greater public awareness towards prevention and treatment of this silent killer is recognized internationally.

Hepatitis is a prime example of an issue that must be addressed now, as Congress and the administration work together to create a sustainable health care system for future generations.

Of those infected with viral hepatitis C, more than three-quarters are unaware of their infection, making the long-term consequences of HCV infection, including cirrhosis of the liver and liver cancer, a greater, greater danger.

A study about HCV released just yesterday by Milliman Incorporated, one of the Nation's most respected firms, tells a troubling story. They are saying that over the next 20 years, medical costs for patients with HCV infections are expected to increase from $30 billion in 2009 to over $85 billion in 2024.

Chronic viral hepatitis is a leading cause of primary liver cancer, one of the fastest growing cancers, which significantly impacts 6 million Americans and has a 5-year survival rate. The minority population will be disproportionately affected. Hepatitis C is twice as common among African Americans as among whites.

As a Member of the United States House of Representatives, I will continue to support increased funding towards public education, early detection, testing and counseling for patients. We cannot afford to be silent about this disease any longer. We must speak out and take action. That is what we need to do to curtail this very, very serious problem.

THE DROUGHT CRISIS IN SAN JOAQUIN VALLEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise today to bring attention to a drought crisis that is affecting California's San Joaquin Valley. Three years of below-average rainfall have created tremendous hardships in valley communities that are the backbone of California's agriculture economy. We have heard time and time again about the deep, deep financial impacts affecting all regions of our country. But in places like Detroit and in places like the San Joaquin Valley, where you have 30 and 40 percent unemployment, it is no longer a deep recession, but it is a depression.

Farmers and farm workers in the San Joaquin Valley grow over 350 different crops, employing tens of thousands of people and providing half the Nation's fruits and vegetables. It is number one in the dairy industry and a host of other important agricultural commodities that are not subsidized, that don't use subsidized water, that, in fact, are critical to healthy diets for Americans and provide a tremendous balance of payments on our trade efforts abroad.

Sadly, though, three critical years of drought shortage have had a devastating effect on communities in the San Joaquin Valley and in my district. My district and Congressman CARDOZA's district are at ground zero where we have communities that have 30 and 40 percent unemployment, communities that have 10 and 12,000 people, 30,000 people, 50,000 people. When one-third of the people in your community don't have jobs, it is a depression.

Today, clearly, our environmental regulations are not working. We have an inability to move water around California.

□ 1045

We know that, if this drought lasts a fourth and fifth year, Katy, bar the door.

These are food lines in communities in my district. The irony is that these are some of the hardest working people you will ever meet. Normally, they would be working in fields, working in processing facilities, putting food on America's dinner plates. Sadly, they're in food lines. How horrific in America. Many of my colleagues for the last 4 months, 5 months have been working to try to bring attention to our State representatives, to our Governor and, here, to our President and to the new administration in town because we know, in California, like other parts of the country, droughts and floods are cyclical.

This photograph is an almond orchard that has been pulled out because of a lack of water. So, to that degree, Congressman CARDOZA and I, in January, began meeting with the new administration, laying out a host of administrative efforts that we thought, with flexibility, could allow us to move water around from parts of the State that have water. We have met with Secretary Salazar and his staff, with the Mid-Pacific Region and their staff time and time again and with the Governor and his director of water resources, and we have brought to the attention of the President and of his White House staff the fact that they should come to the valley and see firsthand the devastating impacts.

We need to have flexibility during times of drought. Clearly, people are as important as the other environmental balances and trade-offs that are there. If the Environmental Species Act were working, we would not have a decline in the fisheries that have taken place over the last two decades. So we are working on short-term efforts to try to deal with the current situation in the event that this drought lasts a fourth or a fifth or a sixth year.

The last drought we had in California lasted 6 years, from 1988 to 1993. I predict to my colleagues that if, in fact,

this drought lasts a fourth or a fifth year, California will be rationing water in southern California and in the Bay Area, and we will see a horrific set of circumstances affecting our State.

So it is time to act now, both with the short-term remedies as well as with the long-term remedies. We need to try to do everything we can to plan for the next year in the event that this drought continues. We need to provide flexibility at the Federal and State pumps to move water around, to make water banks work, and yes, in the long term, we need to fix the plumbing system in the delta.

California has 38 million people. By the year 2030, it is estimated we will have 50 million people. We have a water system designed for 20 million people. It cannot work. So, with a larger coalition of the Latino Water Caucus, we marched on water in April. We are going to continue to march. We are going to continue to try to seek out our colleagues who want to constructively help us with the administration to understand that both short-term and long-term investments in California infrastructure are critical if we are going to solve this problem.

This is a forerunner of what's occurring, not just here in California but around the world. Water is the lifeblood of man's ability to produce food and fiber. The problems we are having in California today are happening around the world. We need to act today.

VETERANS COMMUNICATION IMPROVEMENT ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. HEINRICH) for 5 minutes.

Mr. HEINRICH. Thank you, Mr. Speaker.

I rise today to introduce the Veterans Communication Improvement Act. This bill will provide for a smoother transition for servicemembers moving to veteran status, and it will help facilitate the communication between all veterans and veterans' services.

Currently, when a servicemember concludes his service to our country, he fills out a form known as the DD–214. This form is essentially a compilation of a member's time in the military. It includes awards and medals and other pertinent service information such as promotions, combat service or service overseas. The DD–214 also contains information needed to verify military service for benefits, retirement, employment, and membership in veterans' organizations, which makes it one of the most important documents in the military.

As to be expected, the DD–214 contains the current physical address and phone number of the veteran, but there is no place on the form for a veteran to include his or her e-mail as the best way to be contacted. Far too often, however, when servicemembers return home from active duty or if a veteran has simply moved to a new home, they lose contact with the Department of Veterans Affairs. This bill will enable one more avenue of communication, an e-mail address, to be included on each servicemember's DD–214 form.

For many veterans, particularly for our youngest veterans returning from Iraq and Afghanistan, a personal e-mail address is the most common and efficient way to communicate with them. In utilizing modern e-mail technology, this legislation will make great strides in expediting the delivery of benefits that our country's veterans unquestionably deserve. These brave Americans and their families have made immeasurable sacrifices to our Nation's well-being. I am honored to sponsor this legislation, and I urge my colleagues to support it.

REGIONAL IMPACTS OF CLEAN ENERGY LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I thank the Speaker.

Today, I rise as a southern Congressman to discuss the regional impacts, Mr. Speaker, on clean energy legislation and on a renewable electricity standard in particular.

We have heard that it is impossible to have a national renewable electricity standard, because different States have different renewable energy resources, and that the southeastern United States, in particular, would be unable to meet targets established by the renewable electricity standard in the draft American Clean Energy and Security Act now being considered by the Energy and Commerce Committee of this body.

I represent a State in which there is not a single utility-scale renewable generation facility. The Virginia General Assembly has not enacted a mandatory renewable electricity standard, so we have failed to create market certainty for firms that would invest in renewable energy otherwise. In contrast, New Jersey has 44 megawatts of grid-connected solar capacity, fueled in part by a 22.5 percent renewable electricity standard with solar set aside. New Jersey has more than twice as much grid-connected solar energy generation than the total for all States without a renewable electricity standard, including Virginia, even though it has less solar exposure than any State in the Southeast. What we have witnessed in the Southeast is not a lack of natural resources but, perhaps, a lack of political will.

Since we are in the midst of the most severe economic contraction since the Great Depression, the clean energy jobs legislation before us represents not an academic debate but, rather, an opportunity to spur economic growth and to reduce greenhouse gas pollution based in successful policies that have been enacted at home and abroad.

Just as more than half of our States have enacted successful renewable electricity standards, so too have other nations. Germany, for example, has a lower solar exposure than almost all of the United States, and yet it is the world's leader in renewable energy, as documented in a recent article in the National Journal. In the last decade, the number of Germans employed in the renewable energy sector has grown from 30,000 to 280,000. Germany has installed 22,247 megawatts of wind energy and 3,811 megawatts of solar photovoltaic. Strong mandatory incentives for renewable energy have fueled this jobs boom in Germany.

The number of coal mining jobs in the United States has fallen by 50 percent in the last three decades, principally due to mechanization. Those coal jobs disappeared from States like Virginia and West Virginia, which lack incentives for renewable energy. In Germany, on the other hand, the number of coal mining jobs also has fallen, but the number of renewable energy jobs created has more than offset the lost jobs by a factor of five. Unfortunately, many U.S. companies, like First Solar, have built factories in Germany rather than here in America because Germany had requirements for renewable energy production.

The minority claims that a clean energy bill will result in net job losses, but in reality, we are losing jobs right now because we do not have a stronger clean energy policy. We cannot cling to antiquated modes of energy production that are hemorrhaging jobs and then expect to achieve, much less expedite, an economic recovery here at home. If we are to drive economic growth, we must invest in innovation and in job creation, not in exhausted resources and outmoded systems of production.

Here in the South, where we have not benefited from strong renewable energy incentives, we need a national renewable electricity standard to create new jobs in both mill towns that have lost jobs overseas and in prosperous business centers such as those I represent in northern Virginia. The Southeast has wind resources in the Continental Shelf, in the Appalachian Mountains, and it has good solar exposure throughout our entire region.

Now is the time, Mr. Speaker, to exploit those natural resources and to produce energy right here at home. Now is the time to pass clean energy jobs legislation with a strong renewable electricity standard.

CROSSROADS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 2 minutes.

Mr. YARMUTH. Thank you, Mr. Speaker.

Mr. Speaker, this Congress is being called on to make some very critical

decisions. We are at a crossroads in this country and in the world.

You know, we are trying to make bold moves. President Obama has proposed a very bold agenda in the area of health care reform, energy and education, and we have taken up that cause in this Congress, and we are moving very decisively to make significant changes in this country.

From the other side, we hear reasonable questions: How much is this going to cost? What about the deficits we will be incurring? What about fiscal responsibility? Well, you know, there are two aspects to fiscal responsibility. One is living within your means. There's no question about that. We need to be able to do that. The other question is: How do you prepare for the future? If we are living within our means and are not willing to make the investments that we need to make, then the future is going to be very bleak, indeed.

You heard just a few minutes ago my colleague from California, Mr. COSTA, talking about the need to promote infrastructure, to invest in infrastructure and in the water supply in California. Well, this is just one microcosm of the challenge we will face across the country with bridges, roads, airports, air traffic controls, water systems, sewers. We need to make significant investments in all of those areas in order to provide the foundation, the infrastructure, for future growth, and we're going to have to borrow money to do that. Similarly, if we don't make the changes in our health care system and in our energy system and in our education, we will not have the human infrastructure that we need to move into the future.

You know, I've heard the minority leader on the other side say: How much is it going to cost to do health care reform? Well, I'm not sure, but we know how much it's going to cost not to do health care reform. We've seen the projections. Tens of trillions of dollars over the next 70 years in additional deficit are forecasted for Medicare. That's if we don't act. So we know what the cost of not acting is. It is time to act. It is the fiscally responsible thing to do to adopt the agenda of the Obama administration, and I look forward to being a part of that historic effort.

WORLD HEPATITIS DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. CASSIDY) for 2 minutes.

Mr. CASSIDY. I thank you.

Today is World Hepatitis Day. This has special meaning for me because I'm a liver doctor, and I've spent 20 years treating hepatitis patients. Three to four million Americans have hepatitis, and about two-thirds of those folks are baby boomers. Maybe it has special meaning for me because I'm a baby boomer, but it also includes firemen, those affected at birth, Vietnam veterans, and many others who are affected by this disease. Indeed, almost every person, almost every family is touched by someone who has liver diseases.

Every year in this country, thousands die from liver disease. We spend, roughly, $30 billion a year treating liver disease, and many more are frightened, even though they shouldn't be, because they know the terrible statistics I just cited. Hepatitis doesn't affect people at the end of life, but rather, it can affect people in the primes of their lives. When it does so, it potentially leaves behind orphans, widows and widowers.

The best of the American spirit is compassion. Public policy should reflect this compassion, and in this case, it will be for our friends, our families and, in my case, my patients touched by hepatitis. Today, on World Hepatitis Day, I ask that we, through public policy, pledge our compassion to those so affected.

THE IMPORTANCE OF FISCAL RESPONSIBILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. PERRIELLO) for 5 minutes.

Mr. PERRIELLO. Thank you, Mr. Speaker.

I rise today as one of the younger Members of this body to speak out about the importance of fiscal responsibility. As one of those young enough who will take on much of the burden of the deficits created today, I speak out of the urgency of our considering future generations in the decades ahead as we look at this. It's certainly true that both political parties have much to answer for in terms of the deficits that have been run up, but it's also important that we do not embark on revisionist history and suggest moral equivalence between the sides.

□ 1100

We must remember that the last administration walked into a situation where they had a $5.6 trillion surplus—a $5.6 trillion surplus—that they turned into a $4.5 trillion deficit. That turnaround, you could hear future generations crying as that great opportunity to restore fiscal sanity was passed up and our national debt was doubled.

The Clinton administration and this body in the early 1990s took bold steps to get us on the path towards fiscal responsibility. We saw the same kind of bold leadership from the Democrats in my state, the Commonwealth of Virginia, when MARK WARNER came in as Governor, inheriting a huge deficit, and turning it into a surplus and making Virginia the best-managed State in the country. Governor Kaine moved in and continued that tradition, even under much more difficult economic times, of fiscal responsibility and sanity. So we know that this can be done because we have seen Democrats do it at the national level, and we have seen Democrats do it at the State level.

We have taken steps in this body to move in the right direction. I think the budget should have gone further which is why I didn't support it. But let there be no doubt that we turned this ship around from unending deficits to cutting those deficits in more than half in the next 5 years. This is the decent thing to do. It is the right thing to do.

But in addition to the budget deficits that were run up in recent years, there was also a running up of a jobs deficit. We hear people talking now, worried suddenly about the jobs we could lose by getting in front of the energy economy. What about the jobs we have already lost? My colleague, Mr. CONNOLLY, has already spoken to how many millions of jobs have already gone overseas, good paying, advanced manufacturing jobs, engineering jobs, that could have been here if this body had the courage and the leadership to look forwards and not backwards.

Again, both parties have been part of trade deals that I think have been a bad bargain for the American worker. But let us have no doubt that there are those in this body now ready to have the courage to be ahead of the next big jobs boom and make sure that those next generation of jobs will be created here in the United States as we move towards a balanced budget, the kind of business climate where people want to locate and where we dare the American consumer and American business leaders to lead, to innovate, to create, to be at the forefront of that new energy economy.

This jobs deficit that has been created hand in hand with our budget deficit is one we can conquer. I believe we have taken great steps already in this Congress to put ourselves at the forefront of science, of research, of green energy. I come from an area of the country that has a great deal of pain right now. We have more than 20 percent unemployment in some of the towns in our districts as factories have gone overseas.

As we look at the possibility for alternative energies, energy efficiency technology, smart grid technology, advanced battery manufacturing, I believe our side has the courage to say America can do that better than anybody else. I believe southside Virginia can do that better than anyone else. But we will not get it by continuing the moral deficit we have had in our politics in recent years that puts the easy ahead of what is right. That puts partisan gains of right and left ahead of right and wrong.

The Democrats have a strong track record of fiscal responsibility in my State of Virginia and here in this body. We have begun a path that I hope we will continue to march down toward fiscal responsibility that will generate the jobs and the economic competitiveness that this country needs.

So I rise today hopeful and happy that we are part of that new change here to bring back and close in this time, to close the moral deficit, close the jobs deficit, and close the budget deficit and restore the kind of responsibility that future generations deserve.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 4 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

One God and Father of all, we ask You to renew Your spirit within us and lift up this Nation in confidence, in determination and transformative thinking.

Members of Congress are distinctly unique individuals representative of America. They are not only racially, religiously and politically different; they are personally and philosophically different, one from another, closest to their families and the people of their districts.

Yet by coming here, they are called to form one body, to guide and protect this Nation as a whole. By unfolding before their very eyes the depth and variety of human needs and by seeking a common response to economic and social concerns, may they become Your instrument to breathe hope in Your people and sustain perseverance in the historical institutions of this great Nation, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. PAULSEN) come forward and lead the House in the Pledge of Allegiance.

Mr. PAULSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AIRSPACE REDESIGN OVER CONNECTICUT, NEW YORK AND NEW JERSEY

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, I rise today to talk about the FAA's redesign of the airspace over Connecticut, New York and New Jersey. Plans for this redesign have moved forward, certainly in my district, without proper and appropriate input from the stakeholders and from my constituents affected by this move.

Planes are being rerouted to fly over southwestern Connecticut upon descent into New York's airports, and my constituents have been subjected to unnecessary and unprecedented levels of noise in their homes and places of business. A day does not go by that I don't hear this concern from my constituents.

Later this week I will be submitting an amendment along with my colleagues Congressman SESTAK and Congressman ENGEL during floor consideration of H.R. 915, the FAA reauthorization bill. This amendment will call simply for a cost-benefit analysis to be performed before the redesign proceeds any further.

The amendment will require the cost-benefit analysis to take into account direct costs as well as the indirect costs of alleviating the noise that so affects my constituents.

I urge my colleagues to support this commonsense amendment to the FAA reauthorization bill.

MEDICAL RIGHTS ACT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, many are concerned about waiting lines that would come with a government health care program, and their fears are well-founded. Canada and Europe restrict care for patients, especially the elderly.

The President has outlined three principles for his bill: lower cost, choice and access. I support these goals; and to back them, the President should also endorse the Medical Rights Act.

Congressman DENT and I will introduce the Medical Rights Act tomorrow. Our legislation is founded on this: The Congress should make no law that blocks the decisions of American patients made with their doctor.

If patients are our prime focus, then their rights should be protected in law. If we do not enact the Medical Rights Act, patients will be at risk when the government denies care, as routinely happens in Canada.

Once denied government care, many Canadians find doctors in America. If Congress orders the government to take over America's health care system, then where will we be able to drive once denied from a government health care system?

To prevent the mistakes of Canada and Britain, Congress should enact the Medical Rights Act.

REDUCING THE DEFICIT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, Congress and the President continue to work together to strengthen our economy and begin the process of reducing the mountain the debt that has accumulated over the past 8 years.

We enacted a budget that reduces the deficit by two-thirds over the next 4 years and by hundreds of billions over the next year alone. We made the necessary hard choices to dig our way out of the hole we inherited by eliminating programs that don't work and holding government contractors accountable for every penny they spend.

We are addressing the issues that are driving our long-term deficit. By making health care more affordable for every American, reducing our dependence on foreign oil, and improving our education system to be more globally competitive, we're taking the necessary steps today to ensure that we correct the fiscal mistakes of the past and don't just send the bill along to future generations.

CLOSING AUTOMOBILE DEALERSHIPS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, recently the President's automobile task force eliminated more than 3,000 Chrysler and GM dealerships nationwide. These dealerships are small businesses with an average of 52 good-paying jobs each.

So the actions by the Federal Government, not the private auto industry, just put over 150,000 people out of work with the wave of a government wand. Most troubling is that the government's decision on which dealers would close appears to be arbitrary, and the reasons are not being shared with the public.

In my district, a long-time local dealer, Bill Mason's Chrysler Jeep in Excelsior, was given 30 days by the President's auto task force to shut its doors. Thirty days. It didn't matter that he built the business, owns the land and provides good-paying jobs.

Mr. Speaker, it is wrong to let Washington bureaucrats pick winners and losers without public notice at the expense of thousands of jobs.

RESTORING FISCAL ACCOUNTABILITY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Democrats have been committed to fiscal responsibility since taking control of the House in 2007. The President's budget calls for health care reform, job creation, a clean environment, energy efficiency, and college affordability to be completely deficit neutral.

We are constantly reviewing the progress and spending of our recovery programs to ensure a strong return on every public dollar spent. We're also working to cut programs that don't work or government contracts that don't deliver for the American people. We're working hard to reform our Nation's health care system, which will reduce the deficit, save money for consumers, and improve efficiencies in the health care system.

In a key step, we scheduled oversight hearings and carefully reviewed all Federal spending within the committee's jurisdiction to eliminate waste, fraud and abuse.

I applaud President Obama and the Democratic Congress for taking these critical steps and we will continue working with him to reduce our Nation's deficit and debt.

A TRIBUTE TO THE WILKES VFW POST 1142 HONOR GUARD

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to pay tribute to the Wilkes County, North Carolina, VFW Honor Guard. This band of brothers has faithfully served the veterans and families of Wilkes County for the past 12 years by honoring the lives of deceased veterans in Wilkes County.

Every member of the Honor Guard volunteers his time throughout the year to execute the Honor Guard's primary duty of performing military funeral rights for deceased veterans. Their commitment to those who have served our Nation demonstrates that they not only understand and revere the life of sacrifice chosen by those who serve in the Armed Forces, but they also know the toll military service takes on the family of veterans.

In paying their respects to deceased veterans, the Wilkes VFW Honor Guard is offering a tangible thank you to veterans' families and also preserving an American tradition of marking the death of veterans with dignity and respect.

I commend the Wilkes VFW Honor Guard members for their selfless service to their community and their Nation. They are true patriots.

55TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, on Sunday this Nation recognized the 55th anniversary of a great Supreme Court case—Brown v. Board of Education of Topeka. That case overruled a case called Plessy v. Ferguson, which legalized segregation in this country.

The people who brought about the Brown v. Board of Education effort did much to start the civil rights movement and kindled a spirit and a spark in America that has led to more equal justice and a better nation that we are continually improving upon.

John Hope Franklin, who recently died and has been honored by this House, researched the law on the subject; and Thurgood Marshall, who later became a United States Supreme Court Justice, argued the case on behalf of the NAACP Legal Defense Fund.

On this, the 55th anniversary of that historic case that kindled a movement in this country that went from the streets and the churches to this Congress, we need to recognize those who have fought so valiantly for justice and liberty and civil rights in this Nation. I appreciate their efforts and what they've done for our Nation.

CALIFORNIA BAILOUT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the State of California boasts the highest tax rates, the highest number of unemployed residents, the lowest credit rating and largest deficit in the United States of America.

Businesses are leaving the State in droves because the tax burden continues to hammer them. Spendacrats in California have been running their State for decades, just like the new left government in D.C. wants to run the entire country: tax and borrow and spend and spend.

Some spendacrats in D.C. want the American taxpayer to bail out California by cosigning a guarantee for their municipal bonds, placing the full faith and credit of the United States taxpayer on the hook.

Texas taxpayers and other States with responsible government shouldn't be forced to send their money to a State that mismanages its money, wastes its resources and spends money it doesn't have on programs that don't work. Why doesn't California cut its spending binge and addiction to government programs rather than expect the rest of us to bail them out?

Next we'll hear that taxpayers will make money off the California bailout investment, just like we were promised would happen with all the money we gave Wall Street. Yeah, right.

And that's just the way it is.

FOCUS ON RENEWABLE ENERGY

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. In 2007 when I announced that I would be running for Congress, people were surprised to find an oilman like myself campaigning on a platform that emphasized energy independence through a focus on renewable energy. But I told people in Hobbs, Roswell, Carlsbad and across southern New Mexico that technologies like wind, solar and biofuels were not only good for the environment but would also create jobs in our communities and bolster our national security.

One area in which we can do a lot of good is biofuels. My State of New Mexico is fortunate to have several biofuel organizations on the cutting edge of research. Both private companies and the national labs in my State are making excellent progress towards commercially producing oil from algae and other green sources.

The United States currently uses 20 million barrels of petroleum each day. American biofuels producers are aiming to reach 1 million barrels a day of biofuel production, which will really be sending a message to OPEC that America is serious about her energy independence.

□ 1215

QUALITY SOLUTIONS FOR PATIENTS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, over the weekend, I was privileged to give the weekly Republican address. And as a doctor, I've seen firsthand the difficult challenges that face health reform, and at first glance, the task really seems daunting. However, working together we can achieve real results for the American people. We can lower out-of-pocket costs for families and reduce the Federal deficit, which is ballooning out of control. We can increase the quality of care by increasing the choices and information patients have in order to work with their doctor, the doctor they choose to decide the best care possible. Let's begin by ensuring families can keep their current coverage, as the President has promised to do. Then we can work to lower the cost of health care by giving patients flexibility and choice rather than one-size-fits-all, government-run health care. Working together, we can achieve real results and make health care more affordable and accessible.

We all agree, improving our system will make America more competitive and give families peace of mind. Let's work together to put the doctor and patient back in control.

RESTORING FISCAL RESPONSIBILITY

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, after 8 years of economic policies that have left our Nation's fiscal house awash in red ink, this Congress is taking important steps to restore fiscal responsibility. We inherited a fiscal and economic mess that included soaring unemployment, a record deficit and a

housing crisis. Faced with the worst recession in a generation, this Congress took unprecedented action in an effort to end our economic slide and turn our economy around.

First was the recovery package that invested in needed infrastructure and provided tax relief to 95 percent of working Americans. And now, with a budget that calls for health care reform, job creation, clean energy and investments in education, we will grow our economy while cutting the deficit by two-thirds over the next 5 years. By providing real oversight and honest accounting and with a commitment to fiscal responsibility, we are changing the way business is done in Washington.

NATIONAL ENERGY TAX KILLS JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it is troubling that with so many other strategies to move our country to a cleaner energy future, there are still some advocating that we impose a national energy tax. This tax will attack the budgets of American families, costing an extra $3,000 each year. And it will drive businesses and the jobs they create overseas.

The administration and Democratic Congress who claim to be opposed to offshoring of American jobs are encouraging companies to leave America. This Nation does not need to impose new taxes on its citizens to achieve the common goal of a clean energy future. We have the natural resources here that can provide the revenue and the bridge to that future. We have the scientists and entrepreneurs that will create the next generation of energy resources. And we have the citizens who understand the benefit to their lives and to their budgets of commonsense conservation. We should explore, innovate and conserve, not tax and eliminate jobs.

In conclusion, God bless our troops, and we will never forget September the 11th and the global war on terrorism.

PAYING TRIBUTE TO CLAUDINE WILLIAMS, A TRUE LAS VEGAS PIONEER

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. I rise today to pay tribute to a dear friend and a true Las Vegas pioneer, Claudine Williams, who died last week at the age of 88. Claudine was a smart, savvy, tough businesswoman with a heart of gold and a true commitment to the community she helped shape into the 21st century, Las Vegas, known around the world. As the first woman to own and run a casino on the Las Vegas Strip, the famous Silver Slipper, Claudine redefined Nevada's gaming industry and in the process opened the doors for countless others to follow in her footsteps. She was a generous philanthropist, contributing millions of dollars to local charities. And while she had very little formal education herself, she was a major contributor and supporter to the University of Nevada Las Vegas.

Claudine was a gracious hostess for the millions she welcomed through the doors of her successful hotel casinos. Claudine was truly one of a kind. She is irreplaceable. She will be missed. But her charitable contributions and the many lives this fabulous woman touched both inside and outside the gaming industry will continue to enrich Las Vegas for decades to come. I loved her. She is truly a dear woman. And I will miss her terribly.

NATIONAL SMALL BUSINESS WEEK

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today during National Small Business Week on behalf of the millions of small businesses across the country.

As a family business owner and chairwoman of a Small Business subcommittee, I know firsthand that these small firms are the driving force behind job creation and our economic recovery. Therefore we have an obligation to assist these hardworking Americans during these difficult times.

The Recovery Act was an important first step generating $21 billion in new lending and investment opportunities for entrepreneurs. However, we must go further and relieve the pressure small businesses experience from the skyrocketing cost of health insurance. Finally, we must help small businesses get the resources they need like those found in the Job Creation Through Entrepreneurship Act that the House will take up this week.

Mr. Speaker, small businesses are critical both to job creation and our Nation's recovery. During National Small Business Week, Congress should renew our commitment to giving them the assistance they deserve.

CONGRATULATING AVERETT UNIVERSITY IN DANVILLE, VIRGINIA

(Mr. PERRIELLO asked and was given permission to address the House for 1 minute.)

Mr. PERRIELLO. Mr. Speaker, yesterday the House unanimously passed a resolution I was pleased to introduce in recognition of Averett University's 150 years of service and leadership to the Commonwealth of Virginia and the Nation. Averett University stands at the center of knowledge and innovation in southern Virginia. Founded in historic Danville in 1859, Averett stands as a testament to the virtues of progress and opportunity.

It began as a school for young women at a time when educating women was an unconventional notion. Continuing in this spirit, Averett was among the first colleges in Virginia to give tangible meaning to the terms ''lifelong learning'' and ''career education'' by creating an accelerated program of higher learning for working adults.

Today Averett has an enrollment of over 2,500 students and offers 32 major academic fields of study. The university was recently recognized nationally by U.S. News and World Report as one of the leading baccalaureate-granting colleges in the South. For over 150 years, Averett University has contributed to the strength of our Nation by providing men and women with the tools of thought and the spirit of service.

I congratulate them on this accomplishment and look forward to their next chapter.

HONORING THE REVEREND JOHN PRATT

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. I rise to talk about the passing of Rev. John Pratt of the Zion Shiloh Baptist Church in Brooklyn, New York. He pastored that church for 30 years. John Pratt is going to be missed in the Borough of Brooklyn. He was the kind of person that was always involved in community efforts. Whatever you needed to have done, John Pratt was a person that you could count on. Not only that, he was unusual in many ways, because you could talk to him and, of course, he wouldn't call a press conference on you. You just could have a discussion with him and then he would do whatever it was, and you didn't have to worry about him calling a big press conference to let the world know that you had asked him to do something.

He was the kind of person that was able to pull people together. He was a coalition builder. We are going to miss John and his coalition skills because he could talk to anybody at any point in any time. And that was the thing that he was able to do so well.

I will never forget that when my mother passed, how John was there on behalf of my family. So let me say to the Pratt family that you have my support in every way. If there is anything I can do, just let me know. I would be delighted to do it, because he was there for me, and I want to be there for you.

FISCAL RESPONSIBILITY

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, I want to talk this morning about a matter of

great importance to the American people. As this new Congress and President Obama begin to repair and reshape our economy, I think it is critically important for Americans to know and remember how we got into this mess we find ourselves in today.

President Obama and this Congress inherited a fiscal mess from the Bush administration, including a record deficit and soaring unemployment. Since taking control of the House in 2007, Democrats have committed to restoring fiscal responsibility, taking steps to cut waste, fraud and abuse. The President's budget slashes the deficit by nearly two-thirds in 4 years. The budget also calls for health care reform, job creation, clean energy and energy efficiency, and college affordability.

We will continue to work to repair the damage of the last 8 years of irresponsibility.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ENHANCED OVERSIGHT OF STATE AND LOCAL ECONOMIC RECOVERY ACT

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2182) to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted pursuant to such Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2182

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 ''Enhanced Oversight of State and Local Economic Recovery Act''.

SEC. 2. REQUIREMENTS FOR FUNDING FOR STATE AND LOCAL OVERSIGHT UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) FEDERAL AGENCY REQUIREMENT.—Section 1552 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 297) is amended—

(1) by inserting ''(a) FEDERAL AGENCY REQUIREMENT.—'' before ''Federal agencies receiving'';

(2) by striking ''may,'' and all that follows through ''reasonably'' and inserting ''shall, subject to guidance from the Director of the Office of Management and Budget,''; and

(3) by striking ''data collection requirements'' and inserting ''data collection requirements, auditing, contract and grant planning and management, and investigations of waste, fraud, and abuse''.

(b) STATE AND LOCAL GOVERNMENT AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

''(b) STATE AND LOCAL GOVERNMENT AUTHORITY.—Notwithstanding any other provision of law, State and local governments receiving funds under this Act may set aside an amount up to 0.5 percent of such funds, in addition to any funds already allocated to administrative expenditures, to conduct planning and oversight to prevent and detect waste, fraud, and abuse.''.

(c) CONFORMING AMENDMENT.—The heading for section 1552 of such Act is amended to read as follows:

''SEC. 1552. FUNDING FOR STATE AND LOCAL GOVERNMENT OVERSIGHT.''.

SEC. 3. AUTHORIZATION FOR ACQUISITION BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES.

Section 502 of title 40, United States Code, is amended by adding at the end the following:

''(e) USE OF SUPPLY SCHEDULES FOR ECONOMIC RECOVERY.—

''(1) IN GENERAL.—The Administrator may provide for the use by State or local governments of Federal supply schedules of the General Services Administration for goods or services that are funded by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

''(2) VOLUNTARY USE.—In the case of the use by a State or local government of a Federal supply schedule pursuant to paragraph (1), participation by a firm that sells to the Federal Government through the supply schedule shall be voluntary with respect to a sale to the State or local government through such supply schedule.

''(3) DEFINITIONS.—The definitions in subsection (c)(3) shall apply for purposes of this subsection.''.

SEC. 4. DEFINITION OF JOBS CREATED AND JOBS RETAINED.

Section 1512(g) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 288) is amended by adding at the end ''The Director of the Office of Management and Budget shall issue guidance to ensure accurate and consistent reporting of 'jobs created' and 'jobs retained' as those terms are used in subsection (c)(3)(D).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 2182, the Enhanced Oversight of State and Local Economic Recovery Act. H.R. 2182 will help ensure efficient and effective use of the taxpayers' money provided to State and local governments for stimulus projects. This legislation grew out of a hearing the Oversight Committee held on the Recovery Act. Many State and local officials responsible for overseeing spending of stimulus dollars pointed out to us that in these troubled economic times, they are under tremendous pressure to conduct their normal oversight work, let alone cope with the increase that the Recovery Act requires.

Our hearings, Mr. Speaker, made clear, that State and local governments need additional resources to monitor the large infusion of funds the Recovery Act directs. H.R. 2182 will provide State and local governments with the flexibility to set aside a portion of their stimulus funds for auditing, contract and grant planning and management, and investigations of waste, fraud and abuse.

The bill also permits State and local governments to use the Federal supply schedules of the General Services Administration for stimulus projects. The GSA schedules are prenegotiated Federal contracts for a range of common goods and services.

This is a win-win situation because it will allow State and local governments to acquire certain items without engaging in time-consuming contracting procedures while guaranteeing the lowest rate price for them.

Lastly, H.R. 2182 requires the Office of Management and Budget to give detailed guidance to State and local governments to ensure consistency in their reporting of job creation data. Our State and local governments are on the front lines of the efforts to fight mismanagement of Recovery Act dollars. Their success is vital to making the stimulus work for the American people.

Let me pause here and thank Ranking Member ISSA, who has worked very closely with me in crafting this legislation, and I want to thank him for that. I would also like to thank Representative KUCINICH, who has worked with us, Representative PLATTS, and Representatives WELCH and CONNOLLY for working with me on this bill.

I should note that the legislation incorporates part of H.R. 1911, which was introduced by Representative CONNOLLY from Virginia. H.R. 2182 is a strong bill. I urge all Members to support this critical oversight and accountability measure.

And I reserve the balance of my time.

□ 1230

Mr. ISSA. Thank you, Mr. Speaker. I yield myself such time as I may consume.

I join with the chairman in urging all Members to vote for this important correction piece of legislation. I say ''correction'' because, in fact, we in Congress make mistakes. It wasn't out of malice that we spent $800 billion without asking the question of where would the money for oversight come from. These kinds of things happen in every organization where you're in such a rush to do one thing that it's not until later on in the light of the next day, or in the case of Chairman TOWNS and myself, it's when we held a field hearing in his district in Brooklyn

and people said, Thank you very much for the money, but here is A, B, C, D—what's really happening? I commend Chairman TOWNS for quickly reacting to this and to some other issues that were found to be less than optimal in the stimulus package.

In the case of this legislation, H.R. 2182, we seek to empower with existing funds State and local governments to not have to reach into other money in order to do oversight. This is not to say that we wouldn't prefer that the oversight be done at all times even without Federal money, but at a time in which the stimulus needs to be spent quickly and accurately, this legislation recognizes that money in short supply in States and in cities is likely not to go into the oversight necessary.

Particularly with the chairman's initiative to ensure that transparency be greater than in any previous Congress, I recognize—and he has recognized—that if we want greater transparency, we are going to have to ensure that we not only supply the funds to do the oversight but that we supply the new technology and means to do the oversight. This legislation is deliberately intended to allow for cities and States to make investments in hardware or software that allows for them to better dig down into their procurement process, their spending, to work smarter, not just harder.

Having no other speakers at this time, I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, in closing, I would like to reiterate my strong support of H.R. 2182 as it provides State and local governments with the flexibility and resources they need to properly monitor the stimulus project. In our hearing, they asked for help, and of course, with Congressman ISSA and with members of the committee, we are now giving them that help. I urge my colleagues to join me in supporting the passage of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 2182.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1170) to amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new assistive technologies for specially adapted housing, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1170

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

SECTION 1. SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 21 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2108. Specially adapted housing assistive technology grant program

''(a) ESTABLISHMENT.—The Secretary shall make grants to encourage the development of new assistive technologies for specially adapted housing.

''(b) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall specify.

''(c) GRANT FUNDS.—(1) The amount of each grant awarded under this section shall be an amount of not more than $200,000 per year.

''(2) For each year in which the Secretary makes a grant under this section, the Secretary shall make the grant by not later than October 1 of that year.

''(d) USE OF FUNDS.—(1) The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

''(2) If the recipient of a grant under this section is awarded a patent related to assistive technology developed with amounts under the grant, the Secretary shall retain not less than a 30 percent interest in such patent.

''(e) REPORT.—Not later than March 1 of each year, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding calendar year, including—

''(1) the name of the grant recipient;

''(2) the amount of the grant; and

''(3) the goal of the grant.

''(f) FUNDING.—From amounts appropriated to the Department for Medical Services for each fiscal year, $2,000,000 shall be available for each such fiscal year for the purposes of the program under this section.

''(g) TERMINATION.—The authority to make a grant under this section shall terminate on the date that is five years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 38, United States Code, is amended by adding at the end the following:

''2108. Specially adapted housing assistive technology grant program.''.

(c) DEADLINE FOR IMPLEMENTATION.—The Secretary shall implement the grant program under section 2108 of title 38, United States Code, as added by subsection (a), by not later than 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1170, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, in about a week, on Monday, May 25, our country will mark the 38th year in which Congress has formally recognized the last Monday of May as Memorial Day in honor of our brave men and women who have made the ultimate sacrifice for our Nation, so I stand before you today with a series of bills to honor our fallen men and women and our current veterans and those on current active duty with deeds and not just with words that we speak on Memorial Day. So we want to honor the legacy of our fallen servicemembers. We look forward to ensuring that our veterans are cared for at the same level of dedication and service that they have provided while in service to our country.

The bills before you today have all come through our Economic Opportunity Subcommittee, chaired by Ms. HERSETH SANDLIN from South Dakota and with her ranking member, Mr. BOOZMAN from Arkansas. They have proven to be a formidable team, a team which works well together, which brings our committee together and which brings us bills that are very important to our veterans today. So I thank both the Chair and her ranking member for all of the good work that they do with our committee.

I think I will yield to Ms. HERSETH SANDLIN to explain the bills because she has played such an important role in them. I will yield to her such time as she may consume.

Ms. HERSETH SANDLIN. Thank you, Mr. Speaker, and I thank the chairman for yielding.

As the chairwoman of the Veterans Affairs' Economic Opportunity Subcommittee, I rise today in strong support of H.R. 1170, as amended. I would like to thank Chairman FILNER, Ranking Member BUYER on the full committee and the sponsor of the bill, and subcommittee ranking member, Mr. BOOZMAN, for their leadership and bipartisan support of this bill, which the full committee passed on May 6.

The bill offers important improvements to the Department of Veterans Affairs' Specially Adapted Housing Program by creating a 5-year pilot program to promote the research and development of adaptive technologies. With many veterans returning from the conflicts in Iraq and Afghanistan with injuries such as traumatic brain injury, it is important that research and development help meet the demand for cost-effective solutions that could mitigate the needs for around-the-clock nursing care or institutionalization for seriously wounded veterans. These solutions can be as simple as ramps or other structural modifications or they can be more complex, such as voice recognition controls for a home's heating system.

Also, H.R. 1170, as amended, gives the Department of Veterans Affairs a 30 percent stake in any patent approved as a result of this grant program. This

measure will allow taxpayers to receive a reasonable return on their investment as well as to promote creativity and ingenuity among the designers and inventors working with the VA on these grants.

The Specially Adapted Housing Program has been a tremendous help to many veterans, and it is expected to fund 1,250 projects in 2010. This bill will expand and improve this program, and it is a wise investment in our veterans.

I thank Chairman FILNER for noting the working relationship that I have with the distinguished ranking member, Mr. BOOZMAN of Arkansas. When he once chaired the subcommittee, we worked together then and continue to work today on a whole host of programs, particularly housing for our disabled veterans in light of the current needs of veterans and their families.

I want to thank Mr. BOOZMAN for sponsoring this important bill, and I encourage my colleagues to support H.R. 1170, as amended.

Mr. BOOZMAN. I yield myself as much time as I may consume.

Mr. Speaker, on February 25, 2009, I, along with Congresswoman STEPHANIE HERSETH SANDLIN, introduced H.R. 1170, which would amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new, assistive technologies for specially adapted housing. H.R. 1170, as amended, would authorize the VA to use up to $2 million per year to provide grants of up to $200,000 to expand research and development in the areas of adaptive technologies that can be used in the VA's Specially Adapted Housing Program.

The goal of VA's specially adapted housing benefit is to enable severely disabled veterans to live in a home with modifications that make daily life and daily living easier—typical adaptations or structural modifications such as ramps, wider halls and doors, grab rails, and lower counters. Yet there are many emerging technologies that lend themselves well to improving the livability of adapted homes. Some examples of possible home modifications are voice recognition and voice-commanded operations, integrated computer-managed functions, alternative human computer interfaces, living environment controls, adaptive feeding equipment, fall prevention devices, and recreation assistance equipment.

Finally, the bill includes a provision that is a result of funding an R&D program. Under this authorization, the VA would retain a 30 percent interest in any patents evolving from the grant.

I truly appreciate Congresswoman HERSETH SANDLIN in working with me on this very important bipartisan legislation.

Again, Mr. Speaker, I want to thank the chairwoman of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN, committee Chairman FILNER, and Ranking Member STEVE BUYER for moving this bill forward in a timely manner, as well thanking our staffs. I urge my colleagues to support H.R. 1170, as amended.

With that, having no other speakers, I yield back my time.

Mr. FILNER. Mr. Speaker, I just want to conclude by telling the House that, recently, we had a committee meeting to learn more about how new technologies can augment the VA's ability to efficiently meet the adaptive needs of our veterans and improve the healing process. We have a new Secretary of the VA, who has committed himself to transformation. We have a new Deputy Secretary, Mr. Gould, who comes from IBM and who understands how a big organization can innovate. That's going to be an important part of the VA's moving into the 21st century. This is a part of that.

I thank Mr. BOOZMAN for introducing it. I thank Chair HERSETH SANDLIN for working with him to move this along. I recommend that everybody vote for H.R. 1170.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1170, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MANDATORY VETERAN SPECIALIST TRAINING ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1088) to amend title 38, United States Code, to provide for a one-year period for the training of new disabled veterans' outreach program specialists and local veterans' employment representatives by National Veterans' Employment and Training Services Institute.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1088

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 ''Mandatory Veteran Specialist Training Act of 2009''.

SEC. 2. ONE-YEAR PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) ONE-YEAR PERIOD.—Section 4102A(c)(8)(A) of title 38, United States Code is amended by striking ''three-year period'' and inserting ''one-year period''.

(b) EFFECTIVE DATE.—

(1) APPLICABILITY TO NEW EMPLOYEES.—The amendment made by subsection (a) shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who is so assigned on or after the date of the enactment of this Act.

(2) APPLICABILITY TO PREVIOUSLY-HIRED EMPLOYEES.—In the case of such a State employee who is so assigned on or after January 1, 2006, and before the date of the enactment of this Act, the Secretary of Veterans Affairs shall require the State to require, as a condition of a grant or contract under which funds are made available to the State in order to carry out section 4103A or 4104 of title 38, United States Code, each such employee to satisfactorily complete the training described in section 4102A(c)(8)(A) of such title by not later than the date that is one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1088.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, this legislation was introduced by Ms. HERSETH SANDLIN of South Dakota. She has demonstrated her commitment to our Nation's veterans for many, many years. Her work as Chair of the Economic Opportunity Subcommittee, with Mr. BOOZMAN, always bears fruit. H.R. 1088 is one of those bills.

I yield to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) as much time as she may consume to explain the bill.

Ms. HERSETH SANDLIN. Thank you, Mr. Speaker, and I thank the chairman once again.

I rise today in strong support of H.R. 1088, the Mandatory Veteran Specialist Training Act of 2009, which the Economic Opportunity Subcommittee passed on March 19 and which the full committee approved on May 6.

I want to thank again Chairman FILNER, the ranking member of the full committee, Mr. BUYER, and once again the distinguished ranking member of the subcommittee, Mr. BOOZMAN, for their leadership and for, again, their bipartisan support of this bill, which I introduced on February 13, 2009.

The bill would amend title 38 to reduce from 3 years to 1 year the period during which disabled veterans' outreach program specialists or local veterans' employment representatives with the Department of Labor must complete the specialized veterans' employment training program provided by the National Veterans' Training Institute. The National Veterans' Training Institute program is designed to give those specialists the correct skill set that can help veterans so that they can

help veterans with a wide variety of employment services such as transition assistance and case management.

□ 1245

Through several oversight hearings held by the Subcommittee on Economic Opportunity that we have held throughout the 110th and 111th Congresses, we learned it was taking on average 2.5 years before individuals were completing the National Veterans Training Institute Program. This fact, therefore, leaves untrained specialists who don't have the necessary skills trying to help veterans with their employment needs. So this bill takes an important step in the right direction to providing better employment assistance to those who have bravely served their country.

Again, I thank Chairman FILNER for his support of this important bill, and I urge my colleagues to support this bill.

Mr. BOOZMAN. I yield myself such time as I may consume.

Mr. Speaker, providing first-class employment services to veterans is the most basic way to ensure they can support themselves and their families, and that is why I rise in strong support of H.R. 1088, the Mandatory Veteran Specialist Training Act of 2009. This measure would amend title 38 of the United States Code to provide for a 1-year period for the training of new disabled veterans' outreach program specialists and local veterans' employment representatives by the National Veterans' Employment and Training Services Institute.

H.R. 1088 was introduced by our distinguished colleague, the chairwoman of the Subcommittee on Economic Opportunity, STEPHANIE HERSETH SANDLIN, on February 13, 2009. Mr. Speaker, I was pleased to work with Ms. HERSETH SANDLIN in the 109th Congress to begin the process of improving the training levels of State and employment service staff. We did that because there was a significant backlog of untrained staff and we needed to give States adequate time to train their veterans' employment staff that were paid for with Federal funds. Together, we passed legislation to require State employment services to send their disabled veterans' outreach program specialists—or DVOPS—and local veterans' employment representatives through basic job placement training within 3 years.

States have had sufficient time to meet the initial training backlog, and we should now require that employment specialists be trained within a shorter period of time to ensure veterans' employment staff is trained properly and promptly after being hired by the State employment service.

Again, I appreciate Ms. HERSETH SANDLIN for bringing this forward. I think it's an excellent bill.

Having no other speakers, I want to thank committee Chairman FILNER and Ranking Member STEVE BUYER, along with our staffs, and urge my colleagues to support H.R. 1088.

With that, I yield back my time.

Mr. FILNER. I, again, thank the chair and the ranking member, and I urge all of my colleagues to unanimously support H.R. 1088, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1088.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS EMPLOYMENT RIGHTS REALIGNMENT ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1089) to amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1089

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 ''Veterans Employment Rights Realignment Act of 2009''.

SEC. 2. ENFORCEMENT THROUGH OFFICE OF SPECIAL COUNSEL OF VETERANS' EMPLOYMENT OR REEMPLOYMENT RIGHTS WITH RESPECT TO EMPLOYERS THAT ARE FEDERAL EXECUTIVE AGENCIES.

(a) ENFORCEMENT OF RIGHTS THROUGH OFFICE OF SPECIAL COUNSEL.—Section 4322 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1)(A) A person described in subparagraph (B) may file a complaint with the Secretary, and the Secretary shall investigate such complaint.

''(B) A person described in this subparagraph is a person who claims that—

''(i) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer other than an employer that is a Federal executive agency; and

''(ii) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.

''(2)(A) A person described in subparagraph (B) may file a complaint with the Special Counsel established by section 1211 of title 5.

''(B) A person described in this subparagraph is a person who claims that—

''(i) such person is entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer that is a Federal executive agency; and

''(ii)(I) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter; or

''(II) such employer or the Office of Personnel Management has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.'';

(2) by striking subsections (d) and (e) and inserting the following new subsections (d) and (e):

''(d)(1) The Secretary shall investigate each complaint submitted pursuant to subsection (a)(1). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall attempt to resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

''(2) If the efforts of the Secretary with respect to any complaint filed under subsection (a)(1) do not resolve the complaint, the Secretary shall notify the person who submitted the complaint of—

''(A) the results of the Secretary's investigation; and

''(B) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4323.

''(e)(1) In the case of a complaint filed under subsection (a)(2), the Special Counsel shall investigate the complaint. If the Special Counsel determines as a result of the investigation that the action alleged in such complaint occurred, the Special Counsel shall attempt to resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

''(2) If the efforts of the Special Counsel with respect to any complaint filed under subsection (a)(2) do not resolve the complaint, the Special Counsel shall notify the person who submitted the complaint of—

''(A) the results of the investigation by the Special Counsel; and

''(B) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4324.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such title is further amended—

(1) in section 4322(b), by striking ''Such complaint'' and inserting ''Each complaint filed under subsection (a)'';

(2) in section 4323(a)—

(A) in paragraph (1), by striking ''section 4322(e)'' and inserting ''section 4322(d)(2)''; and

(B) in paragraph (3)(A), by striking ''section 4322(a)'' and inserting ''section 4322(a)(1)'';

(3) in section 4324—

(A) in subsection (a)(1)—

(i) in the first sentence, by striking ''Secretary'' each place it appears and inserting ''Special Counsel'';

(ii) by striking ''section 4322(e)'' and inserting ''section 4322(e)(2)''; and

(iii) by striking the second sentence; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking ''Secretary'' and inserting ''Special Counsel''; and

(II) by striking ''section 4322(a)'' and inserting ''section 4322(a)(2) of this title''; and

(ii) in paragraph (2)—

(I) by striking ''Secretary'' and inserting ''Special Counsel''; and

(II) by striking ''section 4322(e)'' and inserting ''section 4322(e)(2) of this title'';

(4) in section 4325(c), by striking ''section 4322(d)'' and inserting ''section 4322(d)(1)''; and

(5) in section 4326—

(A) in subsection (a), by inserting ''or the Special Counsel's'' after ''Secretary's''; and

(B) by striking ''Secretary'' each place it appears and inserting ''Secretary or the Special Counsel''.

(c) CONFORMING REPEAL.—The Veterans Benefits Improvement Act of 2004 (Public Law 108–454) is amended by striking section 204.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to complaints filed on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I would yield myself such time as I may consume and again thank our dynamic duo on the Economic Opportunity Subcommittee for bringing us another bill which will protect the rights of our veterans and especially in job opportunities.

I yield as much time as she may consume to the gentlelady from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. Thank you, Mr. Chairman, for being so supportive of the work of the subcommittee.

I rise today in strong support of H.R. 1089, as amended, the Veterans Employment Rights Realignment Act of 2009, which the Economic Opportunity Subcommittee passed on March 19 and the full committee approved on May 6.

Once again, we wouldn't be able to consider this bill today if not for the support and leadership of the chairman and ranking member both of the full committee as well as Mr. BOOZMAN on the subcommittee. And we introduced this bill on February 13, 2009, again in response to a number of hearings that were held in the 110th Congress.

The bill would amend title 38 of the U.S. Code to move the enforcement of the Uniform Services Employment and Reemployment Rights Act—known as USERRA—to the enforcement of those protections, USERRA protections, of veterans and members of the armed services employed by Federal executive agencies to the U.S. Office of Special Counsel.

The Office of Special Counsel is an independent Federal investigative and prosecutorial agency that was created by Congress with the goal of protecting employees, former employees and applicants for employment from prohibited personnel practices.

Under a demonstration project established by Public Law 108–454, the Office of Special Counsel investigated some Federal sector USERRA claims from 2004 until 2007. This demonstration project showed that the Office of Special Counsel had the expertise and ability to quickly obtain corrective action for federally employed veterans.

By granting the Office of Special Counsel initial jurisdiction over all of these Federal USERRA claims, we give claimants a single agency to investigate and resolve their complaint. This will be more efficient than the current circumstance where first the Department of Labor investigates the claim, and then the claim is then transferred to OSC at the veteran's request if the Department of Labor fails to find a resolution, which then prompts a second investigation.

So, again, I want to thank the chairman, Chairman FILNER, for his support. I also want to thank Congresswoman KIRKPATRICK for her amendment during the subcommittee consideration of the bill that clarified the role of the Office of Special Counsel in this important piece of legislation. Again, I encourage my colleagues to support H.R. 1089.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1089 as amended, the Veterans Employments Rights Realignment Act of 2009 which would amend title 38, United States Code, to provide for the investigation and enforcement of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies through the Office of Special Counsel and for other purposes.

This bill was introduced by the chairwoman of the Subcommittee on Economic Opportunity, Ms. STEPHANIE HERSETH SANDLIN, on February 13, 2009. Mr. Speaker, as I stated earlier today when speaking about H.R. 466, as amended, the Uniform Services Employment and Reemployment Rights Act provides significant protections to veterans returning to civilian employment. In the past, enforcement of these rights was limited to the Department of Labor's veterans employment and training services—VETS. Unfortunately, the VETS case investigation and enforcement process took too long and the 108th Congress required a comparison of the time it took the Office of Special Counsel and VETS to process employee claims involving Federal agencies.

I believe that having the Office of Special Counsel handle all Federal claims is the right way to go because of their expertise in dealing with Federal agencies in other similar matters.

I am hopeful that H.R. 1089, as amended, will not only shorten the time it takes to complete action on the case but that veterans will ultimately see a friendlier Federal bureaucracy when it comes to veterans returning to their former Federal employer.

I appreciate Ms. HERSETH SANDLIN's leadership in this area in bringing forward this important legislation. I want to thank Chairman FILNER and Ranking Member STEVE BUYER in moving this bill in a timely manner.

And having no further speakers, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1089, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I ask my colleagues to unanimously support H.R. 1089, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1089, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING ALL AMERICANS AND PEOPLE OF ALL NATIONALITIES TO VISIT THE NATIONAL CEMETERIES, MEMORIALS, AND MARKERS ON MEMORIAL DAY

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 360) urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers on Memorial Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 360

Whereas the United States has fought in wars outside and inside of its borders to restore freedom and human dignity;

Whereas the United States has spent its national treasure and shed its blood in fighting those wars;

Whereas the National Cemetery Administration of the Department of Veterans Affairs maintains 128 national cemeteries that serve as the final resting place for nearly 3,000,000 veterans and their dependents;

Whereas each year, millions of Americans visit the national cemeteries, memorials, and markers;

Whereas overseas sites annually recognize Memorial Day with speeches, a reading of the Memorial Day Proclamation, wreath laying ceremonies, military bands and units, and the decoration of each grave site with the flag of the United States and that of the host country; and

Whereas these splendid commemorative sites inspire patriotism, evoke gratitude, and teach history: Now, therefore, be it

Resolved, That the House of Representatives strongly urges Americans and people of all nationalities to visit national cemeteries, memorials, and markers on Memorial Day, where the spirit of American generosity, sacrifice, and courage are displayed and commemorated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Thank you, Mr. Speaker. I yield myself as much time as I may consume

I think it is only appropriate, Mr. Speaker, that we bring this resolution to the floor as we approach Memorial Day. The resolution encourages people to visit the cemeteries, memorials, and markers overseen by the American Battle Monuments Commission. Now, that is a commission that I am sure many people have not heard of.

What is the American Battle Monuments Commission, and what do they

do? Back in 1923, Congress created this commission to control the construction of military cemeteries, monuments, and markers erected to honor American servicemembers killed on foreign soil. Host countries provide the necessary lands for the sites to the United States in perpetuity and free of charge.

The commission cares for 24 military cemeteries, 25 memorials, monuments and markers in 15 countries around the world. These sites serve as the final resting place for almost 125,000 Americans who fought in the Mexican-American War, World War I and World War II. The commission takes special care that all cemeteries under its supervision are maintained to the highest standard attainable. The commission extends an open invitation for all to visit these magnificent shrines and to go beyond the most well known, like Normandy, and venture into others.

Each site has its own sense of history, sacrifice and beauty, and each offers a unique experience. For example, no two have the same guard nor architecture. Perhaps only the spiritual qualities are similar. In less than a month from now, on June 6, the commission will commemorate the 63rd anniversary of the D-day landing by opening a new Normandy-American cemetery visitors center. This center, which has been under construction since 2002, will tell the story of the American soldiers memorialized at Normandy.

I encourage all to visit this new D-day center and any of the sites under the jurisdiction of the commission. Overseas cemeteries are the lasting reminders of America's willingness to come to the defense of others. These tangible symbols of American values endure long after the fighting is over.

Mr. Speaker, I would reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I rise in strong support of H. Res. 360 urging all Americans and people of all nationalities to visit the national cemeteries, memorials and markers on Memorial Day. This legislation was sponsored by our colleague from Tennessee and a new and very active member of the Veterans Affairs' Committee, Congressman David Roe, on April 23, 2009, and we all appreciate him bringing this forward.

Mr. Speaker, properly honoring a veteran's memory is one of our most solemn obligations. These patriots are due the final tribute of a grateful Nation. Here in the U.S., the National Cemetery Administration of the Department of Veterans Affairs cares for 128 national cemeteries that serve as the final resting place for over three million of our Nation's veterans and their dependents. The National Park Service cares for 14 veterans' cemeteries as well.

But it's not just here in the United States that our fallen are honored. The overseas national cemeteries of the American Battle Monuments Commission provide our Nation's heroes an honored repose in national shrines far from the homes they left in order to protect democracy. These overseas cemeteries have become the gold standard in memorializing the precious gift to us by those who fell in our defense.

□ 1300

The commission oversees 24 overseas military cemeteries that serve as resting places for almost 125,000 American war dead. Tablets of the missing memorialize more than 94,000 U.S. servicemen and -women as well as 25 memorials, monuments and markers.

These memorials and cemeteries are mute testimony to the sacrifices of Americans who fought in battles across the globe such as Flanders Field, Belgium; Manila, Philippines; North Africa, Tunisia; Sicily-Rome, Italy; Corozal, Panama; Lorraine, France; Mexico City, Mexico; and Normandy, France.

Mr. Speaker, with Memorial Day less than a week away, this is a most fitting time to consider this resolution. I ask all my colleagues to support it, and I look forward to its passage.

With that, I reserve the balance of my time.

Mr. FILNER. I continue to reserve.

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he would require to the author of the resolution, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Speaker, I rise in support of House Resolution 360, urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers this Memorial Day.

Following a tradition begun in 1868, our Nation will pause this Monday in remembrance of those who have sacrificed their lives in defense of our free Republic. Fond mourners and friends will set flowers and flags on the graves of the fallen. Our flag, flown at half staff since sunrise, will at noon be raised high and those gathered will be called to pledge allegiance. A bugle will sound Taps, and we will make another pledge: to aid the widows, widowers, and orphans of our heroic dead, and our disabled veterans.

There is no central location for this observance. Our servicemembers' final resting places are in all our towns and communities. The National Cemetery Administration of the Department of Veterans Affairs maintains 128 national cemeteries in 39 States and Puerto Rico. One of those cemeteries is in my hometown of Johnson City, Tennessee. The Department of the Army maintains Arlington National Cemetery and the U.S. Soldiers' and Airmen's Home National Cemetery.

Americans have died defending liberty around the globe and have been laid to rest far from home. The American Battle Monuments Commission oversees 24 military cemeteries abroad where 125,000 of our war dead remain.

The freedoms we enjoy today, the freedoms enjoyed by a civilized Europe, and those free from despots rising to national power are the proof these men and women did not die in vain. This sacrifice should be celebrated, and never forgotten.

Not all who serve perish fulfilling their duty. They return to us as veterans and deserve our thanks and a commitment to serve them. We erect monuments and markers and make pilgrimages there to honor them.

That is this resolution's call. Congress should urge Americans to visit these cemeteries, these monuments and memorials, and I as a veteran encourage my colleagues to support this resolution.

Mr. FILNER. Does the gentleman have further speakers?

Mr. BOOZMAN. Yes, I have two more.

Mr. FILNER. I think this may be the first time in American history that a Roe is followed by a Poe, but that's just the way it is. I would reserve the balance of our time.

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, it's been said, ''From this day to the ending of the world, we in it shall be remembered. We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother.'' Shakespeare penned these words in Henry V, describing the commitment of a soldier to his fellow soldiers.

I rise today in support of H. Res. 360 which calls on all Americans to honor our veterans by visiting memorials and national cemeteries on Memorial Day. I am proud to cosponsor this very important legislation.

Since 2004, 26 men and women from the Second Congressional District area of Texas have served honorably and given their lives for the cause of freedom in Iraq and Afghanistan. Every time a brave member of America's military from my area dies for this country, I come down to this House floor, and I talk about their lives, their legacy, their family, and those others that they have left behind.

Every year, millions of Americans visit the national cemeteries and the memorials and the war markers all over the United States to remember the men and women who have so courageously fought to defend America's freedom.

Mr. Speaker, in a land far, far away, there are over 9,000 Americans buried in a place called Normandy in France, most of them young teenage boys that left America and went off to war to defend our country. They shed their blood in 1944 for not only us but for those folks in Europe. My father who served in the great World War II as an 18-year-old never talked about his service in Europe until he and Mom visited Normandy and its cemetery 50 years after that important event. He, like many other veterans, is proud to have

served but keeps saying that the heroes are still buried in places throughout the world.

Each Memorial Day all across America, parades are held, wreaths are laid, grave sites are decorated as a tribute to our fallen warriors. On Veterans Day, we remember those who fought and came home, but on Memorial Day, we remember those who fought and did not come home.

The Department of Veterans Affairs preserves 128 cemeteries all over the world that are the final resting place for over 3 million Americans. These national cemeteries and memorials remind us of the warriors who have fought and gave all to protect the rest of us. When called, they went.

I am pleased to support this legislation and urge all Members to approve this resolution.

As Toby Keith so eloquently put it in his tribute to the American soldiers, he said about the American soldier: ''I don't do it for money, there's bills that I can't pay. I don't do it for the glory, I just do it anyway. I'm an American soldier, an American beside my brothers and sisters, I will proudly take a stand. When liberty's in jeopardy I will always do what's right. I'm out here on the front lines, so sleep in peace tonight. I'm an American soldier.''

These warriors, Mr. Speaker, are our sons of liberty and the daughters of democracy. They are our heroes, and they need to be honored and remembered by the rest of us for all time.

And that's just the way it is.

Mr. FILNER. I continue to reserve.

Mr. BOOZMAN. Mr. Speaker, that was my last speaker on the subject.

I want to thank Mr. ROE of Tennessee for bringing this forward in a very timely way and such an important message that we remember those that have sacrificed so much for all of us.

I want to thank Committee Chairman BOB FILNER and Ranking Member STEVE BUYER for allowing us to go forward with the bill, and certainly I want to urge all of my colleagues to support H. Res. 360.

And with that, having no further speakers, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, the United States has fought wars throughout our history to restore both freedom and dignity inside of its own borders, as well as around the world. We have shed our blood and spent our national treasure fighting these wars. On Memorial Day, the Nation is reminded of the phrase spoken constantly, that freedom is not free.

These wonderful commemorative sites that we spoke of today inspire patriotism, invoke gratitude, serve as a permanent and lasting reminder of the sacrifices made by the men and women of the United States military. They are reminders of America's willingness to come to the defense of others, to protect the freedom and liberty of its people, and ensure the prosperity of our Republic.

Mr. Speaker, I urge my colleagues to unanimously support House Resolution 360.

Mr. SALAZAR, Mr. Speaker, I rise today in support of H. Res. 360, a bill encouraging all Americans to honor our veterans by visiting national cemeteries and memorials this Memorial Day.

Since 1862, more than three million burials have been made in VA national cemeteries.

National cemeteries are the testimony of a grateful nation to appropriately commemorate the Americans who have served our nation in the armed forces.

My home state of Colorado has a population of over 427,000 veterans.

I am proud to represent a district that is home to almost 70,000 veterans.

As a veteran myself, I know how much of an honor it was to serve my country during the Vietnam era.

My father, Henry Salazar, was a staff sergeant in the Army during World War II.

Two years after being diagnosed with Alzheimer's, my father came down to breakfast one morning and told us that he wanted to be buried in his uniform.

As I held my father just before he passed away he told me that he loved me and his last word was ''Uniform.''

Throughout the four years that my father lived with Alzheimer's, the two things he never forgot were how much he loved his family and how proud he was to serve his country.

It is this dedication to duty and unyielding commitment that have ensured our freedom and our way of life even in our nation's most troubled times.

The courage and sacrifices of our veterans set a necessary example to our youth and all Americans.

Their stories are important chapters in the history of our nation.

That is why I am working with members of the Colorado delegation to bring a national veterans cemetery to southern Colorado.

Current standards place many VA cemeteries closer to large metropolitan areas.

This is an issue that is faced by veterans in small and rural communities similar to those in the Third Congressional District of Colorado.

I look forward to continue working on issues that improve the lives of our veterans and honor their service.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 360.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING NATIONAL WOMEN'S HEALTH WEEK

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 120) supporting the goals and ideals of National Women's Health Week, and for other purposes, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 120

Whereas women of all backgrounds should be encouraged to greatly reduce their risk of common diseases through preventative measures, such as engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaskan Native women;

Whereas healthy habits should begin at a young age;

Whereas preventative care saves Federal dollars designated for health care;

Whereas it is imperative to educate women and girls about key female health issues;

Whereas it is recognized that offices of women's health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality provide services that support women's health research, education, and other services that benefit women of all ages, races, and ethnicities;

Whereas the annual National Women's Health Week begins on Mother's Day and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2009, the week of May 10 through May 16 is designated National Women's Health Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about the health issues women face;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventative screenings from their health care providers; and

(5) recognizes the importance of Federal, State, and private programs that provide research and collect data on common diseases in women.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentlewoman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H. Con. Res. 120, recognizing National Women's Health Week, and I'd like to commend my colleagues, Mr. HINCHEY and Mrs. BONO MACK, for introducing this legislation.

We have worked together on this recognition for several years now. This year marks the 10th anniversary of National Women's Health Week. It's an opportunity to recognize the progress made in women's health.

Much of this progress is due to the offices of women's health in multiple key Federal agencies. These offices work to promote research on women's health issues and the provision of important women's health services. In fact, the office of Women's Health at the Department of Health and Human Services just celebrated 10 years of the womenshealth.gov Web site.

What this resolution rightly notes is that women's health issues matter throughout a woman's lifespan. Promoting health education among girls and women of all ages will increase healthy behaviors and the use of important preventive screenings and services.

This resolution also notes that there are significant disparities among women of different racial and ethnic backgrounds and women with disabilities, all of which must be considered and taken into account as we address women's health.

I urge my colleagues to join in the bipartisan sponsorship of this bill and supporting National Women's Health Week.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

I want to first express my appreciation to Mrs. CAPPS, who is also a member of the Energy and Commerce Committee and has been a very outspoken and consistent supporter of women's health and women's health issues, and we have worked on many of those in committee and certainly continue to raise awareness of women's health.

One such instrument that is placed before us that we can use is National Women's Health Week, and May 10–16 was that week, and this is, as Mrs. CAPPS stated, the 10th annual National Women's Health Week. And I think it is so fitting, Mr. Speaker, that it was kicked off this year on Mother's Day and how very appropriate that it started on Mother's Day. And I think the gentlelady from California will join me in saying it's also Grandmother's Day, those of us who do delight in those grandchildren.

The nationwide initiative empowers women across the country to make their health a top priority and ensure they take the steps to live a longer, healthier and happier life. And certainly, we are so pleased that there is that emphasis on women's health and having women make the decision to have their health and their well-being be a top priority in their life.

I would like to express my gratitude to the national and community organizations in working to promote public awareness of National Women's Health Week and provide the proper information to encourage women and girls that healthy habits should begin at a very young age.

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The efforts of the national community to support regular checkups and preventive screenings will help to prevent diseases that commonly affect women.

I would also like to thank the author of the resolution, the gentleman from New York (Mr. HINCHEY) for taking his efforts and energy and his time in order to place an emphasis on women's health, and to say thank you for his leadership in improving awareness of women's key health issues.

I encourage all of my colleagues to vote in favor of the resolution, and I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I am pleased now to yield to the gentleman from New York (Mr. HINCHEY) for such time as he may consume.

Mr. HINCHEY. Mr. Speaker, I would like to take a moment, first of all, to express my appreciation to Chairman WAXMAN for supporting this resolution and for helping to bring it to the floor today. Also, I would like to thank Mr. HOYER for his determination in bringing this measure to the floor to honor National Women's Health Week, despite the very crowded schedule that we have.

I would also like to thank Chairman PALLONE and all the fine members of the Energy and Commerce Health Subcommittee for their work on women's health issues and for making it possible for this resolution to reach the floor.

Finally, and most importantly, I would like to thank my good friends Congresswoman LOIS CAPPS and Congresswoman MARY BONO MACK for taking the lead with me on this resolution for the fourth time in a row. And MARSHA, I thank you very much also for your statement today and your participation in getting this legislation passed.

This resolution has the bipartisan sponsorship of 117 Members. The National Council of Women's Organizations fully endorsed this bill on behalf of its more than 200 member organizations representing more than 10 million women nationwide.

National Women's Health Week begins annually on Mother's Day. This year marks the 10th annual National Women's Health Week that we have experienced and honored.

National Women's Health Week is a week celebrated across America. During this week, families, communities, businesses, government, health organizations, and other groups work together to educate women about steps they could take to improve their physical and mental health to prevent disease and to enable them to live longer and stronger.

This week is also used as an opportunity to educate the entire population of our country about important health issues that women face.

This resolution recognizes the importance of a number of things, including preventing diseases that commonly affect women, federally funded programs that provide research and collect data on common diseases that women are subject to, and also calls on women to observe National Women's Check-up Day by receiving preventive screenings.

It is vitally important that women have knowledge about the health risks that confront them and that they know they can greatly reduce those risks through preventive measures such as a healthy lifestyle and regular medical screenings.

Healthy habits should begin at a young age; therefore, it is imperative that we take the time to educate young girls on the benefits of exercise and proper eating. If these habits start at a young age, it is more likely that they will continue throughout their lives.

It is important and essential that we do everything we can to prevent disease. In this spirit, I encourage women to get the necessary checkups and preventive screenings from their health care providers so they can live long, healthy, and productive lives.

I urge full support and passage of this measure.

Mrs. BLACKBURN. Mr. Speaker, at this time there are no further speakers from our side of the aisle, so I will thank Mr. HINCHEY for his wonderful work on this. I will thank Mrs. CAPPS for the bipartisan efforts that we have put into addressing the issues that affect women in leading healthy, productive lives.

I yield back the balance of my time.

Mrs. CAPPS. Mr. Speaker, I will just make the comment that it is exceedingly gratifying to notice the leadership of our colleague from New York, Mr. HINCHEY, and other men who realize that Women's Health Week really affects their lives as well, because women are often the leaders within the family setting and the educators and the standard bearers often for communities as well. So we are talking about awareness of national women's health, which really is also talking about health for us all.

And I'm pleased also to note that our bipartisan caucus for women's issues

has championed this resolution and is very grateful to the authors for introducing it and for this opportunity for us to recognize the 10th annual National Women's Health Week.

Mr. DINGELL. Mr. Speaker, I rise today in support of H. Con Res. 120, a resolution supporting the goals and ideals of National Women's Health Week. Throughout my career as a member of Congress, I have consistently fought to ensure that all Americans have access to quality, affordable, and comprehensive health care. As a cosponsor of the Breast Cancer Patient Protection Act, a supporter of additional research on diseases that target women, and a longstanding advocate of securing health care for all women, I am pleased to support this resolution.

Women's health issues are of the utmost importance to me, and this resolution helps to promote awareness for healthy lifestyles and disease prevention for women. It is important to ensure that women both in Michigan's 15th District and across the United States understand the steps that can be taken to reduce the risk of disease, are aware of the disease disparities that exist among women from different backgrounds, and are exposed to healthy habits and key health issues from an early age. I understand that encouraging preventative care for women is important for reducing the cost of health care. As a longtime supporter of improvements to our Nation's health care system and increased research on women's health issues, I am pleased to support National Women's Health Week and to cosponsor H. Con. Res. 120.

Mrs. CAPPS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 120, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PACT ACT

Mr. WEINER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1676) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1676

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Prevent All Cigarette Trafficking Act of 2009'' or ''PACT Act''.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, makes it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the ''Jenkins Act'') (referred to in this Act as the ''Jenkins Act''), is amended by striking the first section and inserting the following:

''SECTION 1. DEFINITIONS.

''As used in this Act, the following definitions apply:

''(1) ATTORNEY GENERAL.—The term 'Attorney General' means the Attorney General of the United States.

''(2) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State.

''(3) CIGARETTE.—

''(A) IN GENERAL.—For purposes of this Act, the term 'cigarette' shall—

''(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

''(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—For purposes of this Act, the term 'cigarette' does not include a 'cigar', as that term is defined in section 5702 of the Internal Revenue Code of 1986.

''(4) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

''(5) CONSUMER.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(6) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(7) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(8) INDIAN COUNTRY.—The term 'Indian country' means—

''(A) Indian country as defined in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

''(B) any other land held by the United States in trust or restricted status for one or more Indian tribes.

''(9) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(10) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(11) INTO A STATE, PLACE, OR LOCALITY.—A sale, shipment, or transfer of cigarettes or smokeless tobacco that is made in interstate commerce, as defined herein, shall be deemed to have been made into the State, place, or locality in which such cigarettes or smokeless tobacco are delivered.

''(12) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

''(13) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(14) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended

to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(15) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(16) TRIBAL ENTERPRISE.—The term 'tribal enterprise' means any business enterprise, incorporated or unincorporated under Federal or tribal law, of an Indian tribe or group of Indian tribe.

''(17) USE.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''CONTENTS.—'' after ''(a)'';

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice except as required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

''SEC. 2A. DELIVERY SALES.

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX–STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—A delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2009, the Attorney General shall compile a list of delivery sellers of cigarettes or

smokeless tobacco that have not registered with the Attorney General pursuant to section 2(a), or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) any other persons who the Attorney General believes can promote the effective enforcement of this Act; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses or has used in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does or has done business, or ships or has shipped cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information, and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

''(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list required by subparagraph (A), the Attorney General shall—

''(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that such delivery seller is noncomplying;

''(ii) not later than 14 days prior to including any delivery seller on such list, make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list, with that notice citing the relevant provisions of this Act and the specific reasons for being placed on such list;

''(iii) provide an opportunity to such delivery seller to challenge placement on such list;

''(iv) investigate each such challenge by contacting the relevant Federal, State, tribal, and local law enforcement officials, and provide the specific findings and results of such investigation to such delivery seller not later than 30 days after the challenge is made; and

''(v) upon finding that any placement is inaccurate, incomplete, or cannot be verified, promptly delete such delivery seller from the list as appropriate and notify each appropriate Federal, State, tribal, and local authority of such finding.

''(F) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with a listed delivery seller the delivery seller's inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

''(C) EXEMPTIONS.—Subparagraphs (A) and (B), subsection (b)(2), and any other requirements or restrictions placed directly on common carriers elsewhere in this subsection, shall not apply to a common carrier that is subject to a settlement agreement relating to tobacco product deliveries to consumers or, if any such settlement agreement to which the common carrier was a party is terminated or otherwise becomes inactive, is administering and enforcing, on a nationwide basis, policies and practices that are at least as stringent as any such agreement. For the purposes of this section, 'settlement agreement' shall be defined to include the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and FedEx Ground Package Systems, Inc. on or about February 3, 2006, so long as each is honored nationwide to block illegal deliveries of cigarettes or smokeless tobacco to consumers, and also includes any other active agreement between a common carrier and the States that operates nationwide to ensure that no deliveries of cigarettes and smokeless tobacco shall be made to consumers for illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the States and localities where the consumers are located of all taxes on the tobacco products.

''(3) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1), and that clauses (i)(ii), and (iii) of paragraph (2)(a) do not apply.—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall offer to provide the package and its contents to a Federal, State, or local law enforcement agency.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such records not otherwise required for such purposes.

''(4) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to nullify,

expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that is described in section 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2009, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences except that no State may enforce against a common carrier a law prohibiting the delivery of cigarettes or other tobacco products to individual consumers or personal residences without proof that the common carrier is not exempt under paragraph (2)(C) of this subsection.

''(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land involved, but has failed to register with or make reports to the respective tax administrator as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal land.

''(B) UPDATES.—Any government providing a list to the Attorney General under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General under paragraph (1).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General shall remove from the list compiled under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

''(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General; and

''(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by a government pursuant to paragraph (5).

''(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

''(8) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

''(ii) refusing, as a matter of regular practice and procedure, to make any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

''SEC. 3. PENALTIES.

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever knowingly violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed knowingly—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty imposed under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) the violation consists of an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, taking actions that are outside the scope of employment of the employee, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

''SEC. 4. ENFORCEMENT.

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall administer and enforce the provisions of this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement

officer, may bring an action in a United States district court to prevent and restrain violations of this Act by any person or to obtain any other appropriate relief from any person for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer, may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in an appropriate United States district court to prevent and restrain violations of this Act by any person other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions brought by the United States, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General has responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress, one year after the date of the enactment of the Prevent All Cigarette Trafficking Act of 2009, at the end of each of the four succeeding 1-year periods, a report containing the information described in paragraph (1).''.

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

''§ 1716E. Tobacco products as nonmailable

''(a) PROHIBITION.—All cigarettes and smokeless tobacco (as those terms are defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this subsection. For the purposes of subsection (a) reasonable cause includes—

''(1) a statement on a publicly available website, or an advertisement, by any person that such person will mail matter which is nonmailable under this section in return for payment; or

''(2) the placement of the person on the list created under section 2A(e) of the Jenkins Act.

''(b) EXCEPTIONS.—This section shall not apply to the following:

''(1) CIGARS.—Cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

''(2) GEOGRAPHIC EXCEPTION.—Mailings within the State of Alaska or within the State of Hawaii.

''(3) BUSINESS PURPOSES.—Tobacco products mailed only for business purposes between legally operating businesses that have all applicable State and Federal Government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research, or for regulatory purposes between any such businesses and State or Federal Government regulatory agencies, pursuant to a final rule that the Postal Service shall issue, not later than 180 days after the date of the enactment of the Prevent All Cigarette Trafficking Act of 2009, which shall establish the standards and requirements that apply to all such mailings, which shall include the following:

''(A) The Postal Service shall verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized by this paragraph is a business or government agency permitted to make such mailings pursuant to this section and the related final rule.

''(B) The Postal Service shall ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails pursuant to this paragraph is a business or government agency that may lawfully receive such product.

''(C) The mailings shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery.

''(D) The identities of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the business or government entity receiving the mailing shall be clearly set forth on the package and such information shall be kept in Postal Service records and made available to the Postal Service, the Attorney General, and to persons eligible to bring enforcement actions pursuant to section 3(d) of the Prevent All Cigarette Trafficking Act of 2009 for a period of at least three years thereafter.

''(E) The mailings shall be marked with a Postal Service label or marking that makes it clear to Postal Service employees that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person.

''(F) The mailing shall be delivered only to a verified adult employee of the recipient business or government agency, who shall be required to sign for the mailing.

''(4) CERTAIN INDIVIDUALS.—Tobacco products mailed by adult individuals for noncommercial purposes, including the return of a damaged or unacceptable tobacco product to its manufacturer, pursuant to a final rule that the Postal Service shall issue, not later than 180 days after the date of the enactment of the Prevent All Cigarette Trafficking Act of 2009, which shall establish the standards and requirements that apply to all such mailings, which shall include the following:

''(A) The Postal Service shall verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized by this section is the individual identified on the return address label of the package and is an adult.

''(B) For a mailing to an individual, the Postal Service shall require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this subsection to affirm that the recipient is an adult.

''(C) The package shall not weigh more than 10 ounces.

''(D) The mailing shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery.

''(E) No package shall be delivered or placed in the possession of any individual who is not a verified adult. For a mailing to an individual, the Postal Service shall deliver the package only to the verified adult recipient at the recipient address or transfer it for delivery to an Air/Army Postal Office (APO) or Fleet Postal Office (FPO) number designated in the recipient address.

''(F) No person shall initiate more than ten such mailings in any thirty-day period.

''(5) EXCEPTION FOR MAILINGS FOR CONSUMER TESTING BY MANUFACTURERS.—Subject to paragraph (8), nothing in this Act shall preclude a legally operating cigarette manufacturer operating on its own or through its legally authorized agent from using the Postal Service to mail cigarettes to verified adult smokers solely for consumer testing purposes, provided that—

''(A) the cigarette manufacturer has a federal permit, in good standing, pursuant to section 5713 of the Internal Revenue Code of 1986;

''(B) any package of cigarettes mailed pursuant to this paragraph shall contain no more than 12 packs of cigarettes (240 cigarettes);

''(C) no individual shall receive more than 1 package of cigarettes per manufacturer pursuant to this paragraph in any 30-day period;

''(D) all taxes on the cigarettes levied by the State and locality of delivery have been paid to the State and locality prior to delivery, and tax stamps or other tax-payment indicia have been affixed to the cigarettes as required by law;

''(E)(i) the recipient has not made any payments of any kind in exchange for receiving the cigarettes;

''(ii) the recipient is paid a fee by the manufacturer or manufacturer's agent for participation in consumer product tests; and

''(iii) the recipient, in connection with the tests, evaluates the cigarettes and provides feedback to the manufacturer or agent;

''(F) the mailing is made pursuant to a final rule that the Postal Service shall issue, not later than 180 days after the date of the enactment of the Prevent All Cigarette Trafficking Act of 2009, which shall establish standards and requirements that apply to all such mailings, which shall include the following:

''(i) The Postal Service shall verify that any person submitting a tobacco product into the mails pursuant to this paragraph is a manufacturer permitted to make such mailings pursuant to this paragraph, or an agent legally authorized by the manufacturer to submit the tobacco product into the mails on the manufacturer's behalf.

''(ii) The Postal Service shall require the manufacturer submitting the cigarettes into the mails pursuant to this paragraph to affirm that the manufacturer or its legally authorized agent has verified that the recipient is an adult established smoker who has not made any payment for the cigarettes, has formally stated in writing that he or she wishes to receive such mailings, and has not withdrawn that agreement despite being offered the opportunity to do so by the manufacturer or its legally authorized agent at least once in every 3-month period.

''(iii) The Postal Service shall require the manufacturer or its legally authorized agent submitting the cigarettes into the mails pursuant to this paragraph to affirm that the package contains no more than 12 packs of cigarettes (240 cigarettes) on which all taxes levied on the cigarettes by the State and locality of delivery have been paid and all related State tax stamps or other tax-payment indicia have been applied.

''(iv) The mailings shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery and all related records shall be kept in Postal Service records and made available to persons enforcing this section for a period of at least 3 years thereafter.

''(v) The mailing shall be marked with a Postal Service label or marking that makes it clear to Postal Service employees that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to the named recipient after verifying that the recipient is an adult.

''(vi) The Postal Service shall deliver the mailing only to the named recipient and only after verifying that the recipient is an adult.

''(6) DEFINITION OF CONSUMER TESTING.—For purposes of this Act, the term 'consumer testing' means testing limited to formal data collection and analysis for the specific purpose of evaluating the product for quality assurance and benchmarking purposes of cigarette brands or sub-brands among existing adult smokers.

''(7) DEFINITION OF ADULT.—For purposes of paragraph (5), the term 'adult' means an individual of at least 21 years of age. For purposes of paragraphs (3) and (4), the term 'adult' means an individual of at least the minimum age required for the legal sale or purchase of tobacco products as determined by applicable law at the place the individual is located.

''(8) LIMITATIONS.—Paragraph (5) shall not—

''(A) permit a mailing of cigarettes to an individual located in any State that prohibits the delivery or shipment of cigarettes to individuals in the State, or preempt, limit, or otherwise affect any related State laws; or

''(B) permit a manufacturer, directly or through a legally authorized agent, to mail cigarettes in any calendar years in a cumulative amount greater than one percent of its total cigarette sales in the United States in the previous calendar year.

''(9) UNITED STATES GOVERNMENT AGENCIES.—Agencies of the United States Government involved in the consumer testing of tobacco products solely for public health purposes may make mailings pursuant to the same requirements, restrictions, and Postal Service rules and procedures that apply to consumer testing mailings of cigarettes by manufacturers under paragraph (5), except that no such agency shall be required to pay the recipients for participating in the consumer testing.

''(c) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

''(d) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this Act for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(e) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that this section declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.

''(f) DEFINITION.—As used in this section, the term 'State' has the meaning given that term in section 1716(k).

''(g) USE OF PENALTIES.—There is established a separate account in the Treasury of the United States, to be known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.

''(h) COORDINATION OF EFFORTS.—In the enforcement of this section, the Postal Service shall cooperate and coordinate its efforts with related enforcement activities of any other Federal agency or of any State, local, or tribal government, whenever appropriate.''.

(b) ACTIONS BY STATE, LOCAL OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

(1) A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may in a civil action in a United States district court obtain appropriate relief with respect to a violation of section 1716E of title 18, United States Code. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of that section to addressees in that State.

(2) Nothing in this section shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

(3) Nothing in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

(4) A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer, may provide evidence of a violation of paragraph (1) for commercial purposes by any person not subject to State, local, or tribal government enforcement actions for violations of paragraph (1) to the Attorney General, who shall take appropriate actions to enforce the provisions of this subsection.

(5) The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18 is amended by adding after the item relating to section 1716D the following new item:

''1716E. Tobacco products as nonmailable.''.

SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, and with any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in an appropriate United States district court to prevent and restrain violations of subsection (a) by any person.

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney

general, shall be entitled to reasonable attorney fees from a person found to have knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General may bring an action in an appropriate United States district court to prevent and restrain violations of subsection (a) by any person.

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term ''delivery sale'' means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term ''importer'' means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term ''Master Settlement Agreement'' means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms ''Model Statute'' and ''Qualifying Statute'' means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term ''Tobacco Product Manufacturer'' has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.

Section 2343(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

''(A) any records or information required to be maintained by such person under the provisions of law referred to in this chapter; or

''(B) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

''(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).

''(3) Whoever denies access to an officer under paragraph (1), or who fails to comply with an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed $10,000.''.

SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act shall be construed to amend, modify, or otherwise affect—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; and

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act shall be construed to authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act shall prohibit, limit, or restrict enforcement by the Attorney General of the provisions herein within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

SEC. 7. ENHANCED CONTRABAND TOBACCO ENFORCEMENT.

(a) REQUIREMENTS.—The Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives shall—

(1) create 6 regional contraband tobacco trafficking teams over a 3-year period in New York City, Washington DC, Detroit, Los Angeles, Seattle, and Miami,

(2) create a new Tobacco Intelligence Center to oversee investigations and monitor and coordinate ongoing investigations and to serve as a nerve center for all ongoing tobacco diversion investigations within the Bureau of Alcohol, Tobacco, Firearms, and Explosives, in the United States and, where applicable, with law enforcement organizations around the world,

(3) establish a covert national warehouse for undercover operations, and

(4) create a computer database that will track and analyze information from retail sellers of tobacco products that sell through the Internet or by mail order or make other non-face-to-face sales.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $8,500,000 for each of the 5 fiscal years beginning with fiscal year 2010.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—Section 5 shall take effect on the date of enactment of this Act.

SEC. 9. SEVERABILITY.

If any provision of this Act, or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of the Act to any other person or circumstance shall not be affected thereby.

SEC. 10. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS ACT.

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This Act was enacted recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this Act is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This Act is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. WEINER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. WEINER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as States and localities face increasing pressure on their budgets around the country, there is one source of revenue that not only raises money for those localities but also performs an important health function, and that is to provide taxation on packs of cigarettes. The taxation varies dramatically from State to State, and, frankly, in New York State we have the highest State tax in the Nation, $2.75 a pack, and the highest local tax as well. We have a $4.25 per pack. In some places it's much lower.

But every State in the union has some taxation that they put on their tobacco products, and it is collected, by and large, by wholesalers that put a tax stamp on. Most citizens, when they go out and purchase their cigarettes, do so legally, pay the tax, and there is no problem.

However, as the taxes have gone up, we have unwittingly created a large and growing black market for smuggled tobacco products. And this legislation, which has bipartisan support in the Judiciary Committee and in this House, seeks to solve that problem. It does so in a number of ways.

One, it makes it much more difficult for someone to sell tobacco over the Internet. Right now, UPS, DHL, the common carriers all are under agreement that they, themselves, are saying, We are not going to ship tobacco across the Internet because too often it's used as a way to avoid paying the taxes. There is one common carrier, the Postal Service, which still permits it. That is the carrier of choice for the overwhelming number of illegally smuggled cigarettes. And, frankly, the Postal Service has said, Congress, if you want us not to ship those cigarettes, you've got to tell us in a law that you want us not to. That's what we are doing today.

Also, it increases the penalties under the Jenkins Act. If someone is going to seek to avoid paying tobacco taxes, violating the Jenkins Act is going to be a felony under this act. It is going to make it a requirement that sellers of Internet tobacco verify the purchaser's age and identify them through easily accessible databases, which is, in many cases, going to put some of these Internet tobacco carriers out of business.

This is not only a matter of revenue, though, Mr. Speaker. This is also the source for a black market that has emerged that, according to the GAO, has allowed organizations as nefarious as Hezbollah to make the money on the float: buying tobacco, say, in South Carolina, driving it to Michigan, taking money that they saved by not charging people the tax, and taking that money and exporting it to fund terrorist activities. That is not a hypothetical. That's something that the GAO actually found to have happened.

So I urge my colleagues to support this. This has broad support. We have worked very hard, that even organizations as disparate as the wholesale marketers, Phillip Morris, the National Association of Attorneys General, Lorillard, and the Campaign for Tobacco-Free Kids, all are supporters of the PACT Act.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my colleague and friend on the Judiciary Committee, Mr. WEINER, for introducing H.R. 1676, the Prevent All Cigarette Trafficking or PACT Act. This bipartisan legislation will help Federal, State, and local law enforcement officials combat cigarette smuggling and trafficking in the United States.

Tobacco smuggling has become one of the most prevalent forms of smuggling in recent years in our country. Its effects are not felt only in the United States but other parts of the world as well.

The World Health Organization estimates that illegal cigarettes account for 10.7 percent, or approximately 600 billion cigarettes, of the more than 5.7 trillion cigarettes sold globally each year.

According to a study by the World Bank, cigarettes are appealing to smugglers because taxes typically account for a large portion of the price, making it highly profitable to traffic them for resale at a reduced price.

Tobacco smuggling traditionally involves the diversion of large quantities of cigarettes from wholesale distribution into the black market. This typically occurs during the transit of the cigarettes, thus allowing the traffickers to avoid most, if not all, taxes that will be imposed at retail on the cigarettes.

The profits from tobacco trafficking can be and likely are used to finance other illegal activities such as organized crime and drug trafficking syndicates. In addition to the sale of smuggled tobacco on the black market, it deprives States of significant amounts of tax revenue every year.

Over the last 15 years, cigarette taxes have increased more than 65 percent throughout the United States; yet, during this same time, States' tax revenues increased by only 35 percent.

California officials estimate that taxes are unpaid on about 15 percent of all tobacco sold in its markets at a cost of $276 million every year. In a recently released study, the State of New York put its losses at more than $576 million per year.

The State of Texas raised cigarette taxes recently, and this increase is supposed to generate an additional $800 million in revenue for the State.

This bill would help to ensure that States like California, New York, and Texas receive or recover tax revenue that is due them by people who buy cigarettes.

Two senior ranking members of the Judiciary Committee, Ranking Member SMITH and Mr. WEINER, have teamed together to cosponsor the PACT Act for the second consecutive Congress.

In the 110th Congress, this House passed similar legislation on a suspension calendar; however, our colleagues in the Senate did not ever take up the bill.

H.R. 1676 varies slightly from the previous legislation passed by the 110th Congress. Provisions that were under the jurisdiction of the Oversight and Government Reform Committee have been removed.

This bill also contains an authorization for additional funding for anticigarette trafficking efforts for the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This bipartisan legislation closes loopholes in current tobacco trafficking laws, provides law enforcement with new tools to combat innovative methods being used by the cigarette traffickers to distribute their products, and bolsters the States' ability to enforce State law.

I urge all my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WEINER. I thank the gentleman for his leadership on this and so many issues on the Judiciary Committee.

It is indeed the fact that a lot of these Web sites continue to exist because they provide delivery by the United States Postal Service. The irony here is that UPS, FedEx, DHL, the big carriers have entered into an agreement with the State of New York that they are now following in all 50 States that they won't transport those tobacco products because there is a reasonable expectation that these Web sites are operating, and often brag about the idea that, if you go shopping for tobacco on the Internet, you're not going to have to pay the taxes.

□ 1330

Well, we need to stop that activity. You can be against the high taxes in some States, or in favor of them. I think that the States, in their sovereign responsibility, have the right to come up with their own levels of taxation. But I think that we should all be able to agree that right now there is a

giant truck-sized loophole that exists in the law that allows many people to avoid paying the taxes and allows the funds to go to nefarious hands.

According to the GAO, Hezbollah raised $1.5 million from the sale of illegal tobacco in the 5 years 1996 through 2000. The largest case that they found was that millions of dollars of cigarettes were smuggled to Michigan from North Carolina in 1996—seized cigarettes and property and currency worth $2 million and proceeds that had been transferred to Beirut.

But it's more obviously often smaller bore problems that have been created as well; that if you have people who are increasingly seeking, because of the large amount of taxation that there is on many of these products, a lot of the programs in our States that are funded theoretically from the tax revenues from tobacco are seeing shortfalls. In fact, we're reaching a point now where the rising tobacco tax rights are producing less revenue in some States.

Some people thump their chest and say, Isn't that great. We have less smoking. But if you look at the back end, you see that the wholesalers and the manufacturers are still sending the same number of cigarettes out; we're just not collecting the revenues for it.

I want to offer my gratitude to Mr. SCOTT for his chairmanship on the Crime Subcommittee, through which the bill passed. I also want to express gratitude to many members of the staff who have worked to make not only the bill work, but also the compromises and changes that we made.

Mr. COBLE, for example, was concerned that we wanted to allow some of the smaller test brands to be able to be sent out so market research could be done. We accommodated those concerns. And I think his staff was very, very helpful.

If the Speaker will indulge me, I want to mention some of them by name: Perry Apelbaum of the Judiciary Committee; and Ameer Gopalani, Jesselyn McCurdy, Kimani Little and Caroline Lynch of the Subcommittee on Crime, Terrorism, and Homeland Security; John Mautz of Congressman COBLE's staff; and Joseph Dunn of my staff.

Also, some of the folks in the private sector who helped us craft this bill in a way that doesn't impact legitimate operators: Artie Katz, Lenny Schwartz, and Steve Rosenthal with the New York Association of Wholesale Marketers, who helped enlighten the committee on how the process actually worked; John Hoel and Sarah Knakmuhs with Altria; Eric Lindblom with the Campaign for Tobacco Free Kids; Anne Holloway with the American Wholesale Marketers Association; Lynn Beckwith with the National Association of Convenience Stores; and Laurie McKay with Dickstein Shapiro.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, this bill has nothing to do with whether cigarettes should be taxed or not, whether tobacco should be taxed or not. The issue is the black market sale of cigarettes and those individuals who fail to pay lawfully imposed taxes on them.

This legislation is supported by the tobacco industry and by law enforcement, the Attorney General, and I urge the adoption of this legislation.

I yield back the balance of my time.

Mr. WEINER. I thank Mr. POE again, and I just want to make one other point: that there are colleagues on other committees who have had an interest in this, and they have been working hand-in-hand with the Judiciary Committee.

I will insert an exchange of letters with one of those committees, the Oversight and Reform Committee, at this point in the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, May 19, 2009.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CONYERS: I am writing about H.R. 1676, the ''Prevent All Cigarette Trafficking Act of 2009.'' The Judiciary Committee ordered this measure reported, as amended, on April 28, 2009.

I appreciate your efforts to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 1676 that fall within the Oversight Committee's jurisdiction. These provisions relate to the treatment of cigarettes and smokeless tobacco as nonmailable matter and new requirements which will be placed on the U.S. Postal Service as a result.

In the interest of expediting consideration of H.R. 1676, the Oversight Committee will not separately consider relevant provisions of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 1676 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 1676 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 19, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 1676, the Prevent All Cigarette Trafficking Act of 2009.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

I urge support for the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1676, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING POLICE OFFICERS AND LAW ENFORCEMENT PROFESSIONALS DURING POLICE WEEK

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 426) honoring police officers and law enforcement professionals during Police Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 426

Whereas President John F. Kennedy signed a proclamation declaring May 15th as Peace Officers Memorial Day to honor law enforcement officers killed in the line of duty, and to designate the calendar week in which May 15th occurs as Police Week;

Whereas police officers protect communities across our Nation;

Whereas police officers selflessly put their lives on the line to keep Americans safe;

Whereas police officers perform a variety of duties to pursue justice and maintain public safety;

Whereas in just the last decade, hundreds of police officers were killed in the line of duty, and in just the first four months of 2009 more than 40 officers around the country have made the ultimate sacrifice; and

Whereas police officers and law enforcement personnel have been adversely affected by the current economic situation, yet continue to serve bravely: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) Police Week provides an opportunity to honor police officers and law enforcement personnel for their selfless acts of bravery;

(B) police officers and law enforcement personnel risk their lives daily to protect Americans; and

(C) police officers and law enforcement personnel who have made the ultimate sacrifice should be remembered and honored;

(2) the House of Representatives honors police officers for their efforts to create safer and more secure communities; and

(3) the House of Representatives expresses its strong support for the Nation's police officers and law enforcement personnel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution honors police officers and law enforcement professionals during Police Week. In 1962, President Kennedy proclaimed the week in which May 15 occurs to be Police Week. For over 40 years, the week of May 15 has continued to be the time to honor men and women in our Nation's law enforcement agencies, who protect our neighborhoods, our homes, and our loved ones.

The men and women who dedicate their careers to our safety do so at the expense of spending long hours away from their own families, putting themselves at great risk—and, in too many instances, making the ultimate sacrifice.

In fact, we have lost over 20,000 officers in the line of duty over the course of our history. Since January 1 of this year, we've lost 48 officers—five since the beginning of this month alone. Yet regardless of the continuing danger, day after day, and year after year, these dedicated professionals continue to make the sacrifices for their communities, without asking for thanks or praise.

And so the law enforcement professionals and police officers who toil in our communities across the Nation deserve our unwavering support and our thankful recognition.

I commend the gentleman from California (Mr. MCNERNEY) for introducing this resolution and for giving the House of Representatives the opportunity to show respect and admiration for our law enforcement professionals. I urge my colleagues to support the resolution.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

I would like to thank the gentleman from California (Mr. MCNERNEY) for introducing H. Res. 426, which honors police officers and law enforcement professionals during National Police Week. I'm pleased to cosponsor this resolution that supports the brave men and women who wear the badge, as well as all the professionals who support them in their mission throughout the country, especially their families.

As they continue to protect and serve, we take a moment to salute them for everything that they do every day, much of which goes unnoticed. We're able to go about our daily routines because officers in small towns and big cities and in rural areas throughout this country stand ready to take those risks on our behalf.

Each year, 50,000—50,000—peace officers are assaulted in the United States. On May 17, 1792, New York City's Deputy Sheriff Isaac Smith became the first recorded police officer to be killed in the line of duty in the United States. Since that time, 19,705 peace officers have been killed while on duty protecting the rest of us.

In 2008, 140 officers died in the line of duty while upholding the values that make this country great—duty, honor, sacrifice. Those values and their sacrifice are a somber reminder that the freedoms that we share do not come without a cost. Of those 140, 10 percent, or 14, were from my home State of Texas.

Sadly, already in 2009, 48 peace officers have died in the line of duty. Once again, 10 percent from the State of Texas. This number includes two additional officers since I spoke on the House floor about peace officers 5 days ago. Those individuals, Sergeant Dulan Earl Murray, Jr. from the Nags Head Police Department in North Carolina, and Deputy Sheriff Tom Wilson from Warren County Sheriff's Department in Mississippi, died over the weekend while on duty.

In 1961, Congress created Peace Officers Memorial Day and designated it to be commemorated each year on May 15. Correspondingly, each year, the President issues a proclamation naming May 15 as National Peace Officers Memorial Day.

I'm proud to sponsor this year's resolution to recognize Peace Officer Memorial Day, which passed the House unanimously in February of this year. Peace Officer Memorial Day takes place during National Police Week, which was held in Washington, D.C. last week.

Many of the families, friends, and colleagues of these fallen officers came to Washington last week to remember them as mothers and fathers, brothers and sisters, sons and daughters, and friends of their communities, guarding all of us.

They came together to celebrate in many ways. They participated in candlelight vigils and torch runs, they broke bread and shared stories, but more importantly, they honored and remembered the fallen. Today, we do as well.

Those officers have no doubt returned to serve their communities while quietly making all of our lives a little better.

We commemorate the 186 officers that died in 2008 and 2009, and all law enforcement officers that have died in the line of duty while representing every State, the District of Columbia, U.S. territories, as well as Federal law enforcement and the military police.

Today, we thank them the best way that we can in the House of Representatives. I urge people across the country to similarly thank them for their service with a simple smile or a handshake or a thank you.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman who, prior to coming to Congress, was a law enforcement professional himself, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding. And I stand today in support of House Resolution 426, a resolution offered by our friend, Mr. MCNERNEY from California. This resolution is to recognize Police Week and all the law enforcement officers across the country that keep us and our communities safe.

As a former city police officer and as a Michigan State police trooper, law enforcement has always been a legislative priority for me. When I was elected to Congress 17 years ago, I was surprised to learn that there was no formal organization within Congress to advocate on behalf of law enforcement. So I founded the Law Enforcement Caucus with the help of then-Democratic caucus chairman STENY HOYER.

Today, the Law Enforcement Caucus has 110 members and we hold regular briefings throughout the year. I'm proud to be cochair of the caucus, along with my friend DAVE REICHERT, the gentleman from the State of Washington.

As you know, this is a time of great change for the law enforcement community. During an economic downturn, there's an increase in crime and in the drug trade. Many in Washington have paid a lot of attention to the integral role that law enforcement plays in protecting our country. But the Federal Government has to do more than talk about the problem. We must also provide resources, training, and equipment to ensure that it is there for local law enforcement.

We made a strong commitment to this goal by providing $3 billion in the American Recovery and Reinvestment Act of 2009 for law enforcement programs. This effort must continue as we consider fiscal year 2010 appropriation bills. After all, our law enforcement officers are on the front lines every day, keeping us and our communities safe.

I urge my colleagues to not only support this resolution honoring Police Week, but support law enforcement programs by fully funding the Byrne Justice Assistance Grants, the Community Oriented Policing Services grants, and many Federal programs that have gone underfunded when the need is ever growing.

Mr. POE of Texas. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the sponsor of this important resolution, the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. I rise in proud support of H. Res. 426. I thank the gentleman from Texas for his words and support. We're basically here to honor police officers and law enforcement professionals.

I introduced this resolution last Tuesday in recognition of National Police Week. H. Res. 426 commends police officers and law enforcement professionals for the hard and often dangerous work they perform to keep us safe.

Almost 47 years ago, in October of 1962, President John F. Kennedy signed a resolution designating May 15 as Peace Officers Memorial Day and the week in which it occurs as Police Week. Since then, police officers have held events during Police Week honoring their fallen brethren and officers who worked tirelessly to keep us safe.

□ 1345

May 15 just passed, but our law enforcement officials should be celebrated daily.

So far this year more than 40 officers from around the country have lost their lives in the line of duty. Four officers from California, including Sergeants Mark Dunakin of Tracy and Ervin Romans of Danville, both from my district, were killed earlier this year. My thoughts and prayers are with the families and loved ones of these dedicated officers.

In honor of their memory and in thanks for the hard work and selfless dedication of our Nation's police officers and law enforcement professionals, I urge my colleagues to support this resolution. These brave men and women deserve our respect and gratitude. I further encourage my colleagues to support our law enforcement professionals not just during Police Week but every day of the year.

Mr. POE of Texas. Mr. Speaker, I want to thank the gentleman from Virginia and the gentleman from California for proposing this legislation. Also, we need to constantly remember that we here in the United States Capitol are protected daily by the Capitol Police, two of whom just a few years ago gave their lives protecting Members of Congress.

I would also like to introduce into the RECORD the names of the 19 police officers from the State of Texas who have been killed in 2008 and 2009.

In 2008, 140 peace officers were killed. Of these fallen officers, 14 were from Texas:

Deputy Constable David Joubert, Harris County Constable's Office—Precinct 7, TX, EOW: Sunday, January 13, 2008.

Police Officer Matthew B. Thebeau, Corpus Christi Police Department, TX, EOW: Sunday, January 20, 2008.

Corporal Harry Thielepape, Harris County Constable's Office—Precinct 6, TX, EOW: Wednesday, February 20, 2008.

Senior Corporal Victor A. Lozada Sr., Dallas Police Department, TX, EOW: Friday, February 22, 2008.

Trooper James Scott Burns, Texas Department of Public Safety—Texas Highway Patrol, TX, EOW: Tuesday, April 29, 2008.

Police Officer Everett William Dennis, Carthage Police Department, TX, EOW: Tuesday, June 3, 2008.

Sergeant Barbara Jean Shumate, Texas Department of Criminal Justice, TX, EOW: Friday, June 13, 2008.

Police Officer Gary Gryder, Houston Police Department, TX, EOW: Sunday, June 29, 2008.

Detective Tommy Keen, Harris County Sheriff's Department, TX, EOW: Monday, September 15, 2008.

Game Warden George Harold Whatley Jr., Texas Parks and Wildlife Department—Law Enforcement Division, TX, EOW: Friday, October 10, 2008.

Sheriff Brent Lee, Trinity County Sheriff's Department, TX, EOW: Thursday, November 27, 2008.

Police Officer Robert Davis, San Antonio Police Department, TX, EOW: Monday, December 1, 2008.

Police Officer Timothy Abernethy, Houston Police Department, TX, EOW: Sunday, December 7, 2008.

Police Officer Mark Simmons, Amarillo Police Department, TX, EOW: Wednesday, December 17, 2008.

In 2009, 48 officers have died in the line of duty. 5 of these officers were from Texas:

Senior Corporal Norman Smith, Dallas Police Department, TX, EOW: Tuesday, January 6, 2009.

Detention Officer Cesar Arreola, El Paso County Sheriff's Office, TX, EOW: Sunday, January 18, 2009.

Lieutenant Stuart J. Alexander, Corpus Christi Police Department, TX, EOW: Wednesday, March 11, 2009.

Sergeant Randy White, Bridgeport Police Department, TX, EOW: Thursday, April 2, 2009.

Deputy Sheriff D. Robert Harvey, Lubbock County Sheriff's Department, TX, EOW: Sunday, April 26, 2009.

I yield back the balance of my time.

Mr. SCOTT of Virginia. I yield myself as much time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Texas, the gentleman from California and the gentleman from Michigan for their strong support of this resolution. I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 426.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill, as amended, is as follows:

S. 896

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

DIVISION A—PREVENTING MORTGAGE FORECLOSURES

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Helping Families Save Their Homes Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this division is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Sec. 101. Guaranteed rural housing loans.
Sec. 102. Modification of housing loans guaranteed by the Department of Veterans Affairs.
Sec. 103. Additional funding for HUD programs to assist individuals to better withstand the current mortgage crisis.
Sec. 104. Mortgage modification data collecting and reporting.
Sec. 105. Neighborhood Stabilization Program Refinements.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.
Sec. 202. Changes to HOPE for Homeowners Program.
Sec. 203. Requirements for FHA-approved mortgagees.
Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.
Sec. 205. Application of GSE conforming loan limit to mortgages assisted with TARP funds.
Sec. 206. Mortgages on certain homes on leased land.
Sec. 207. Sense of Congress regarding mortgage revenue bond purchases.

TITLE III—MORTGAGE FRAUD TASK FORCE

Sec. 301. Sense of the Congress on establishment of a Nationwide Mortgage Fraud Task Force.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

Sec. 401. Sense of the Congress on foreclosures.
Sec. 402. Public-Private Investment Program; Additional Appropriations for the Special Inspector General for the Troubled Asset Relief Program.
Sec. 403. Removal of requirement to liquidate warrants under the TARP.
Sec. 404. Notification of sale or transfer of mortgage loans.

TITLE V—FARM LOAN RESTRUCTURING

Sec. 501. Congressional Oversight Panel special report.

TITLE VI—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

Sec. 601. Enhanced oversight of the Troubled Asset Relief Program.

TITLE VII—PROTECTING TENANTS AT FORECLOSURE ACT

Sec. 701. Short title.
Sec. 702. Effect of foreclosure on preexisting tenancy.
Sec. 703. Effect of foreclosure on section 8 tenancies.
Sec. 704. Sunset.

TITLE VIII—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

Sec. 801. Comptroller General additional audit authorities.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

SEC. 101. GUARANTEED RURAL HOUSING LOANS.

(a) GUARANTEED RURAL HOUSING LOANS.—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (16) and (17), respectively; and

(2) by inserting after paragraph (12) the following new paragraphs:

''(13) LOSS MITIGATION.—Upon default or imminent default of any mortgage guaranteed under this subsection, mortgagees shall engage in loss mitigation actions for the purpose of providing an alternative to foreclosure (including actions such as special forbearance, loan modification, pre-foreclosure sale, deed in lieu of foreclosure, as required, support for borrower housing counseling, subordinate lien resolution, and borrower relocation), as provided for by the Secretary.

''(14) PAYMENT OF PARTIAL CLAIMS AND MORTGAGE MODIFICATIONS.—The Secretary may authorize the modification of mortgages, and establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence, for mortgages that are in default or face imminent default, as defined by the Secretary. Any payment under such program directed to the mortgagee shall be made at the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

''(A) the amount of the partial claim payment shall be in an amount determined by the Secretary, and shall not exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

''(B) the amount of the partial claim payment shall be applied first to any outstanding indebtedness on the mortgage, including any arrearage, but may also include principal reduction;

''(C) the mortgagor shall agree to repay the amount of the partial claim to the Secretary upon terms and conditions acceptable to the Secretary;

''(D) expenses related to a partial claim or modification are not to be charged to the borrower;

''(E) the Secretary may authorize compensation to the mortgagee for lost income on monthly mortgage payments due to interest rate reduction;

''(F) the Secretary may reimburse the mortgagee from the appropriate guaranty fund in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary;

''(G) the Secretary may authorize payments to the mortgagee on behalf of the borrower, under such terms and conditions as are defined by the Secretary, based on successful performance under the terms of the mortgage modification, which shall be used to reduce the principal obligation under the modified mortgage; and

''(H) the Secretary may authorize the modification of mortgages with terms extended up to 40 years from the date of modification.

''(15) ASSIGNMENT.—

''(A) PROGRAM AUTHORITY.—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence guaranteed under this chapter.

''(B) PROGRAM REQUIREMENTS.—

''(i) IN GENERAL.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of the guaranty and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved under this section.

''(ii) ACCEPTANCE OF ASSIGNMENT.—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

''(I) the mortgage is in default or facing imminent default;

''(II) the mortgagee has modified the mortgage or qualified the mortgage for modification sufficient to cure the default and provide for mortgage payments the mortgagor is reasonably able to pay, at interest rates not exceeding current market interest rates; and

''(III) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate guaranty fund.

''(C) PAYMENT OF GUARANTY.—Under the program under this paragraph, the Secretary may pay the guaranty for a mortgage, in the amount determined in accordance with paragraph (2), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage, as defined by the Secretary.

''(D) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, and assignment of the mortgage, the Secretary may provide guarantees under this subsection for the mortgage. The Secretary may subsequently—

''(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

''(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

''(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

''(E) LOAN SERVICING.—In carrying out the program under this subsection, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage is resold pursuant to subparagraph (D)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.''.

(b) TECHNICAL AMENDMENTS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking ''(as defined in paragraph (13)'' and inserting ''(as defined in paragraph (17)''; and

(2) in paragraph (18)(E)(as so redesignated by subsection (a)(2)), by—

(A) striking ''paragraphs (3), (6), (7)(A), (8), and (10)'' and inserting ''paragraphs (3), (6), (7)(A), (8), (10), (13), and (14)''; and

(B) striking ''paragraphs (2) through (13)'' and inserting ''paragraphs (2) through (15)''.

(c) PROCEDURE.—

(1) IN GENERAL.—The promulgation of regulations necessitated and the administration actions required by the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(2) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, and the amendments made by this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 102. MODIFICATION OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MATURITY OF HOUSING LOANS.—Section 3703(d)(1) of title 38, United States Code, is amended by inserting ''at the time of origination'' after ''loan''.

(b) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 103. ADDITIONAL FUNDING FOR HUD PROGRAMS TO ASSIST INDIVIDUALS TO BETTER WITHSTAND THE CURRENT MORTGAGE CRISIS.

(a) ADDITIONAL APPROPRIATIONS FOR ADVERTISING TO INCREASE PUBLIC AWARENESS OF MORTGAGE SCAMS AND COUNSELING ASSISTANCE.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $10,000,000 for each of the fiscal years 2010 and 2011 for purposes of providing additional resources to be used for advertising to raise awareness of mortgage fraud and to support HUD programs and approved counseling agencies, provided that such amounts are used to advertise in the 100 metropolitan statistical areas with the highest rate of home foreclosures, and provided, further that up to $5,000,000 of such amounts are used for advertisements designed to reach and inform broad segments of the community.

(b) ADDITIONAL APPROPRIATIONS FOR THE HOUSING COUNSELING ASSISTANCE PROGRAM.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $50,000,000 for each of the fiscal years 2010 and 2011 to carry out the Housing Counseling Assistance Program established within the Department of Housing and Urban Development, provided that such amounts are used to fund HUD-certified housing-counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

(c) ADDITIONAL APPROPRIATIONS FOR PERSONNEL AT THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $5,000,000 for each of the fiscal years 2010 and 2011 for purposes of hiring additional personnel at the Office of Fair Housing and Equal Opportunity within the Department of

Housing and Urban Development, provided that such amounts are used to hire personnel at the local branches of such Office located in the 100 metropolitan statistical areas with the highest rate of home foreclosures.

SEC. 104. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.

(2) The total number of mortgage modifications resulting in each of the following:

(A) Additions of delinquent payments and fees to loan balances.

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

(F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(3) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

(A) An increase.

(B) Remained the same.

(C) Decreased less than 10 percent.

(D) Decreased between 10 percent and 20 percent.

(E) Decreased 20 percent or more.

(4) The total number of loans that have been modified and then entered into default, where the loan modification resulted in—

(A) higher monthly payments by the homeowner;

(B) equivalent monthly payments by the homeowner;

(C) lower monthly payments by the homeowner of up to 10 percent;

(D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or

(E) lower monthly payments by the homeowner of more than 20 percent.

(b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

SEC. 105. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) IN GENERAL.—Section 2301(c) of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

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

''(3) EXCEPTION FOR CERTAIN STATES.—Each State that has received the minimum allocation of amounts pursuant to the requirement under section 2302 may, to the extent such State has fulfilled the requirements of paragraph (2), distribute any remaining amounts to areas with homeowners at risk of foreclosure or in foreclosure without regard to the percentage of home foreclosures in such areas.''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110–289).

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

SEC. 201. SERVICER SAFE HARBOR FOR MORTGAGE LOAN MODIFICATIONS.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) Increasing numbers of mortgage foreclosures are not only depriving many Americans of their homes, but are also destabilizing property values and negatively affecting State and local economies as well as the national economy.

(2) In order to reduce the number of foreclosures and to stabilize property values, local economies, and the national economy, servicers must be given—

(A) authorization to—

(i) modify mortgage loans and engage in other loss mitigation activities consistent with applicable guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

(ii) refinance mortgage loans under the Hope for Homeowners program; and

(B) a safe harbor to enable such servicers to exercise these authorities.

(b) SAFE HARBOR.—Section 129A of the Truth in Lending Act (15 U.S.C. 1639a) is amended to read as follows:

''SEC. 129. DUTY OF SERVICERS OF RESIDENTIAL MORTGAGES.

''(a) IN GENERAL.—Notwithstanding any other provision of law, whenever a servicer of residential mortgages agrees to enter into a qualified loss mitigation plan with respect to 1 or more residential mortgages originated before the date of enactment of the Helping Families Save Their Homes Act of 2009, including mortgages held in a securitization or other investment vehicle—

''(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors and parties, and not to any individual party or group of parties; and

''(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

''(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

''(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

''(C) The servicer reasonably determined, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures.

''(b) NO LIABILITY.—A servicer that is deemed to be acting in the best interests of all investors or other parties under this section shall not be liable to any party who is owed a duty under subsection (a)(1), and shall not be subject to any injunction, stay, or other equitable relief to such party, based solely upon the implementation by the servicer of a qualified loss mitigation plan.

''(c) STANDARD INDUSTRY PRACTICE.—The qualified loss mitigation plan guidelines issued by the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008 shall constitute standard industry practice for purposes of all Federal and State laws.

''(d) SCOPE OF SAFE HARBOR.—Any person, including a trustee, issuer, and loan originator, shall not be liable for monetary damages or be subject to an injunction, stay, or other equitable relief, based solely upon the cooperation of such person with a servicer when such cooperation is necessary for the servicer to implement a qualified loss mitigation plan that meets the requirements of subsection (a).

''(e) REPORTING.—Each servicer that engages in qualified loss mitigation plans under this section shall regularly report to the Secretary of the Treasury the extent, scope, and results of the servicer's modification activities. The Secretary of the Treasury shall prescribe regulations or guidance specifying the form, content, and timing of such reports.

''(f) DEFINITIONS.—As used in this section—

''(1) the term 'qualified loss mitigation plan' means—

''(A) a residential loan modification, workout, or other loss mitigation plan, including to the extent that the Secretary of the Treasury determines appropriate, a loan sale, real property disposition, trial modification, pre-foreclosure sale, and deed in lieu of foreclosure, that is described or authorized in guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

''(B) a refinancing of a mortgage under the Hope for Homeowners program;

''(2) the term 'servicer' means the person responsible for the servicing for others of residential mortgage loans(including of a pool of residential mortgage loans); and

''(3) the term 'securitization vehicle' means a trust, special purpose entity, or other legal structure that is used to facilitate the issuing of securities, participation certificates, or similar instruments backed by or referring to a pool of assets that includes residential mortgages (or instruments that are related to residential mortgages such as credit-linked notes).

''(g) RULE OF CONSTRUCTION.—No provision of subsection (b) or (d) shall be construed as affecting the liability of any servicer or person as described in subsection (d) for actual fraud in the origination or servicing of a loan or in the implementation of a qualified loss mitigation plan, or for the violation of a State or Federal law, including laws regulating the origination of mortgage loans, commonly referred to as predatory lending laws.''.

SEC. 202. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

(a) PROGRAM CHANGES.—Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (c)—

(A) in the heading for paragraph (1), by striking ''THE BOARD'' and inserting ''SECRETARY'';

(B) in paragraph (1), by striking ''Board'' inserting ''Secretary, after consultation with the Board,'';

(C) in paragraph (1)(A), by inserting ''consistent with section 203(b) to the maximum extent possible'' before the semicolon; and

(D) by adding after paragraph (2) the following:

''(3) DUTIES OF BOARD.—The Board shall advise the Secretary regarding the establishment and implementation of the HOPE for Homeowners Program.'';

(2) by striking ''Board'' each place such term appears in subsections (e), (h)(1), (h)(3), (j), (l), (n), (s)(3), and (v) and inserting ''Secretary'';

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

''(1) BORROWER CERTIFICATION.—

''(A) NO INTENTIONAL DEFAULT OR FALSE INFORMATION.—The mortgagor shall provide a certification to the Secretary that the mortgagor has not intentionally defaulted on the existing mortgage or mortgages or any other substantial debt within the last 5 years and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining the eligible mortgage to be insured and has not been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section.

''(B) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Secretary any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made by the mortgagor in the certifications and documentation required under this paragraph, subject to the discretion of the Secretary.

''(C) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of the date of application for a commitment to insure or insurance under this section, the mortgagor shall have had, or thereafter is likely to have, due to the terms of the mortgage being reset, a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Secretary determines appropriate).'';

(B) in paragraph (4)—

(i) in subparagraph (A), by striking '', subject to standards established by the Board under subparagraph (B),''; and

(ii) in subparagraph (B)(i), by striking ''shall'' and inserting ''may''; and

(C) in paragraph (7), by striking ''; and provided that'' and all that follows through ''new second lien'';

(D) in paragraph (9)—

(i) by striking ''by procuring (A) an income tax return transcript of the income tax return of the mortgagor, or (B)'' and inserting ''in accordance with procedures and standards that the Secretary shall establish (provided that such procedures and standards are consistent with section 203(b) to the maximum extent possible) which may include requiring the mortgagee to procure''; and

(ii) by striking ''and by any other method, in accordance with procedures and standards that the Board shall establish'';

(E) in paragraph (10)—

(i) by striking ''The mortgagor shall not'' and inserting the following:

''(A) PROHIBITION.—The mortgagor shall not''; and

(ii) by adding at the end the following:

''(B) DUTY OF MORTGAGEE.—The duty of the mortgagee to ensure that the mortgagor is in compliance with the prohibition under subparagraph (A) shall be satisfied if the mortgagee makes a good faith effort to determine that the mortgagor has not been convicted under Federal or State law for fraud during the period described in subparagraph (A).'';

(F) in paragraph (11), by inserting before the period at the end the following: '', except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property''; and

(G) by adding at the end:

''(12) BAN ON MILLIONAIRES.—The mortgagor shall not have a net worth, as of the date the mortgagor first applies for a mortgage to be insured under the Program under this section, that exceeds $1,000,000.'';

(4) in subsection (h)(2), by striking ''The Board shall prohibit the Secretary from paying'' and inserting ''The Secretary shall not pay''; and

(5) in subsection (i)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(B) in the matter preceding subparagraph (A), as redesignated by this paragraph, by striking ''For each'' and inserting the following:

''(1) PREMIUMS.—For each'';

(C) in subparagraph (A), as redesignated by this paragraph, by striking ''equal to 3 percent'' and inserting ''not more than 3 percent''; and

(D) in subparagraph (B), as redesignated by this paragraph, by striking ''equal to 1.5 percent'' and inserting ''not more than 1.5 percent'';

(E) by adding at the end the following:

''(2) CONSIDERATIONS.—In setting the premium under this subsection, the Secretary shall consider—

''(A) the financial integrity of the HOPE for Homeowners Program; and

''(B) the purposes of the HOPE for Homeowners Program described in subsection (b).'';

(6) in subsection (k)—

(A) by striking the subsection heading and inserting ''EXIT FEE'';

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking ''such sale or refinancing'' and inserting ''the mortgage being insured under this section''; and

(C) in paragraph (2), by striking ''and the mortgagor'' and all that follows through the end and inserting ''may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with ''or assign the rights of any amounts due to the Secretary to'' the holder of the existing senior mortgage on the eligible mortgage, the holder of any existing subordinate mortgage on the eligible mortgage, or both.'';

(7) in the heading for subsection (n), by striking ''THE BOARD'' and inserting ''SECRETARY'';

(8) in subsection (p), by striking ''Under the direction of the Board, the'' and inserting ''The'';

(9) in subsection (s)—

(A) in the first sentence of paragraph (2), by striking ''Board of Directors of'' and inserting ''Advisory Board for''; and

(B) in paragraph (3)(A)(ii), by striking ''subsection (e)(1)(B) and such other'' and inserting ''such'';

(10) in subsection (v), by inserting after the period at the end the following: ''The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section.''; and

(11) by adding at the end the following new subsections:

''(x) PAYMENTS TO SERVICERS AND ORIGINATORS.—The Secretary may establish a payment to the—

''(1) servicer of the existing senior mortgage ''or existing subordinate mortgage'' for every loan insured under the HOPE for Homeowners Program; and

''(2) originator of each new loan insured under the HOPE for Homeowners Program.

''(y) AUCTIONS.—The Secretary, with the concurrence of the Board, shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.''.

(b) REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.—Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting '', as such amount is reduced by $1,244,000,000,'' after ''$700,000,000,000''.

(c) TECHNICAL CORRECTION.—The second section 257 of the National Housing Act (Public Law 110–289; 122 Stat. 2839; 12 U.S.C. 1715z–24) is amended by striking the section heading and inserting the following:

''SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.''.

SEC. 203. REQUIREMENTS FOR FHA-APPROVED MORTGAGEES.

(a) MORTGAGEE REVIEW BOARD.—

(1) IN GENERAL.—Section 202(c)(2) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(A) in subparagraph (E), by inserting ''and'' after the semicolon;

(B) in subparagraph (F), by striking ''; and'' and inserting ''or their designees.''; and

(C) by striking subparagraph (G).

(2) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—Section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended by adding at the end the following new paragraph:

''(9) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—No State or local law, and no Federal law (except a Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Board of its power to take any action authorized under paragraphs (3) and (6) of this subsection against any mortgagee.''.

(b) LIMITATIONS ON PARTICIPATION AND MORTGAGEE APPROVAL AND USE OF NAME.—Section 202 of the National Housing Act (12 U.S.C. 1708) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection:

''(d) LIMITATIONS ON PARTICIPATION IN ORIGINATION AND MORTGAGEE APPROVAL.—

''(1) REQUIREMENT.—Any person or entity that is not approved by the Secretary to serve as a mortgagee, as such term is defined in subsection (c)(7), shall not participate in the origination of an FHA-insured loan except as authorized by the Secretary.

''(2) ELIGIBILITY FOR APPROVAL.—In order to be eligible for approval by the Secretary, an applicant mortgagee shall not be, and shall not have any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the applicant mortgagee who is—

''(A) currently suspended, debarred, under a limited denial of participation (LDP), or

otherwise restricted under part 25 of title 24 of the Code of Federal Regulations, 2 Code of Federal Regulations, part 180 as implemented by part 2424, or any successor regulations to such parts, or under similar provisions of any other Federal agency;

''(B) under indictment for, or has been convicted of, an offense that reflects adversely upon the applicant's integrity, competence or fitness to meet the responsibilities of an approved mortgagee;

''(C) subject to unresolved findings contained in a Department of Housing and Urban Development or other governmental audit, investigation, or review;

''(D) engaged in business practices that do not conform to generally accepted practices of prudent mortgagees or that demonstrate irresponsibility;

''(E) convicted of, or who has pled guilty or nolo contendre to, a felony related to participation in the real estate or mortgage loan industry—

''(i) during the 7-year period preceding the date of the application for licensing and registration; or

''(ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

''(F) in violation of provisions of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any applicable provision of State law; or

''(G) in violation of any other requirement as established by the Secretary.

''(3) RULEMAKING AND IMPLEMENTATION.—The Secretary shall conduct a rulemaking to carry out this subsection. The Secretary shall implement this subsection not later than the expiration of the 60-day period beginning upon the date of the enactment of this subsection by notice, mortgagee letter, or interim final regulations, which shall take effect upon issuance.''; and

(3) by adding at the end the following new subsection:

''(h) USE OF NAME.—The Secretary shall, by regulation, require each mortgagee approved by the Secretary for participation in the FHA mortgage insurance programs of the Secretary—

''(1) to use the business name of the mortgagee that is registered with the Secretary in connection with such approval in all advertisements and promotional materials, as such terms are defined by the Secretary, relating to the business of such mortgagee in such mortgage insurance programs; and

''(2) to maintain copies of all such advertisements and promotional materials, in such form and for such period as the Secretary requires.''.

(c) PAYMENT FOR LOSS MITIGATION.—Section 204(a)(2) of the National Housing Act (12 U.S.C. 1710(a)(2)) is amended—

(1) by inserting ''or faces imminent default, as defined by the Secretary'' after ''default'';

(2) by inserting ''support for borrower housing counseling, partial claims, borrower incentives, preforeclosure sale,'' after ''loan modification,''; and

(3) by striking ''204(a)(1)(A)'' and inserting ''subsection (a)(1)(A) or section 230(c)''.

(d) PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.—

(1) ADDITIONAL LOSS MITIGATION ACTIONS.—Section 230(a) of the National Housing Act (12 U.S.C. 1715u(a)) is amended—

(A) by inserting ''or imminent default, as defined by the Secretary'' after ''default'';

(B) by striking ''loss'' and inserting ''loan'';

(C) by inserting ''preforeclosure sale, support for borrower housing counseling, subordinate lien resolution, borrower incentives,'' after ''loan modification,'';

(D) by inserting ''as required,'' after ''deeds in lieu of foreclosure,''; and

(E) by inserting ''or section 230(c),'' before ''as provided''.

(2) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Section 230(b) of the National Housing Act (12 U.S.C. 1715u(b)) is amended to read as follows:

''(b) PAYMENT OF PARTIAL CLAIM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default or faces imminent default, as defined by the Secretary.

''(2) PAYMENTS AND EXCEPTIONS.—Any payment of a partial claim under the program established in paragraph (1) to a mortgagee shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

''(A) the amount of the payment shall be in an amount determined by the Secretary, not to exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

''(B) the amount of the partial claim payment shall first be applied to any arrearage on the mortgage, and may also be applied to achieve principal reduction;

''(C) the mortgagor shall agree to repay the amount of the insurance claim to the Secretary upon terms and conditions acceptable to the Secretary;

''(D) the Secretary may permit compensation to the mortgagee for lost income on monthly payments, due to a reduction in the interest rate charged on the mortgage;

''(E) expenses related to the partial claim or modification may not be charged to the borrower;

''(F) loans may be modified to extend the term of the mortgage to a maximum of 40 years from the date of the modification; and

''(G) the Secretary may permit incentive payments to the mortgagee, on the borrower's behalf, based on successful performance of a modified mortgage, which shall be used to reduce the amount of principal indebtedness.

''(3) PAYMENTS IN CONNECTION WITH CERTAIN ACTIVITIES.—The Secretary may pay the mortgagee, from the appropriate insurance fund, in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.''.

(3) ASSIGNMENT.—Section 230(c) of the National Housing Act (12 U.S.C. 1715u(c)) is amended—

(A) by inserting ''(1)'' after ''(c)'';

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (1)(B) (as so redesignated)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) in the matter preceding clause (i) (as so redesignated), by striking ''under a program under this subsection'' and inserting ''under this paragraph''; and

(iii) in clause (i) (as so redesignated), by inserting ''or facing imminent default, as defined by the Secretary'' after ''default'';

(D) in paragraph (1)(C) (as so redesignated), by striking ''under a program under this subsection'' and inserting ''under this paragraph''; and

(E) by adding at the end the following:

''(2) ASSIGNMENT AND LOAN MODIFICATION.—

''(A) AUTHORITY.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

''(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—In carrying out this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with section 204(a)(5), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of section 204(a)(1)(A).

''(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

''(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

''(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

''(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

''(D) LOAN SERVICING.—In carrying out this paragraph, the Secretary may require the existing servicer of a mortgage assigned to the Secretary to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage, provided that the Secretary compensates the existing servicer appropriately, as such compensation is determined by the Secretary consistent, to the maximum extent possible, with section 203(b). If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.''.

(4) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this subsection through notice or mortgagee letter.

(e) CHANGE OF STATUS.—The National Housing Act is amended by striking section 532 (12 U.S.C. 1735f–10) and inserting the following new section:

''SEC. 532. CHANGE OF MORTGAGEE STATUS.

''(a) NOTIFICATION.—Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

''(b) ACTIONS.—The actions described in this subsection are as follows:

''(1) The debarment, suspension or a Limited Denial of Participation (LDP), or application of other sanctions, other exclusions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

''(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.''.

(f) CIVIL MONEY PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or any of its owners, officers, or directors'' after ''mortgagee or lender'';

(ii) in subparagraph (H), by striking ''title I'' and all that follows through ''under this Act.'' and inserting ''title I or II of this Act, or any implementing regulation, handbook, or mortgagee letter that is issued under this Act.''; and

(iii) by inserting after subparagraph (J) the following:

''(K) Violation of section 202(d) of this Act (12 U.S.C. 1708(d)).

''(L) Use of 'Federal Housing Administration', 'Department of Housing and Urban Development', 'Government National Mortgage Association', 'Ginnie Mae', the acronyms 'HUD', 'FHA', or 'GNMA', or any official seal or logo of the Department of Housing and Urban Development, except as authorized by the Secretary.'';

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(D) causing or participating in any of the violations set forth in paragraph (1) of this subsection.''; and

(C) by amending paragraph (3) to read as follows:

''(3) PROHIBITION AGAINST MISLEADING USE OF FEDERAL ENTITY DESIGNATION.—The Secretary may impose a civil money penalty, as adjusted from time to time, under subsection (a) for any use of 'Federal Housing Administration', 'Department of Housing and Urban Development', 'Government National Mortgage Association', 'Ginnie Mae', the acronyms 'HUD', 'FHA', or 'GNMA', or any official seal or logo of the Department of Housing and Urban Development, by any person, party, company, firm, partnership, or business, including sellers of real estate, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, and dealers, except as authorized by the Secretary.''; and

(2) in subsection (g), by striking ''The term'' and all that follows through the end of the sentence and inserting ''For purposes of this section, a person acts knowingly when a person has actual knowledge of acts or should have known of the acts.''.

(g) EXPANDED REVIEW OF FHA MORTGAGEE APPLICANTS AND NEWLY APPROVED MORTGAGEES.—Not later than the expiration of the 3-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) expand the existing process for reviewing new applicants for approval for participation in the mortgage insurance programs of the Secretary for mortgages on 1- to 4-family residences for the purpose of identifying applicants who represent a high risk to the Mutual Mortgage Insurance Fund; and

(2) implement procedures that, for mortgagees approved during the 12-month period ending upon such date of enactment—

(A) expand the number of mortgages originated by such mortgagees that are reviewed for compliance with applicable laws, regulations, and policies; and

(B) include a process for random reviews of such mortgagees and a process for reviews that is based on volume of mortgages originated by such mortgagees.

SEC. 204. ENHANCEMENT OF LIQUIDITY AND STABILITY OF INSURED DEPOSITORY INSTITUTIONS TO ENSURE AVAILABILITY OF CREDIT AND REDUCTION OF FORECLOSURES.

(a) TEMPORARY INCREASE IN DEPOSIT INSURANCE EXTENDED.—Section 136 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5241) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''December 31, 2009'' and inserting ''December 31, 2013'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''December 31, 2009'' and inserting ''December 31, 2013''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''December 31, 2009'' and inserting ''December 31, 2013'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''December 31, 2009'' and inserting ''December 31, 2013''; and

(b) EXTENSION OF RESTORATION PLAN PERIOD.—Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking ''5-year period'' and inserting ''8-year period''.

(c) FDIC AND NCUA BORROWING AUTHORITY.—

(1) FDIC.—Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(A) by striking ''$30,000,000,000'' and inserting ''$100,000,000,000'';

(B) by striking ''The Corporation is authorized'' and inserting the following:

''(1) IN GENERAL.—The Corporation is authorized'';

(C) by striking ''There are hereby'' and inserting the following:

''(2) FUNDING.—There are hereby''; and

(D) by adding at the end the following:

''(3) TEMPORARY INCREASES AUTHORIZED.—

''(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the $100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed $500,000,000,000.

''(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above $100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.

''(C) RESTRICTION ON USAGE.—The Corporation may not borrow pursuant to subparagraph (A) to fund obligations of the Corporation incurred as a part of a program established by the Secretary of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008 to purchase or guarantee assets.''.

(2) NCUA.—Section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)) is amended to read as follows:

''(1) If, in the judgment of the Board, a loan to the insurance fund, or to the stabilization fund described in section 217 of this title, is required at any time for purposes of this subchapter, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate $6,000,000,000 outstanding at any one time. Except as otherwise provided in this subsection, section 217, and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Board and the Secretary of the Treasury.''.

(3) TEMPORARY INCREASES OF BORROWING AUTHORITY FOR NCUA.—Section 203(d) of the Federal Credit Union Act (12 U.S.C. 1783(d)) is amended by adding at the end the following:

''(4) TEMPORARY INCREASES AUTHORIZED.—

''(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board (upon a vote of not less than two-thirds of the members of the Board) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the $6,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed $30,000,000,000.

''(B) REPORT REQUIRED.—If the borrowing authority of the Board is increased above $6,000,000,000 pursuant to subparagraph (A), the Board shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.''.

(d) EXPANDING SYSTEMIC RISK SPECIAL ASSESSMENTS.—Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

''(ii) REPAYMENT OF LOSS.—

''(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

''(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

''(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall establish rates sufficient to cover the losses incurred as a result of the actions of the Corporation under clause (i) and shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions, the effects on the industry, and such other factors as the Corporation deems appropriate and relevant to the action taken or the assistance provided. Any funds so collected that exceed actual losses shall be placed in the Deposit Insurance Fund.''.

(e) ESTABLISHMENT OF A NATIONAL CREDIT UNION SHARE INSURANCE FUND RESTORATION PLAN PERIOD.—Section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)) is amended by adding at the end the following new subparagraph:

''(D) FUND RESTORATION PLANS.—

''(i) IN GENERAL.—Whenever—

''(I) the Board projects that the equity ratio of the Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (C); or

''(II) the equity ratio of the Fund actually falls below the minimum amount specified in subparagraph (C) without any determination under sub-clause (I) having been made,

the Board shall establish and implement a restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Board determines to be appropriate.

''(ii) REQUIREMENTS OF RESTORATION PLAN.—A restoration plan meets the requirements of this clause if the plan provides that the equity ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (C) before the end of the 8-year period beginning upon the implementation of the plan (or such longer period as the Board may determine to be necessary due to extraordinary circumstances).

''(iii) TRANSPARENCY.—Not more than 30 days after the Board establishes and implements a restoration plan under clause (i), the Board shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.''.

(f) TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.—

(1) ESTABLISHMENT OF STABILIZATION FUND.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section:

''SEC. 217. TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.

''(a) ESTABLISHMENT OF STABILIZATION FUND.—There is hereby created in the Treasury of the United States a fund to be known as the 'Temporary Corporate Credit Union Stabilization Fund.' The Board will administer the Stabilization Fund as prescribed by section 209.

''(b) EXPENDITURES FROM STABILIZATION FUND.—Money in the Stabilization Fund shall be available upon requisition by the Board, without fiscal year limitation, for making payments for the purposes described in section 203(a), subject to the following additional limitations:

''(1) All payments other than administrative payments shall be connected to the conservatorship, liquidation, or threatened conservatorship or liquidation, of a corporate credit union.

''(2) Prior to authorizing each payment the Board shall—

''(A) certify that, absent the existence of the Stabilization Fund, the Board would have made the identical payment out of the National Credit Union Share Insurance Fund (Insurance Fund); and

''(B) report each such certification to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

''(c) AUTHORITY TO BORROW.—

''(1) IN GENERAL.—The Stabilization Fund is authorized to borrow from the Secretary of the Treasury from time-to-time as deemed necessary by the Board. The maximum outstanding amount of all borrowings from the Treasury by the Stabilization Fund and the National Credit Union Share Insurance Fund, combined, is limited to the amount provided for in section 203(d)(1), including any authorized increases in that amount.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—The advances made under this section shall be repaid by the Stabilization Fund, and interest on such advance shall be paid, to the General fund of the Treasury.

''(B) VARIABLE RATE OF INTEREST.—The Secretary of the Treasury shall make the first rate determination at the time of the first advance under this section and shall reset the rate again for all advances on each anniversary of the first advance. The interest rate shall be equal to the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity equal to 12 months.

''(3) REPAYMENT SCHEDULE.—The Stabilization Fund shall repay the advances on a first-in, first-out basis, with interest on the amount repaid, at times and dates determined by the Board at its discretion. All advances shall be repaid not later than the date of the seventh anniversary of the first advance to the Stabilization Fund, unless the Board extends this final repayment date. The Board shall obtain the concurrence of the Secretary of the Treasury on any proposed extension, including the terms and conditions of the extended repayment.

''(d) ASSESSMENT TO REPAY ADVANCES.—At least 90 days prior to each repayment described in subsection (c)(3), the Board shall set the amount of the upcoming repayment and determine if the Stabilization Fund will have sufficient funds to make the repayment. If the Stabilization Fund might not have sufficient funds to make the repayment, the Board shall assess each federally insured credit union a special premium due and payable within 60 days in an aggregate amount calculated to ensure the Stabilization Fund is able to make the repayment. The premium charge for each credit union shall be stated as a percentage of its insured shares as represented on the credit union's previous call report. The percentage shall be identical for each credit union. Any credit union that fails to make timely payment of the special premium is subject to the procedures and penalties described under subsections (d), (e), and (f) of section 202.

''(e) DISTRIBUTIONS FROM INSURANCE FUND.—At the end of any calendar year in which the Stabilization Fund has an outstanding advance from the Treasury, the Insurance Fund is prohibited from making the distribution to insured credit unions described in section 202(c)(3). In lieu of the distribution described in that section, the Insurance Fund shall make a distribution to the Stabilization Fund of the maximum amount possible that does not reduce the Insurance Fund's equity ratio below the normal operating level and does not reduce the Insurance Fund's available assets ratio below 1.0 percent.

''(f) INVESTMENT OF STABILIZATION FUND ASSETS.—The Board may request the Secretary of the Treasury to invest such portion of the Stabilization Fund as is not, in the Board's judgment, required to meet the current needs of the Stabilization Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities, with maturities suitable to the needs of the Stabilization Fund, as determined by the Board, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(g) REPORTS.—The Board shall submit an annual report to Congress on the financial condition and the results of the operation of the Stabilization Fund. The report is due to Congress within 30 days after each anniversary of the first advance made under subsection (c)(1). Because the Fund will use advances from the Treasury to meet corporate stabilization costs with full repayment of borrowings to Treasury at the Board's discretion not due until 7 years from the initial advance, to the extent operating expenses of the Fund exceed income, the financial condition of the Fund may reflect a deficit. With planned and required future repayments, the Board shall resolve all deficits prior to termination of the Fund.

''(h) CLOSING OF STABILIZATION FUND.—Within 90 days following the seventh anniversary of the initial Stabilization Fund advance, or earlier at the Board's discretion, the Board shall distribute any funds, property, or other assets remaining in the Stabilization Fund to the Insurance Fund and shall close the Stabilization Fund. If the Board extends the final repayment date as permitted under subsection (c)(3), the mandatory date for closing the Stabilization Fund shall be extended by the same number of days.''.

(2) CONFORMING AMENDMENT.—Section 202(c)(3)(A) of the Federal Credit Union Act (12 U.S.C. 1782(c)(3)(A)) is amended by inserting '', subject to the requirements of section 217(e),'' after ''The Board shall''.

SEC. 205. APPLICATION OF GSE CONFORMING LOAN LIMIT TO MORTGAGES ASSISTED WITH TARP FUNDS.

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008, the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

SEC. 206. MORTGAGES ON CERTAIN HOMES ON LEASED LAND.

Section 255(b)(4) of the National Housing Act (12 U.S.C. 1715z–20(b)(4)) is amended by striking subparagraph (B) and inserting:

''(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.''.

SEC. 207. SENSE OF CONGRESS REGARDING MORTGAGE REVENUE BOND PURCHASES.

It is the sense of the Congress that the Secretary of the Treasury should use amounts made available in this Act to purchase mortgage revenue bonds for single-family housing issued through State housing finance agencies and through units of local government and agencies thereof.

TITLE III—MORTGAGE FRAUD TASK FORCE

SEC. 301. SENSE OF CONGRESS ON ESTABLISHMENT OF A NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) IN GENERAL.—It is the sense of the Congress that the Department of Justice establish a Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the ''Task Force'') to address mortgage fraud in the United States.

(b) SUPPORT.—If the Department of Justice establishes the Task Force referred to in

subsection (a), it is the sense of the Congress that the Attorney General should provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) MANDATORY FUNCTIONS.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(d) OPTIONAL FUNCTIONS.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Task Force should—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities described under subsection (c), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

SEC. 401. SENSE OF THE CONGRESS ON FORECLOSURES.

(a) IN GENERAL.—It is the sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or a foreclosure sale on any homeowner until the foreclosure mitigation provisions, like the Hope for Homeowners program, as required under title II, and the President's ''Homeowner Affordability and Stability Plan'' have been implemented and determined to be operational by the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(b) SCOPE OF MORATORIUM.—The foreclosure moratorium referred to in subsection (a) should apply only for first mortgages secured by the owner's principal dwelling.

(c) FHA-REGULATED LOAN MODIFICATION AGREEMENTS.—If a mortgage holder, institution, or mortgage servicer to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(d) DUTY OF CONSUMER TO MAINTAIN PROPERTY.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued , or consummated with respect to any homeowner mortgage should not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(e) DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

SEC. 402. PUBLIC-PRIVATE INVESTMENT PROGRAM; ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Public-Private Investment Program Improvement and Oversight Act of 2009''.

(b) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Federal Government to create a public-private investment fund shall—

(A) in consultation with the Special Inspector General of the Trouble Asset Relief Program (in this section referred to as the ''Special Inspector General''), impose strict conflict of interest rules on managers of public-private investment funds to ensure that securities bought by the funds are purchased in arms-length transactions, that fiduciary duties to public and private investors in the fund are not violated, and that there is full disclosure of relevant facts and financial interests (which conflict of interest rules shall be implemented by the manager of a public-private investment fund prior to such fund receiving Federal Government financing);

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury (in this section referred to as the ''Secretary'') that discloses the 10 largest positions of such fund (which reports shall be publicly disclosed at such time as the Secretary of the Treasury determines that such disclosure will not harm the ongoing business operations of the fund);

(C) allow the Special Inspector General access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form, and the confidentiality of all such information shall be maintained by the Special Inspector General;

(D) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(E) require each manager of a public-private investment fund to acknowledge, in writing, a fiduciary duty to both the public and private investors in such fund;

(F) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(G) require strict investor screening procedures for public-private investment funds; and

(H) require each manager of a public-private fund to identify for the Secretary, on a periodic basis, each investor that, individually or together with affiliates, directly or indirectly, holds equity interests equal to at least 10 percent of the equity interest of the fund including if such interests are held in a vehicle formed for the purpose of directly or indirectly investing in the fund.

(2) INTERACTION BETWEEN PUBLIC-PRIVATE INVESTMENT FUNDS AND THE TERM-ASSET BACKED SECURITIES LOAN FACILITY.—The Secretary shall consult with the Special Inspector General and shall issue regulations governing the interaction of the Public-Private Investment Program, the Term-Asset Backed Securities Loan Facility, and other similar public-private investment programs. Such regulations shall address concerns regarding the potential for excessive leverage that could result from interactions between such programs.

(3) REPORT.—Not later than 60 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General shall submit a report to Congress on the implementation of this section.

(c) ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL.—

(1) IN GENERAL.—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $15,000,000 shall be made available to the Special Inspector General, which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) PRIORITIES.—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under ''any program that is funded in whole or in part by funds appropriated under the Emergency Economic Stabilization Act of 2008,'' to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(d) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in this section shall be construed to apply to any activity of the Federal Deposit Insurance Corporation in connection with insured depository institutions, as described in section 13(c)(2)(B) of the Federal Deposit Insurance Act.

(e) DEFINITION.—In this section, the term ''public-private investment fund'' means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury or funds appropriated under the Emergency Economic Stabilization Act of 2008.

(f) OFFSET OF COSTS OF PROGRAM CHANGES.—Notwithstanding the amendment made by section 202(b) of this Act, paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting '', as such amount is reduced by $1,259,000,000,'' after ''$700,000,000,000''.

(g) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations or other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this section.

SEC. 403. REMOVAL OF REQUIREMENT TO LIQUIDATE WARRANTS UNDER THE TARP.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended by striking ''shall liquidate warrants associated with such assistance at the current market price'' and inserting '', at the market price, may liquidate warrants associated with such assistance''.

SEC. 404. NOTIFICATION OF SALE OR TRANSFER OF MORTGAGE LOANS.

(a) IN GENERAL.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following:

''(g) NOTICE OF NEW CREDITOR.—

''(1) IN GENERAL.—In addition to other disclosures required by this title, not later than 30 days after the date on which a mortgage loan is sold or otherwise transferred or assigned to a third party, the creditor that is the new owner or assignee of the debt shall notify the borrower in writing of such transfer, including—

''(A) the identity, address, telephone number of the new creditor;

''(B) the date of transfer;

''(C) how to reach an agent or party having authority to act on behalf of the new creditor;

''(D) the location of the place where transfer of ownership of the debt is recorded; and

''(E) any other relevant information regarding the new creditor.

''(2) DEFINITION.—As used in this subsection, the term 'mortgage loan' means any consumer credit transaction that is secured by the principal dwelling of a consumer.''.

(b) PRIVATE RIGHT OF ACTION.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting ''subsection (f) or (g) of section 131,'' after ''section 125,''.

TITLE V—FARM LOAN RESTRUCTURING

SEC. 501. CONGRESSIONAL OVERSIGHT PANEL SPECIAL REPORT.

Section 125(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5233(b)) is amended by adding at the end the following:

''(3) SPECIAL REPORT ON FARM LOAN RESTRUCTURING.—Not later than 60 days after the date of enactment of this paragraph, the Oversight Panel shall submit a special report on farm loan restructuring that—

''(A) analyzes the state of the commercial farm credit markets and the use of loan restructuring as an alternative to foreclosure by recipients of financial assistance under the Troubled Asset Relief Program; and

''(B) includes an examination of and recommendation on the different methods for farm loan restructuring that could be used as part of a foreclosure mitigation program for farm loans made by recipients of financial assistance under the Troubled Asset Relief Program, including any programs for direct loan restructuring or modification carried out by the Farm Service Agency of the Department of Agriculture, the farm credit system, and the Making Home Affordable Program of the Department of the Treasury.''.

TITLE VI—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

SEC. 601. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating in programs established under this Act.''; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (F); and

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) DEFINITION.—In this paragraph, the term 'governmental unit' has the meaning given under section 101(27) of title 11, United States Code, and does not include any insured depository institution as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 8113).

''(B) GAO PRESENCE.—The Secretary shall provide the Comptroller General with appropriate space and facilities in the Department of the Treasury as necessary to facilitate oversight of the TARP until the termination date established in section 5230 of this title.

''(C) ACCESS TO RECORDS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, any entity that is established by a Federal reserve bank and receives funding from the TARP, or any entity (other than a governmental unit) participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

''(ii) VERIFICATION.—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

''(iii) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.

''(D) AGREEMENT BY ENTITIES.—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity (other than a governmental unit) participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

''(E) RESTRICTION ON PUBLIC DISCLOSURE.—

''(i) IN GENERAL.—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

''(ii) EXCEPTION FOR CONGRESSIONAL COMMITTEES.—This subparagraph does not limit disclosures to congressional committees or members thereof having jurisdiction over a private or public entity referred to under subparagraph (C).

''(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information prohibited by section 1905 of title 18, United States Code, section 714(c) of title 31, United States Code, or other applicable provisions of law.''.

TITLE VII—PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Protecting Tenants at Foreclosure Act of 2009''.

SEC. 702. EFFECT OF FORECLOSURE ON PRE-EXISTING TENANCY.

(a) IN GENERAL.—In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor ''or the child, spouse, or parent of the mortgagor'' under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; and

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property ''or the unit's rent is reduced or subsidized due to a Federal, State, or local subsidy''.

(c) DEFINITION.—For purposes of this section, the term ''federally-related mortgage loan'' has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

SEC. 703. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semicolon in subparagraph (C) the following: ''and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner—

''(i) will occupy the unit as a primary residence; and

''(ii) has provided the tenant a notice to vacate at least 90 days before the effective date of such notice.''; and

(2) by inserting at the end of subparagraph (F) the following: ''In the case of any foreclosure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential

real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.''.

SEC. 704. SUNSET.

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.

TITLE VIII—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

SEC. 801. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended—

(1) in subsection (a), by striking ''Federal Reserve Board,'' and inserting ''Board of Governors of the Federal Reserve System (in this section referred to as the 'Board'),''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Federal Reserve Board,'' and inserting ''Board''; and

(B) in paragraph (4), by striking ''of Governors''.

(b) CONFIDENTIAL INFORMATION.—Section 714(c) of title 31, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not disclose to any person outside the Government Accountability Office information obtained in audits or examinations conducted under subsection (e) and maintained as confidential by the Board or the Federal reserve banks.

''(4) This subsection shall not—

''(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

''(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.''.

(c) ACCESS TO RECORDS.—Section 714(d) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting ''The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency and any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.'' after the first sentence;

(2) in paragraph (2), by inserting '', copies of any record,'' after ''records''; and

(3) by adding at the end the following:

''(3)(A) For purposes of conducting audits and examinations under subsection (e), the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things or property belonging to or in use by—

''(i) any entity established by any action taken by the Board described under subsection (e);

''(ii) any entity receiving assistance from any action taken by the Board described under subsection (e), to the extent that the access and request relates to that assistance; and

''(iii) the officers, directors, employees, independent public accountants, financial advisors and any and all representatives of any entity described under clause (i) or (ii); to the extent that the access and request relates to that assistance;

''(B) The Comptroller General shall have access as provided under subparagraph (A) at such time as the Comptroller General may request.

''(C) Each contract, term sheet, or other agreement between the Board or any Federal reserve bank (or any entity established by the Board or any Federal reserve bank) and an entity receiving assistance from any action taken by the Board described under subsection (e) shall provide for access by the Comptroller General in accordance with this paragraph.''.

(d) AUDITS OF CERTAIN ACTIONS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding subsection (b), the Comptroller General may conduct audits, including onsite examinations when the Comptroller General determines such audits and examinations are appropriate, of any action taken by the Board under the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343); with respect to a single and specific partnership or corporation.''.

DIVISION B—HOMELESSNESS REFORM

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009''.

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

DIVISION B—HOMELESSNESS REFORM

Sec. 1001. Short title; table of contents.
Sec. 1002. Findings and purposes.
Sec. 1003. Definition of homelessness.
Sec. 1004. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 1101. Definitions.
Sec. 1102. Community homeless assistance planning boards.
Sec. 1103. General provisions.
Sec. 1104. Protection of personally identifying information by victim service providers.
Sec. 1105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 1201. Grant assistance.
Sec. 1202. Eligible activities.
Sec. 1203. Participation in Homeless Management Information System.
Sec. 1204. Administrative provision.
Sec. 1205. GAO study of administrative fees.

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 1301. Continuum of care.
Sec. 1302. Eligible activities.
Sec. 1303. High performing communities.
Sec. 1304. Program requirements.
Sec. 1305. Selection criteria, allocation amounts, and funding.
Sec. 1306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 1401. Rural housing stability assistance.
Sec. 1402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 1501. Repeals.
Sec. 1502. Conforming amendments.
Sec. 1503. Effective date.
Sec. 1504. Regulations.
Sec. 1505. Amendment to table of contents.

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this division are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 1003. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—For purposes of this Act, the terms 'homeless', 'homeless individual', and 'homeless person' means—

''(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

''(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

''(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

''(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

''(5) an individual or family who—

''(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

''(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

''(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

''(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an

individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

''(B) has no subsequent residence identified; and

''(C) lacks the resources or support networks needed to obtain other permanent housing; and

''(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

''(A) have experienced a long term period without living independently in permanent housing,

''(B) have experienced persistent instability as measured by frequent moves over such period, and

''(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

''(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.''.

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this division, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this division.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of ''homeless'', ''homeless individual'', or ''homeless person'' for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 1004. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following ''whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness'';

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

''(16) The Commissioner of Social Security, or the designee of the Commissioner.

''(17) The Attorney General of the United States, or the designee of the Attorney General.

''(18) The Director of the Office of Management and Budget, or the designee of the Director.

''(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

''(20) The Director of USA FreedomCorps, or the designee of the Director.'';

(B) in subsection (c), by striking ''annually'' and inserting ''four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year''; and

(C) by adding at the end the following:

''(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.'';

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

''(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually;'';

(C) in paragraph (5), as redesignated by subparagraph (A), by striking ''at least 2, but in no case more than 5'' and inserting ''not less than 5, but in no case more than 10'';

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

''(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

''(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999, and 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

''(8) conduct research and evaluation related to its functions as defined in this section;

''(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency;'';

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking ''and'' at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

''(12) develop constructive alternatives to criminalizing homelessness and laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons; and

''(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of 'homeless' under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 1003 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.''.

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—

(A) by striking ''Federal'' and inserting ''national'';

(B) by striking ''; and'' and inserting ''and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made;'';

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking ''property.'' and inserting ''property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.''; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011. Any amounts appropriated to carry out this title shall remain available until expended.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this division.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 1101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle A—General Provisions";

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

"SEC. 401. DEFINITIONS.

''For purposes of this title:

''(1) AT RISK OF HOMELESSNESS.—The term 'at risk of homelessness' means, with respect to an individual or family, that the individual or family—

''(A) has income below 30 percent of median income for the geographic area;

''(B) has insufficient resources immediately available to attain housing stability; and

''(C)(i) has moved frequently because of economic reasons;

''(ii) is living in the home of another because of economic hardship;

''(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

''(iv) lives in a hotel or motel;

''(v) lives in severely overcrowded housing;

''(vi) is exiting an institution; or

''(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

''(2) CHRONICALLY HOMELESS.—

''(A) IN GENERAL.—The term 'chronically homeless' means, with respect to an individual or family, that the individual or family—

''(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

''(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

''(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

''(B) RULE OF CONSTRUCTION.—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

''(3) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means an entity that—

''(A) carries out the duties specified in section 402;

''(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

''(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

''(4) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

''(A) satisfies section 422; and

''(B) is submitted to the Secretary by a collaborative applicant.

''(5) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

''(7) FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.—The term 'families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

''(8) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

''(9) HOMELESS INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

''(i)(I) is expected to be long-continuing or of indefinite duration;

''(II) substantially impedes the individual's ability to live independently;

''(III) could be improved by the provision of more suitable housing conditions; and

''(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

''(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

''(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

''(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

''(10) LEGAL ENTITY.—The term 'legal entity' means—

''(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

''(B) an instrumentality of State or local government; or

''(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

''(11) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

''(12) NEW.—The term 'new' means, with respect to housing, that no assistance has been provided under this title for the housing.

''(13) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

''(A) the administration, maintenance, repair, and security of such housing;

''(B) utilities, fuel, furnishings, and equipment for such housing; or

''(C) coordination of services as needed to ensure long-term housing stability.

''(14) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse services.

''(15) PERMANENT HOUSING.—The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

''(16) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

''(17) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

''(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(B) that has a voluntary board;

''(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

''(D) that practices nondiscrimination in the provision of assistance.

''(18) PROJECT.—The term 'project' means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

''(19) PROJECT-BASED.—The term 'project-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an owner of a structure that exists as of the date the contract is entered into; and

''(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

''(20) PROJECT SPONSOR.—The term 'project sponsor' means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

''(21) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

''(A) submits an application for a grant under section 422 that is approved by the Secretary;

''(B) receives the grant directly from the Secretary to support approved projects described in the application; and

''(C)(i) serves as a project sponsor for the projects; or

''(ii) awards the funds to project sponsors to carry out the projects.

''(22) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(23) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

''(24) SOLO APPLICANT.—The term 'solo applicant' means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

''(25) SPONSOR-BASED.—The term 'sponsor-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an independent entity that—

''(I) is a private organization; and

''(II) owns or leases dwelling units; and

''(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

''(26) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

''(27) SUPPORTIVE SERVICES.—The term 'supportive services' means services that address the special needs of people served by a project, including—

''(A) the establishment and operation of a child care services program for families experiencing homelessness;

''(B) the establishment and operation of an employment assistance program, including providing job training;

''(C) the provision of outpatient health services, food, and case management;

''(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

''(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

''(F) the provision of mental health services, trauma counseling, and victim services;

''(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

''(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

''(I) the provision of—

''(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

''(ii) health care; and

''(J) other supportive services necessary to obtain and maintain housing.

''(28) TENANT-BASED.—The term 'tenant-based' means, with respect to rental assistance, assistance that—

''(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

''(i) in a particular structure or unit for not more than the first year of the participation;

''(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

''(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

''(29) TRANSITIONAL HOUSING.—The term 'transitional housing' means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

''(30) UNIFIED FUNDING AGENCY.—The term 'unified funding agency' means a collaborative applicant that performs the duties described in section 402(g).

''(31) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

''(32) VICTIM SERVICE PROVIDER.—The term 'victim service provider' means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

''(33) VICTIM SERVICES.—The term 'victim services' means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 1102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 1101(3) of this division) the following new section:

''SEC. 402. COLLABORATIVE APPLICANTS.

''(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

''(1) submit an application for amounts under this subtitle; and

''(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

''(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

''(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

''(e) APPOINTMENT OF AGENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

''(A) apply for a grant under section 422(c);

''(B) receive and distribute grant funds awarded under subtitle C; and

''(C) perform other administrative duties.

''(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

''(f) DUTIES.—A collaborative applicant shall—

''(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

''(A) to determine compliance with—

''(i) the program requirements under section 426; and

''(ii) the selection criteria described under section 427; and

''(B) to establish priorities for funding projects in the geographic area involved;

''(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

''(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as 'HMIS') that—

''(A) collects unduplicated counts of individuals and families experiencing homelessness;

''(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

''(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

''(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

''(i) encryption of data collected for purposes of HMIS;

''(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

''(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

''(iv) rights of persons receiving services under this title;

''(v) criminal and civil penalties for unlawful disclosure of data; and

''(vi) such other standards as may be determined necessary by the Secretary.

''(g) UNIFIED FUNDING.—

''(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

''(A) the collaborative applicant—

''(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

''(ii) is selected to perform such responsibilities by the Secretary; or

''(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

''(i) a finding by the Secretary that the applicant—

''(I) has the capacity to perform such responsibilities; and

''(II) would serve the purposes of this Act as they apply to the geographic area; and

''(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

''(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

''(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

''(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

''(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.''.

SEC. 1103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 1101(2) of this division) the following new sections:

''SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

''(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

''(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

''(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

''(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

''SEC. 405. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homeless.

''(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).''.

SEC. 1104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

''SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

''In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 1105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

''SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.''.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 1201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle B—Emergency Solutions Grants Program'';

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

''SEC. 412. GRANT ASSISTANCE.

''The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

''SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

''(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

''(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.''; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking ''amounts appropriated'' and all that follows through ''for any'' and inserting ''amounts appropriated under section 408 and made available to carry out this subtitle for any''.

SEC. 1202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 1201(3) of this division, and inserting the following new section:

''SEC. 415. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

''(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

''(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

''(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

''(B) the use of assistance under this subtitle would complement the provision of those essential services.

''(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

''(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

''(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

''(A) stabilizing individuals and families in their current housing; or

''(B) quickly moving such individuals and families to other permanent housing.

''(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

''(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

''(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.''.

SEC. 1203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 1201(3) of this division, is amended by adding at the end the following new subsection:

''(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.''.

SEC. 1204. ADMINISTRATIVE PROVISION.

Section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11378) is amended by striking ''5 percent'' and inserting ''7.5 percent''.

SEC. 1205. GAO STUDY OF ADMINISTRATIVE FEES.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall—

(1) conduct a study to examine the appropriate administrative costs for administering the program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(2) submit to Congress a report on the findings of the study required under paragraph (1).

TITLE III—CONTINUUM OF CARE PROGRAM

SEC. 1301. CONTINUUM OF CARE.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

''Subtitle C—Continuum of Care Program''; and

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

''SEC. 421. PURPOSES.

''The purposes of this subtitle are—

''(1) to promote community-wide commitment to the goal of ending homelessness;

''(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

''(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

''(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

''SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

''(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

''(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

''(c) APPLICATIONS.—

''(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

''(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

''(B) to establish priorities for funding projects in the geographic area.

''(2) ANNOUNCEMENT OF AWARDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

''(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

''(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

''(1) REQUIREMENTS FOR OBLIGATION.—

''(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

''(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

''(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

''(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

''(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

''(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

''(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

''(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

''(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

''(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

''(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

''(h) APPEALS.—

''(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

''(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

''(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

''(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

''(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

''(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

''(3) TREATMENT OF CERTAIN POPULATIONS.—

''(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

''(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.''.

SEC. 1302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

''SEC. 423. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

''(1) Construction of new housing units to provide transitional or permanent housing.

''(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

''(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

''(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

''(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

''(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

''(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

''(A) are effective at moving homeless individuals and families immediately into housing; or

''(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

''(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

''(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

''(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

''(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

''(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

''(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

''(c) USE RESTRICTIONS.—

''(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

''(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

''(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

''(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

''(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

''(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

''(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

''(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

''(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

''(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

''(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

''(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

''(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

''(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

''(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

''(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.''.

SEC. 1303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

''SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

''(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

''(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

''(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of

subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

''(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

''(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

''(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

''(b) APPLICATION.—

''(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

''(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

''(A) a report showing how any money received under this subtitle in the preceding year was expended; and

''(B) information that such applicant can meet the requirements described under subsection (d).

''(3) PUBLICATION OF APPLICATION.—The Secretary shall—

''(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

''(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

''(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

''(1) for any of the eligible activities described in section 423; or

''(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

''(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term 'high-performing community' means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

''(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

''(A) is less than 20 days; or

''(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

''(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

''(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

''(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

''(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

''(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

''(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

''(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

''(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

''(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.''.

SEC. 1304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

''(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

''(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

''(2) to monitor and report to the Secretary the progress of the project;

''(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

''(4) to require certification from all project sponsors that—

''(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

''(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

''(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

''(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act(42 U.S.C. 11431 et seq.); and

''(E) they will provide data and reports as required by the Secretary pursuant to the Act;

''(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

''(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

''(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

''(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.'';

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking ''recipient'' and inserting ''recipient or project sponsor'';

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking ''recipient'' each place it appears and inserting ''recipient or project sponsor'';

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 1305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

''SEC. 427. SELECTION CRITERIA.

''(a) IN GENERAL.—The Secretary shall award funds to recipients through a national

competition between geographic areas based on criteria established by the Secretary.

''(b) REQUIRED CRITERIA.—

''(1) IN GENERAL.—The criteria established under subsection (a) shall include—

''(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

''(i) the length of time individuals and families remain homeless;

''(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

''(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

''(iv) overall reduction in the number of homeless individuals and families;

''(v) jobs and income growth for homeless individuals and families;

''(vi) success at reducing the number of individuals and families who become homeless;

''(vii) other accomplishments by the recipient related to reducing homelessness; and

''(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

''(B) the plan of the recipient, which shall describe—

''(i) how the number of individuals and families who become homeless will be reduced in the community;

''(ii) how the length of time that individuals and families remain homeless will be reduced;

''(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

''(iv) the extent to which the recipient will—

''(I) address the needs of all relevant subpopulations;

''(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

''(III) set quantifiable performance measures;

''(IV) set timelines for completion of specific tasks;

''(V) identify specific funding sources for planned activities; and

''(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

''(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

''(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

''(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

''(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

''(iii) is based on objective criteria that have been publicly announced by the recipient; and

''(iv) is open to proposals from entities that have not previously received funds under this subtitle;

''(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

''(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

''(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

''(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

''(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

''(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

''(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

''(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

''(B) AMOUNT.—

''(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

''(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

''(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

''(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

''(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

''(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

''(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

''SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

''(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

''(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

''(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

''(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

''(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

''(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

''(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

''(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

''(d) INCENTIVES FOR PROVEN STRATEGIES.—

''(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this

subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

''(A) permanent supportive housing for chronically homeless individuals and families;

''(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

''(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

''(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

''(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

''SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

''(a) IN GENERAL.—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

''(1) under the appropriations account for this title; or

''(2) the section 8 project-based rental assistance account.

''(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

''(1) there is a demonstrated need for the project; and

''(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

''SEC. 430. MATCHING FUNDING.

''(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

''(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

''(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

''(1) funding for any eligible activity described under section 423; and

''(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

''SEC. 431. APPEAL PROCEDURE.

''(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

''(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

''(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.''.

SEC. 1306. RESEARCH.

There is authorized to be appropriated $8,000,000, for each of fiscal years 2010 and 2011, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at 3 different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 1401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle G—Rural Housing Stability Assistance Program''; and

(2) in section 491—

(A) by striking the section heading and inserting ''**RURAL HOUSING STABILITY GRANT PROGRAM**.'';

(B) in subsection (a)—

(i) by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program'';

(ii) by inserting ''in lieu of grants under subtitle C'' after ''eligible organizations''; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

''(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

''(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

''(3) improving the ability of the lowest-income residents of the community to afford stable housing.'';

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

''(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

''(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

''(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

''(H) payment of operating costs for housing units assisted under this title;'';

(D) in subsection (b)(2), by striking ''appropriated'' and inserting ''transferred'';

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking ''appropriated'' and inserting ''transferred''; and

(ii) in paragraph (3), by striking ''appropriated'' and inserting ''transferred'';

(F) in subsection (d)—

(i) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking ''an agreement'' and all that follows through ''families'' and inserting the following: ''a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization''; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

''(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

''(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.'';

(G) by striking subsections (f) and (g) and inserting the following:

''(f) MATCHING FUNDING.—

''(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall

specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

''(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

''(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

''(A) funding for any eligible activity described under subsection (b); and

''(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

''(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

''(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

''(2) the degree to which the project addresses the most harmful housing situations present in the community;

''(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

''(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

''(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

''(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

''(7) any other relevant criteria as determined by the Secretary.'';

(H) in subsection (h)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''The'' and inserting ''Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the''; and

(ii) in paragraph (1)(A), by striking ''providing housing and other assistance to homeless persons'' and inserting ''meeting the goals described in subsection (a)'';

(iii) in paragraph (1)(B), by striking ''address homelessness in rural areas'' and inserting ''meet the goals described in subsection (a) in rural areas''; and

(iv) in paragraph (2)—

(I) by striking ''The'' and inserting ''Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the'';

(II) by striking '', not later than 18 months after the date on which the Secretary first makes grants under the program,''; and

(III) by striking ''prevent and respond to homelessness'' and inserting ''meet the goals described in subsection (a)'';

(I) in subsection (k)—

(i) in paragraph (1), by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking ''rural census tract.'' and inserting ''county where at least 75 percent of the population is rural; or''; and

(III) by adding at the end the following:

''(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.'';

(J) in subsection (l)—

(i) by striking the subsection heading and inserting ''PROGRAM FUNDING.—''; and

(ii) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C.''; and

(K) by adding at the end the following:

''(m) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.''.

SEC. 1402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

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

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 1501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 1502. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 1101(2) of this division), is amended—

(1) by striking ''current housing affordability strategy'' and inserting ''consolidated plan''; and

(2) by inserting before the comma the following: ''(referred to in such section as a 'comprehensive housing affordability strategy')''.

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this division, is further amended by adding at the end the following new subsection:

''(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.''.

(c) RURAL HOUSING STABILITY ASSISTANCE.—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this division, as subtitle D.

SEC. 1503. EFFECTIVE DATE.

Except as specifically provided otherwise in this division, this division and the amendments made by this division shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this division, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 1504,

whichever occurs first.

SEC. 1504. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this division, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this division.

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

SEC. 1505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

''TITLE IV—HOUSING ASSISTANCE

''Subtitle A—General Provisions

''Sec. 401. Definitions.
''Sec. 402. Collaborative applicants.
''Sec. 403. Housing affordability strategy.
''Sec. 404. Preventing involuntary family separation
''Sec. 405. Technical assistance.
''Sec. 406. Discharge coordination policy.
''Sec. 407. Protection of personally identifying information by victim service providers.
''Sec. 408. Authorization of appropriations.

''Subtitle B—Emergency Solutions Grants Program

''Sec. 411. Definitions.
''Sec. 412. Grant assistance.
''Sec. 413. Amount and allocation of assistance.
''Sec. 414. Allocation and distribution of assistance.
''Sec. 415. Eligible activities.
''Sec. 416. Responsibilities of recipients.
''Sec. 417. Administrative provisions.
''Sec. 418. Administrative costs.

''Subtitle C—Continuum of Care Program

''Sec. 421. Purposes.
''Sec. 422. Continuum of care applications and grants.
''Sec. 423. Eligible activities.
''Sec. 424. Incentives for high-performing communities.
''Sec. 425. Supportive services.
''Sec. 426. Program requirements.
''Sec. 427. Selection criteria.
''Sec. 428. Allocation of amounts and incentives for specific eligible activities.
''Sec. 429. Renewal funding and terms of assistance for permanent housing.
''Sec. 430. Matching funding.
''Sec. 431. Appeal procedure.
''Sec. 432. Regulations.
''Sec. 433. Reports to Congress.

''Subtitle D—Rural Housing Stability Assistance Program

''Sec. 491. Rural housing stability assistance.
''Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is our sending back to the Senate a version of a bill which we passed earlier this year. They then passed the bill in a form very close to ours, but in a couple of areas where we felt it important to insist on our original position and also to include some things that came up in the interim from the administration.

It has several purposes. One, it enhances the ability of the executive branch to reduce the number of foreclosures. Last year Congress passed the HOPE for Homeowners program, which we hoped was going to reduce foreclosures. We didn't get it right. We had a good general idea, but it was passed in a form that was not very usable.

We have learned from the experience, and we have a version here that we think is going to work much better. It includes, for instance, at the request of HUD, a provision that will allow them to deal with the problem of second mortgages, which has been an interference in our ability to get foreclosures. It also includes, as it did originally, a very good version of the safe harbor for services. That was a bipartisan idea of the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Delaware (Mr. CASTLE) to encourage those who are in charge of the mortgage process to act when it makes more sense to write down the mortgage and avoid foreclosure. It gives them the legal ability to do that and withstand frivolous lawsuits.

It also has some provisions in here that are very important to those smaller financial institutions that are the lifeblood of our communities and which have been unfairly tarnished in this most recent debate over financial institutions.

Community banks and the Independent Community Bankers of America have a letter here, which I will put into the RECORD, which supports this bill.

Community banks were facing a significant increase in the assessment they get for deposit insurance. That was true. And this bill will extend the deposit insurance, which was temporarily at $250,000, and makes it permanent. That's very important for the smaller banks. It has to be paid for. But also there were problems with the larger banks who got in trouble.

Absent this bill, community banks would have been facing a very significant increase in their assessment. Because this bill gives the FDIC borrowing authority, standby authority in case it's needed, they will not have to raise the assessment. The FDIC has to be ready to act. And if there was not the borrowing authority, they would have to raise the assessment to have a pool of money available. They have been, under Sheila Bair's leadership, a very thoughtful and responsible organization. Borrowing authority we will do. It's in here.

Similarly, there was a problem that threatened a significant increase in the assessment that our local credit unions would have to pay because of the failure of some large credit unions. There's a pattern here of the larger institutions' failure imposing costs on the smaller. It's our job to prevent that from happening.

What we have here is a provision that the gentleman from Pennsylvania (Mr. KANJORSKI) has worked on. We worked with the National Credit Union Administration. It provides a mechanism by which the significant increased assessment on the credit union can be avoided. That's why the National Credit Union Association has sent in a letter in support of this.

We will, as I said, be reducing foreclosures and helping the mortgage market. So the National Association of REALTORS has sent in a letter in support of this. And because it is good for the banking industry in general, the American Bankers Association has supported this.

Our major financial institution representatives support this bill. As I said, it enhances our ability to reduce foreclosures. It averts significant increases in assessments that would go to the credit unions and the community banks. It also includes language which we have been working on and this House had passed, and it was bipartisan in our committee, improving the programs for the homeless.

We made several important compromises on that. The gentlewoman from West Virginia who is here as the ranking member of the Housing Subcommittee on our committee worked on this. We incorporated that in this bill. So it is widely supported by people who are in the field of the homeless. It is, in general, an important piece of legislation that responds as well as we can to this foreclosure crisis.

Myself and a majority of the House clearly would have preferred if it had included the authority of bankruptcy courts to reduce mortgages on primary residences. We passed that in the House. It failed in the Senate. Our colleague from California (Ms. LOFGREN) and the chairman of the Judiciary Committee, Mr. CONYERS, and others made a very valiant effort to resuscitate it. It was not possible. I regret that. I hope we won't give up on that. I think it's a glaringly illogical and unfair part of the law, but it would be a

mistake, in my judgment, to allow that failure to get the votes that we tried to get in the Senate to stop the very many other important parts of the bill.

So, as I said, I move to suspend the rules. I hope we can send this soon to the President. If we pass this bill, it will go to the Senate; and I believe that the Senate will adopt it and send it on to the President.

INDEPENDENT COMMUNITY BANKERS OF AMERICA,
May 18, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.
Hon. JOHN A. BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

RE S. 896, the Helping Families Save their Homes Act of 2009

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The Independent Community Bankers of America (ICBA), on behalf of its 5,000 community bank members nationwide, are writing to express our strong support for S. 896, the Helping Families Save their Homes Act of 2009, which the House will consider on the suspension calendar tomorrow. Several provisions in S. 896 are important to community bankers: the deposit insurance provisions—including extending the increase in deposit insurance coverage to $250,000, increasing the FDIC's borrowing authority, making the assessments for the Temporary Liquidity Guarantee Program more equitable—plus improvements to the Hope for Homeowners Program (H4H).

DEPOSIT INSURANCE

The Emergency Economic Stabilization Act temporarily increased deposit insurance coverage from $100,000 to $250,000. The additional coverage has enhanced community bank liquidity and stability at this critical time. We are pleased S. 896 would extend this increase. Community banks also support provisions increasing the FDIC's authority to borrow from the Treasury, if needed. The increased authority will allow the FDIC to reduce its planned second quarter special assessment on all banks, keeping vital capital within community banks to support lending, while still ensuring an adequately funded Deposit Insurance Fund. ICBA also supports a provision to allow the FDIC to assess all financial institutions, including holding companies, benefiting from its Temporary Liquidity Guarantee Program, in the case of a deficit in the program. Current law only permits assessments against banks and thrifts.

HOPE FOR HOMEOWNERS AND SERVICER SAFE HARBOR PROVISION

Community banks support improvements to the Hope for Homeowners Program and the servicer safe harbor provisions found in S. 896. ICBA agrees minimizing foreclosures is essential to the effort to stabilize the U.S. economy. Foreclosure is often a very lengthy, costly and destructive process that puts downward pressure on the price of nearby homes and has a devastating impact on families and communities. The changes to the Hope for Homeowners Program and the servicer safe harbor provision will foster more voluntary loan modifications and are a positive step in bringing stability to the mortgage and housing markets.

We strongly urge a yes vote for S. 896. Thank you for considering our views.

Sincerely,

CAMDEN R. FINE,
President and CEO.

AMERICAN BANKERS ASSOCIATION,
Washington, DC, May 19, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: I am writing on behalf of the members of the American Bankers Association in strong support of S. 896, the Helping Families Save Their Homes Act of 2009, which will be considered by the House today on the suspension calendar.

The legislation provides the Federal Deposit Insurance Corporation (FDIC) with a much needed increase in its borrowing authority, extends the period for the restoration of the FDIC's deposit insurance fund from five to eight years, and provides a temporary extension (through 2013) of the FDIC's $250,000 deposit insurance limit.

The legislation also will make it easier for servicers to modify loan agreements. It improves the Hope for Homeowners Program to make it more accessible for lenders and better able to help homeowners avoid foreclosures.

ABA urges the House to pass this very important legislation. The increase in borrowing authority will enable the FDIC to reduce the proposed special assessment on all banks, thereby increasing funds available for lending in local communities.

We look forward to working with you to have S. 896 enacted into law as quickly as possible.

Sincerely,

FLOYD E. STONER.

CREDIT UNION NATIONAL ASSOCIATION,
Washington, DC, May 19, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND RANKING MEMBER BOEHNER: On behalf of the Credit Union National Association (CUNA), I am writing in support of S. 896, the Helping Families Save Their Homes Act. CUNA is the largest credit union trade association, representing nearly 90% of America's 8,000 state and federally chartered credit unions and their 92 million members.

CUNA strongly supports S. 896, a bill that includes a number of provisions aimed at helping credit unions continue to help their members weather the financial crisis and maintain member confidence in credit unions. Credit unions consider this a critical vote.

S. 896 would extend the increase in deposit insurance coverage ($250,000) for the National Credit Union Share Insurance Fund (NCUSIF) that Congress enacted on as part of the Emergency Economic Stabilization Act of 2008, until December 31, 2013. This provision is an important step that will help maintain member confidence in credit unions.

S. 896 also includes a number of provisions aimed at helping credit unions manage the impact of the financial crisis on the credit union system. Even though credit unions use strong underwriting standards to make loans to their members and keep most of their mortgages in portfolio, no financial institution is immune from the current economic situation. Corporate credit unions, which provide payment, settlement, investment and other services for natural person credit unions, have been particularly hard hit by the economic maelstrom.

On March 20, the National Credit Union Administration (NCUA) placed two corporate credit unions—U.S. Central and Western Corporate Federal Credit Union (Wescorp)—into conservatorship. The losses at the two corporate credit unions were created by declines in the value of mortgage-backed securities in which they invested. Although these securities were originally AAA-rated and appeared prudent when the investments were made, market developments proved to the contrary. Despite these investment losses, the payment and settlement services provided by these corporate credit unions continue to be offered on a very sound basis.

The credit union system itself is covering the losses on these corporate credit union investments by way of a significant NCUSIF insurance assessment on all federally insured natural person credit unions. Under current law, credit unions must replenish their NCUSIF deposits equal to 1% of their insured shares on an annual basis and are also subject to premium charges when the fund drops below a 1.2% equity ratio. While credit unions expect to pay for the corporate credit union problem themselves, they would like to spread the losses over time, as banks are permitted to do for their insurance costs under current law.

S. 896 would increase NCUA's borrowing authority from Treasury from $100 million to $6 billion, with the ability to borrow as much as $30 billion in exigent circumstances through December 2010. The amendment also establishes a Temporary Corporate Stabilization Fund that would also help NCUA to spread out credit unions' insurance costs over seven years. Spreading these costs over multiple years means that credit unions can use the funds that otherwise would have been used to pay the assessment immediately to make credit available to their members. CUNA strongly supports both the additional borrowing authority for NCUA as well as the establishment of the Temporary Corporate Stabilization fund.

Time is of the essence. We appreciate the timely consideration of the S. 896 and hope the legislation can be enacted expeditiously.

On behalf of America's credit unions, thank you very much for your consideration. Please support the S. 896, the Helping Families Save Their Homes Act.

Sincerely,

DANIEL A. MICA,
President & CEO.

NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS,
Arlington, Virginia, May 19, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, D.C.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: On behalf of the National Association of Federal Credit Unions (NAFCU), the only trade association exclusively representing the interests of our nation's federal credit unions, I am writing to express our support for S. 896, the ''Helping Families Save Their Homes Act of 2009'' and to urge the House to support this legislation when it is considered on the suspension calendar today.

S. 896 would adopt the corporate credit union stabilization fund proposal recently released by the National Credit Union Administration (NCUA). NCUA's decision to place two corporate credit unions into conservatorship earlier this year has led to losses of approximately $5.9 billion to the National Credit Union Share Insurance Fund (NCUSIF). Under present regulations, natural-person credit unions will be assessed a heavy charge in 2009 to recapitalize the NCUSIF. Swift implementation of the NCUA

proposal is necessary to prevent more than two-thirds of our nation's credit unions from having negative earnings for 2009, as well as to ensure that they are adequately capitalized. The creation of the temporary corporate credit union stabilization fund and the seven year timeframe for repayment of loans to the fund will provide immediate relief to large insurance fund premiums facing natural-person credit unions otherwise.

We also applaud the adoption of a longer time frame for the repayment of NCUSIF premiums contained in S. 896. By lengthening the repayment term to eight years, Congress ensures credit unions will be able to focus more of their resources on making loans that will strengthen the economy, rather than having to divert them to rebuild the NCUSIF.

Finally, as part of the Emergency Economic Stabilization Act of 2008, Congress increased the coverage on FDIC and NCUSIF insured accounts to $250,000 through December 31, 2009. This change serves to maintain public confidence in insured depository institutions in the current economic environment. S. 896 would extend the higher insurance level for four more years, to 2013. This extension would ease confusion many credit unions and their members already have about the pending sunset on December 31st.

NAFCU thanks you for your time and consideration regarding these matters. We urge the House to vote ''yes'' and support S. 896 when it is considered on the suspension calendar today. Should you have any questions or require any additional information please do not hesitate to contact me or Brad Thaler, NAFCU's Director of Legislative Affairs, at 703–522–4775, ext 204.

Sincerely,

B. DAN BERGER,
Senior Vice President of Government Affairs.

NATIONAL ASSOCIATION OF REALTORS®
Washington, DC, May 19, 2009.

Hon. BARNEY FRANK,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: The 1.2 million members of the National Association of REALTORS® urge support of S. 896, the ''Helping Families Save Their Homes Act'', which passed the Senate on May 6, 2009 by a vote of 91–5.

S. 896 includes a number of much-needed provisions to limit foreclosures and keep families in their homes. The bill will expand loan modifications by providing a safe harbor for mortgage servicers who conduct loan modifications in good faith. The bill reforms the Hope for Homeowners program, preserving benefits to homeowners while limiting risks to the FHA fund and the taxpayer. The bill also strengthens oversight of FHA-approved lenders to protect the FHA fund and taxpayers from fraud and abuse. Finally, the bill establishes a task-force to investigate mortgage foreclosure fraud.

NAR asks for your support of S. 896, which will allow more American families to avoid foreclosure and will help in our housing recovery.

Sincerely,

CHARLES MCMILLAN, CIPS, GRI,
2009 President, National Association of REALTORS®.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of S. 896, the Helping Families Save Their Homes Act of 2009. As the chairman mentioned, it has broad-based support from a lot of groups that have been working with this bill.

Before I begin to discuss the specific provisions contained in this bill, I would like to talk about one of the provisions that is not in this bill. Thanks in large part to unified Republican opposition in the House and Senate, the bill does not include bankruptcy cramdown provisions. I joined with many of my colleagues in speaking against this provision, which previously passed the House and, in my opinion, would have caused untold damage to the mortgage market and substantially increased costs for consumers.

Allowing bankruptcy judges to unilaterally rewrite mortgage contracts is not the solution to the problems in our housing markets. The other body should, therefore, be commended for rejecting attempts to add cramdown provisions to this legislation.

Unfortunately, not all of the problematic provisions have been removed from the bill. The majority continues to insist upon salvaging the failed HOPE for Homeowners program. Last year HOPE for Homeowners was promoted as a way to assist hundreds of thousands of homeowners to modify their mortgages. To date, the program has helped only a handful of distressed borrowers. S. 896 attempts to fix HOPE for Homeowners by increasing the taxpayer subsidy for lenders seeking to offload their worst mortgages on the government.

Because mortgages modified under HOPE for Homeowners received an FHA guarantee, the inevitable losses that will result from defaults on many of these mortgages will further undermine, I believe, the solvency of that critical program.

It is important to note that the FHA is already under stress and that the Department of Housing and Urban Development has made an unprecedented budget request of almost $800 million to keep the FHA afloat. Perhaps a better approach than trying to improve the HOPE for Homeowners program would have been to end it altogether.

I've authored legislation that would provide the Department of Housing and Urban Development with the ability to set up a program to assist struggling borrowers that gives the department much-needed flexibility to adjust to market changes. Yet there are many useful reforms in this legislation that are worthy of Republican support.

First, the Senate included provisions based on legislation by Dr. PAUL of this House that will greatly increase the transparency and accountability of various Federal Reserve liquidity facilities and specific initiatives to rescue individual firms that the government has deemed too big to fail by giving the GAO the statutory authority to audit these programs.

Second, the bill includes provisions to ease the crippling deposit insurance premiums that community banks, banks and credit unions will otherwise face in the coming months.

And third, the Senate bill includes a comprehensive reauthorization of the McKinney-Vento homelessness program which, as the chairman noted, was passed in a strong bipartisan manner here in the last Congress.

We had significant contributions from many of my colleagues on both sides of the aisle. I'd like to thank Mrs. BIGGERT and Mr. GEOFF DAVIS of Kentucky from our side.

Mr. Chairman, S. 896 is far from a perfect bill, but S. 896 no longer contains what I believe were harmful bankruptcy provisions which could have further paralyzed the mortgage finance market. S. 896 will also make crucial changes in the deposit area which should help advance the economic recovery. For these reasons, I urge Members to support S. 896.

I would like to reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I did want to respond, and I appreciate the support from the gentlewoman for the bill.

With regard to the FHA, I just want to read from the National Association of REALTORS letter because they, as much as any entity in this country, have an interest in a strong FHA.

Contrary to the wishes expressed by the gentlewoman from West Virginia, the REALTORS approve of the fact that we are improving the HOPE for Homeowners program. It says, ''The bill reforms the HOPE for Homeowners program, preserving benefits to homeowners while limiting risks to the FHA fund and the taxpayer. The bill also strengthens oversight of FHA-approved lenders to protect the FHA Fund and taxpayers from fraud and abuse.''

At the hearing that we had earlier this year—and that was when the Bush administration was still in power—career employees of the FHA noted that they do not have, and will not have until this bill becomes law, the power to prevent applicants for FHA funding who have a record of abuse from applying again.

So at the initiative of the Committee on Financial Services, the gentlewoman from California (Ms. SPEIER) and the gentlewoman from California (Ms. WATERS), we added that to this language.

So what this bill includes is a very important power for the FHA to debar, to use the appropriate legal term, people who have had a record of fraud. That's one of the reasons why we think that the FHA is strengthened by this bill.

I reserve the balance of my time.

Mrs. CAPITO. In response to the chairman, we argued this in committee over whether it was wise to throw a lifeline to HOPE for Homeowners or to re-create the program or a program, and that's why this legislation is important because it does improve that. It does improve HOPE for Homeowners. But I would just like to note, to this date from October 1, 2008, to May 16, 2009, we've only had 954 applications and only 55 closings. And this is for a program that was sold to us basically

under the guise that it was going to help 25,000, at least, homeowners. So far we're looking at 55.

□ 1400

At this point I would like to yield 2 minutes to the gentlewoman from Kansas, a great member of our committee.

Ms. JENKINS. I rise today in support of one provision in particular of the underlying bill which allows for increased borrowing authority for the FDIC and the NCUA.

Community financial institutions in Kansas are facing a sizable special assessment due to the deposit insurance funds being drawn down with the failure of numerous institutions across the Nation. Just last week I had a great opportunity to visit with several bankers from across the State who were in town with the Independent Community Bankers Association.

Growing up in rural Kansas, I know full well the close-knit communities in which these and other financial institutions operate across eastern Kansas, faithfully investing the hard-earned dollars of their neighbors to the betterment of the community and the depositors.

These bankers impressed upon me the need for this borrowing authority. With the special assessment as it is today, banks and credit unions face further hardship meeting regulatory capital requirements and lending demands. However, the FDIC has indicated that passage of increased borrowing authority may result in a reduction of this special assessment by as much as half. This potential has my constituents asking this body and me to pass this provision.

It is clear that recent institutional failures have significantly increased losses of the insurance funds. However, by and large, the financial institutions in my district did not cause this economic trauma. We must be careful that these community institutions which serve so many folks are not unfairly saddled with higher premiums to compensate for the mistakes of others.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentlewoman from California (Ms. WATERS), the chairwoman of the Housing Subcommittee which played a major role in our efforts to deal with this crisis.

Ms. WATERS. Thank you very much, Mr. Chairman.

Mr. Speaker and Members, I would first like to thank Chairman BARNEY FRANK for the leadership that he has provided on all of these issues related to this economic crisis that we have been confronted with. Some of these issues, not expected, were thrown into his lap in an unusual way. And he has been able to guide our caucus in our House in ways that help to bring us to the point of passing this kind of legislation, the Helping Families Save Their Homes Act of 2009.

So I rise in support of S. 896, the Helping Families Save Their Homes Act of 2009. As chairwoman of the Financial Services Subcommittee on Housing and Community Opportunity, I believe that the housing components of this bill will be essential in helping families and communities.

I am especially pleased that the bill includes a provision I authored to ensure that the FHA loan programs are out of bounds for the very worst subprime lenders who created this mortgage mess in the first place.

S. 896 also includes legislation drafted by my subcommittee to reauthorize and expand the McKinney-Vento Homelessness Assistance Program. Given the increase in homelessness due to the foreclosure crisis, inclusion of the McKinney-Vento legislation is both timely and appropriate. In addition the bill includes vital protections for renters facing evictions as a result of their landlord's foreclosure.

Finally, I am pleased that I was able to work with Senator LEAHY on making improvements to the Neighborhood Stabilization Program in order to allow States that receive the minimum allocation of funding to provide that funding to areas with homes at risk or in foreclosure.

While I believe S. 896 is an important piece of legislation, I am disappointed that it does not include a House-passed provision to allow judges to modify mortgages through bankruptcy. I am concerned that without this provision, we may continue to see an increase in the number of foreclosures.

I support S. 896, the Helping Families Save Their Homes Act of 2009.

And I would urge my colleagues to vote ''yes.''

Mrs. CAPITO. At this point, I have no further speakers. I would just like to reiterate my support for the bill, and I yield back the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I would like to submit my entire statement for the RECORD. Mr. Speaker, I'm disappointed that, at the last minute, the Rules Committee cancelled its scheduled hearing on this bill, S. 896, preventing Members from filing amendments to improve it.

Let me start by saying that this bill has important provisions that I support. It significantly reforms homeless housing programs, increases funds for housing counseling and to warn consumers about foreclosure rescue scams, provides a safe harbor for servicers and enhances other programs to help qualified homeowners save their homes. The bill creates a database on the root causes of foreclosures and authorizes a mortgage fraud task force. Provisions to increase the FDIC and NCUA's borrowing authority and extend the time needed to restore their insurance funds, for financial institutions, aim to stabilize insurance fees and free up capital so they can lend to consumers and small businesses. In addition, the bill increases Federal Reserve transparency and TARP oversight—two very important items for taxpayers.

Despite these good provisions in the bill, it still falls short. To address these shortcomings, I intended to offer a few bi-partisan amendments but was denied the opportunity. Mr. Speaker, I would like to insert the text of these amendments for the RECORD and say a few words.

First, the bill is too light on housing counseling. Counselors are on the front lines of the foreclosure crisis and often the first place homeowners turn to for help. Three hundred Members voted for this language, as part of H.R. 1728, to bolster HUD's housing counseling programs, enhance program coordination, increase grants and streamline the process, as well as launch a national outreach campaign.

My second amendment, cosponsored by Mr. NEUGEBAUER, would have required HUD and the Fed to coordinate efforts to produce compatible and improved residential mortgage disclosures. Consumers deserve nothing less. Again, earlier this month, 300 Members voted for H.R. 1728, which contained the exact language of this amendment.

Third, recent reports indicated that one in fifty U.S. children is homeless, and during the 2007–2008 school year, there was an 18 percent increase in the number of homeless students. Why? The rise in foreclosures and decline in jobs, but also—something fairly unknown—some agencies can help all homeless kids, but HUD cannot. Does that make sense?

To help address this mismatch in programs, Ms. MCCARTHY, Mr. DAVIS, and I have an amendment to allow HUD to provide homeless housing and services to all homeless children who are already served by programs run by the Departments of Education, Health and Human Services, and Justice. Homeless kids should be our top priority.

Thanks to concessions made by some of my colleagues here and in the Senate, the underlying bill, S. 896, moves an inch to help these kids, but it should move miles.

Speaking of miles, I would like to take a moment to recognize a courageous, young man who is fighting with us on this issue. On Sunday, USA Today reported that an 11-year old boy from Florida, Zach Bonner, is hiking from Florida to Washington, DC, and collecting letters from homeless kids on the way to deliver to President Obama. Thank you, Zach. Keep hiking. We're with you. I hope that other Members of Congress and this Administration can be so brave and fix the law to help homeless kids.

I hope my colleagues, in particular, Chairman FRANK, will commit our Committee to continue work on these very important matters.

AMENDMENT TO S. 896. OFFERED BY MRS. BIGGERT OF ILLINOIS

Page 86, after line 14, insert the following new title:

TITLE IX—OFFICE OF HOUSING COUNSELING

SEC. 901. EXPANSION AND PRESERVATION OF HOME OWNERSHIP THROUGH COUNSELING.

Title IV of H.R. 1728, An Act to amend the Truth in Lending Act to reform consumer mortgage practices and

provide accountability for such practices, to provide certain minimum standards for such consumer loans, and for other purposes, as passed the House of Representatives on May 7, 2009, is hereby enacted into law with the following amendments:

(1) In the paragraph added to section 106(a) of the Housing and Urban Development Act of 1968 by the amendment made by section 404 of such title, strike subparagraph (D).

(2) Strike section 409 of such title.

AMENDMENT TO S. 896. OFFERED BY MRS. BIGGERT OF ILLINOIS AND MR. NEUGEBAUER OF TEXAS

Page 18, after line 2, insert the following new section:

SEC. 106. RESPA AND TILA DISCLOSURE IMPROVEMENT.

(a) COMPATIBLE DISCLOSURES.—The Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve shall, not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, jointly issue for public comment proposed regulations providing for compatible disclosures for borrowers to receive at the time of mortgage application and at the time of closing.

(b) REQUIREMENTS.—Such disclosures shall—

(1) provide clear and concise information to borrowers on the terms and costs of residential mortgage transactions and mortgage transactions covered by the Truth in Lending Act (12 U.S.C. 1601 et seq.) and the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(2) satisfy the requirements of section 128 of the Truth in Lending Act (12 U.S.C. 1638) and section 4 and 5 of the Real Estate Settlement Procedures Act of 1974; and

(3) comprise early disclosures under the Truth in Lending Act and the good faith estimate disclosures under the Real Estate Settlement Procedures Act of 1974 and final Truth in Lending Act disclosures and the uniform settlement statement disclosures under Real Estate Settlement Procedures Act of 1974 and provide for standardization to the greatest extent possible among such disclosures from mortgage origination through the mortgage settlement.

(4) shall include, with respect to a residential home mortgage loan, a written statement of—

(A) the principal amount of the loan;

(B) the term of the loan;

(C) whether the loan has a fixed rate of interest or an adjustable rate of interest;

(D) the annual percentage rate of interest under the loan as of the time of the disclosure;

(E) if the rate of interest under the loan can adjust after the disclosure, for each such possible adjustment—

(i) when such adjustment will or may occur; and

(ii) the maximum annual percentage rate of interest to which it can be adjusted;

(F) the total monthly payment under the loan (including loan principal and interest, property taxes, and insurance) at the time of the disclosure;

(G) the maximum total estimated monthly maximum payment pursuant to each such possible adjustment;

(H) the total settlement charges in connection with the loan and the amount of any downpayment and cash required at settlement; and

(I) whether or not the loan has a prepayment penalty or balloon payment and the terms, timing, and amount of any such penalty or payment.

(c) SUSPENSION OF 2008 RESPA RULE.—

(1) REQUIREMENT.—The Secretary of Housing and Urban Development shall, during the period beginning on the date of the enactment of this Act and ending upon issuance of proposed regulations pursuant to subsection (a), suspend implementation of any provisions of the final rule referred to in paragraph (2) that would establish and implement a new standardized good faith estimate and a new standardized uniform settlement statement. Any such provisions shall be replaced by the regulations issued pursuant to subsections (a) and (b).

(2) 2008 rule.—The final rule referred to in this paragraph is the rule of the Department of Housing and Urban Development published on November 17, 2008, on pages 68204–68288 of Volume 73 of the Federal Register (Docket No. FR–5180–F–03; relating to 'Real Estate Settlement Procedures Act (RESPA): Rule to Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs').

(d) IMPLEMENTATION.—The regulations required under subsection (a) shall take effect, and shall provide an implementation date for the new disclosures required under such regulations, not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act.

(e) FAILURE TO ISSUE COMPATIBLE DISCLOSURES.—If the Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve System cannot agree on compatible disclosures pursuant to subsections (a) and (b), the Secretary and the Board shall submit a report to the Congress, after the 6-month period referred to in subsection (a), explaining the reasons for such disagreement. After the 15-day period beginning upon submission of such report, the Secretary and the Board may separately issue for public comment regulations providing for disclosures under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, respectively. Any final disclosures as a result of such regulations issued by the Secretary and the Board shall take effect on the same date, and not later than the expiration of the 12-month period beginning on the date of the enactment of this Act. If either the Secretary or the Board fails to act during such 12-month period, either such agency may act independently and implement final regulations.

(f) STANDARDIZED DISCLOSURE FORMS.—

(1) IN GENERAL.—Any regulations proposed or issued pursuant to the requirements of this section shall include model disclosure forms.

(2) OPTION FOR MANDATORY USE.—In issuing proposed regulations under subsection (a), the Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve System shall include regulations for the mandatory use of standardized disclosure forms if they jointly determine that it would substantially benefit the consumer.

AMENDMENT TO S. 896. OFFERED BY MRS. BIGGERT OF ILLINOIS, MRS. MCCARTHY OF NEW YORK, AND MR. DAVIS OF KENTUCKY

Page 91, line 3, strike ''and''.

Page 91, line 19, strike the period and insert ''; and''.

Page 91, after line 19, insert the following:

''(7) a child or youth who has been verified as homeless—

''(A) as such term is defined in section 725(2)(B)(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)(B)(i)), by a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and the family of such child or youth;

''(B) by the director of a program funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), or a designee of the director;

''(C) under section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) by the director or the designee of such program, and the family of such child; or

''(D) under section 637 of the Head Start Act (42 U.S.C. 9832) by the director or designee of such program, and the family of such child.''.

Mr. BLUMENAUER. Mr. Speaker, in communities across the Nation, the scourge of foreclosure is a deepening problem. In Oregon, 3,388 homes went into foreclosure in March, a 107% increase over the number of foreclosures in March 2008. Nationally, lenders filed foreclosure actions against more than 340,000 properties in March alone. These figures helped make the first quarter of 2009 the worst on record for foreclosure activity.

I support this bill because it will equip homeowners and lenders with new and improved tools to combat foreclosures. It will help banks to increase their lending to small businesses and American consumers. While this bill is not a cure-all for our Nation's economic troubles, it makes important contributions towards the protection of American homeownership.

In particular, I support the bill's modifications to the HOPE for Homeowners program, which will ease restrictions on eligibility and enable refinancing of underwater mortgages for a greater number of borrowers.

One major difference between this bill and the one that the House passed in early March is the judicial modification provision, missing from this bill. Allowing bankruptcy judges to modify principal balances of residential mortgage loans is an important policy, and one which I continue to support.

It is only fair that Congress offer average families the same alternative to foreclosure that has been available under the law for many years to owners of vacation homes, investment properties, private jets, and luxury yachts. Under such a provision, while some mortgage lenders would not get every penny owed to them, on balance they would get more than if these families had no better choice than to fall into foreclosure.

Mr. SKELTON. Mr. Speaker, throughout this tough recession, Congress has been working to reduce the length and severity of the economic downturn and its impact on the American people. While we have approved a number of important bills in this area, let me share my support today for S. 896, a bipartisan bill known as the Helping Families Save Their Homes Act.

S. 896 is a balanced bill that will provide tools and incentives to help reduce foreclosures, will strengthen Federal protections against predatory lending, will establish the right of homeowners to know who owns their mortgage, and will give the Federal Housing Administration and USDA's Rural Housing Service legal flexibility to undertake loan modifications. Reducing foreclosures and stabilizing the housing market are key to turning around America's economy, which is why I am pleased that S. 896 has been written with the support of both congressional Democrats and Republicans.

While S. 896 will help to mend the ailing housing market, the bill is also good for small town banks and for all Americans who keep their savings in a bank or credit union.

As some banks gambled and made risky loans to subprime borrowers, most small town financial institutions played by the rules and did not get caught up in the hazardous lending behavior that is at the heart of our recession. But, as larger banks have faltered, community banks have been replenishing the deposit insurance fund that protects investments throughout the financial system. To strengthen the financial stability of community banks and credit unions, S. 896 increases the borrowing authority for FDIC and for the federal credit union regulator. These increases will help level the playing field so community financial institutions are not stuck picking up the tab for their larger competitors.

And, to better protect deposits, S. 896 increases FDIC insurance protection for accounts holding up to $250,000. This action is not only beneficial to depositors but also to small town financial institutions that derive their funding and lending ability from deposits.

I urge my colleagues to support S. 896 and hope the legislation, if passed, can be swiftly signed into law by the President.

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support S. 896, the Helping Families Save Their Homes Act of 2009. I supported H.R. 1106 when it left the House, and while lacking the provision to allow for judicial ''cramdown,'' I am pleased with many of the improvements that S. 896 brings.

This bill reflects an affirmation of this legislative body's dedication to ensure that the American dream of homeownership is not lost for millions of American families. The foreclosure crisis has devastated our economy and this bill is another step towards stabilizing our housing market and restoring confidence in the American people.

S. 896 improves the HOPE for Homeowners program, making it a more viable option for helping families sustain homeownership; it provides a safe harbor for those who would engage in legitimate loan modifications or utilize the HOPE for Homeowners Program. The bill strengthens the FDIC and credit unions to ensure the availability of credit for consumers, which is crucial in this time of economic downturn.

S. 896 reauthorizes the McKinney-Vento Homelessness Assistance Grants for the first time in 20 years, and authorizes $2.2 billion for the programs for FY 2010 and 2011. It also provides funding to HUD to increase public awareness regarding foreclosure scams.

Finally, the tenant protections included in the bill ensure that bona fide tenants are not unfairly removed from their residences when foreclosures occur that they could not control.

Overcoming the foreclosure crisis and the damage that it has wrought will take time and dedication. However, by passing the Helping Families Save Their Homes Act, we are taking a critical step forward in protecting the American homeowner.

Mr. VAN HOLLEN. Mr. Speaker, today, I rise in support of the Helding Families Save Their Homes Act, a bipartisan bill that will help millions of American families avoid the nightmare of foreclosure. Foreclosures cost an American family its home every 13 seconds, and negatively impact entire neighborhoods. Each foreclosed home reduces nearby property values by as much as 9 percent, and the lack of property tax revenues can affect community services and the quality of our schools. We all stand to lose if we do not stop the steep decline in home prices, which is why Congress and President Obama are taking action.

This legislation builds on the President's comprehensive Homeowner Affordability and Stability Plan, and provides key tools and incentives for lenders, servicers and homeowners to modify loans and to avoid foreclosures. It bolsters important consumer rights to housing information and strengthens community banks, which are crucial to small businesses and families across this nation. It also makes important improvements to the Hope for Homeowners program, which was created by Congress to help those at risk of default and foreclosure refinance into more affordable, sustainable loans.

Stabilizing the housing market is central to restoring the American economy. By passing the Helping Families Save Their Homes Act of 2009, we are not just helping millions of families keep their homes—we are getting the economy back on track and moving America in a new direction.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 896, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING ANTHONY KEVIN ''TONY'' DUNGY FOR HIS ACCOMPLISHMENTS AS A COACH, FATHER, AND EXEMPLARY MEMBER OF HIS COMMUNITY

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 70 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the resolution is as follows:

H. RES. 70

Whereas Tony Dungy attended the University of Minnesota and became the school's leader in completions, touchdown passes and passing yards;

Whereas Tony Dungy received two ''Most Valuable Player'' awards from the University of Minnesota;

Whereas Tony Dungy continued his football career in the NFL and became a Super Bowl Champion with the Pittsburgh Steelers in 1978;

Whereas Tony Dungy, at the age of 25, became the youngest assistant coach, and at the age of 28, became the youngest defensive coordinator in NFL history;

Whereas Tony Dungy, in 1997, helped lead the Tampa Bay Buccaneers to their first winning season since 1982;

Whereas Tony Dungy was the first African-American head coach to win the Super Bowl by leading the Indianapolis Colts over the Chicago Bears in 2007;

Whereas Tony Dungy is the first NFL head coach to defeat all 32 NFL teams;

Whereas Tony Dungy has been a remarkable and upstanding member of the communities of which he has been a part;

Whereas Tony Dungy has been an advocate for the Christian faith and a mentor for American youth;

Whereas Tony Dungy has acted as a public speaker for the Fellowship of Christian Athletes and Athletes in Action;

Whereas Tony Dungy started Mentors for Life, a mentoring program for young people and provided participants with tickets to Buccaneers' games;

Whereas Tony Dungy has supported numerous charitable programs and community service organizations and remains actively involved in his communities in Tampa and Indianapolis;

Whereas Tony Dungy was appointed by President George W. Bush to the President's Council on Service and Civil Participation in August of 2007; and

Whereas Tony Dungy wrote a memoir which reached No. 1 on the hardcover nonfiction section of the New York Times Best Seller list on August 5, 2007, and again on September 9, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Tony Dungy on his successful playing and coaching career and historic coaching accomplishments; and

(2) commends Tony Dungy for his compassion, integrity, and commitment to his faith, family, and community.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING KAREN BASS FOR BECOMING THE FIRST AFRICAN-AMERICAN WOMAN ELECTED SPEAKER OF THE CALIFORNIA STATE ASSEMBLY

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 49 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the resolution is as follows:

H. RES. 49

Whereas Karen Bass made history as the first African-American woman to serve as Speaker in a State legislative body in the United States;

Whereas Karen Bass was sworn in as the 67th Speaker of the California State Assembly on May 13, 2008;

Whereas Karen Bass was elected in 2005 to represent California's 47th Assembly District;

Whereas Karen Bass represents Culver City, West Los Angeles, Westwood, Cheviot Hills, Ladera Heights, the Crenshaw District, Little Ethiopia, Baldwin Hills, and parts of Korea Town and South Los Angeles;

Whereas Karen Bass in her first term was appointed to Majority Whip;

Whereas Karen Bass in her second term was elevated to the post of Majority Floor Leader, making her the first woman to hold the post and the second African-American to serve in the position;

Whereas Karen Bass founded and operated Community Coalition before becoming an elected official, which is a community based social justice organization in South Los Angeles empowering people to make a difference in the community;

Whereas Karen Bass graduated from Hamilton High School, California State University at Dominquez Hills, and the University of Southern California's School Of Medicine; and

Whereas Karen Bass was raised in the Venice/Fairfax area of Los Angeles with her parents DeWitt and Wilhelmina Bass: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Karen Bass for becoming the first African-American woman Speaker of the California State Assembly; and

(2) expresses support for the California State Assembly as it welcomes Karen Bass as its 67th Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 1089 by the yeas and nays;

S. 896 by the yeas and nays;

H. Res. 360 by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

VETERANS EMPLOYMENT RIGHTS REALIGNMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass H.R. 1089, as amended, on which the yeas and nays are ordered.

The Clerk will report the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1089, as amended.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 270]

YEAS—423

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Brady (PA)
Cardoza
Delahunt
Honda
Meeks (NY)
Sánchez, Linda T.
Schock
Speier
Stark

□ 1432

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and reemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes.''.

A motion to reconsider was laid on the table.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 896, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 896, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 54, answered ''present'' 1, not voting 11, as follows:

[Roll No. 271]

YEAS—367

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Tauscher
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—54

Akin
Bachmann
Bartlett
Barton (TX)
Blackburn
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Conaway
Culberson
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Hall (TX)
Harper
Hensarling
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Linder
Lofgren, Zoe
Mack
Marchant
McClintock
McHenry
Miller (FL)
Neugebauer
Olson
Paul
Pence
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Royce
Sensenbrenner
Sessions
Shadegg
Stupak
Taylor
Thornberry
Westmoreland
Whitfield

ANSWERED ''PRESENT''—1

Kaptur

NOT VOTING—11

Barrett (SC)
Brady (PA)
Buyer
Cardoza
Delahunt
Diaz-Balart, M.
Honda
Ryan (WI)
Sánchez, Linda T.
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1441

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. RYAN of Wisconsin. Mr. Speaker, on rollcall No. 271 I was unavoidably detained. Had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. HONDA. Mr. Speaker, on rollcall Nos. 270 and 271, had I been present, I would have voted ''yea.''

URGING VISITS TO CEMETERIES ON MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 360, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 360.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 272]

YEAS—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)

McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Barrett (SC)
Brady (PA)
Capps
Cardoza
Davis (TN)
Delahunt
Heller
Sánchez, Linda T.
Speier
Stark
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1449

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 272, had I been present, I would have voted "yea."

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to 22 U.S.C. 3003, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida, co-chairman
Mr. MARKEY, Massachusetts
Ms. SLAUGHTER, New York
Mr. MCINTYRE, North Carolina
Mr. BUTTERFIELD, North Carolina
Mr. SMITH, New Jersey
Mr. ADERHOLT, Alabama
Mr. PITTS, Pennsylvania
Mr. ISSA, California

ENHANCED OVERSIGHT OF STATE AND LOCAL ECONOMIC RECOVERY ACT

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to thank my colleagues for favorable consideration of H.R. 2182, the Enhanced Oversight of State and Local Economic Recovery Act. I was pleased to cosponsor this legislation, which was introduced by the chairman of the Oversight and Government Reform Committee.

At a hearing of that committee, we learned that dedicated oversight funding for State and local governments could improve oversight of money appropriated through the American Recovery and Reinvestment Act. Subsequently, I introduced legislation, H.R. 1911, which would provide for that oversight funding within the Recovery Act.

H.R. 2182 incorporates the objectives of that bill and will provide additional certainty that money spent through the economic stimulus is spent wisely. This local and State funding represents some of the most important stimulus funding, because it is protecting the jobs of teachers, firefighters, police officers, as well as essential human services, across the country.

I commend Chairman TOWNS for his leadership and commend my colleagues for the passage of H.R. 2182.

DON'T SACRIFICE TWO GOOD-PAYING AMERICAN MANUFACTURING JOBS TO CREATE ONE ''GREEN'' JOB

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE of Tennessee. Mr. Speaker, this week the House Democrats on the Energy and Commerce Committee are marking up a more aggressive cap-and-tax bill than what even the President had proposed. On the campaign trail last year, the President said his plan would cause electric rates to skyrocket, and the bill being considered this week will cause electric utilities even more disruption than what the President proposed.

Individuals and businesses everywhere need to start paying attention to the threat this bill poses. The nonpartisan Congressional Budget Office estimated such a plan would increase the average household's electric bill by $1,600 per year.

Since the bill requires no concessions from developing countries, businesses like Eastman in Kingsport, Tennessee, who are engaged in a tooth-and-nail competition with China, can't pass increased energy costs on to consumers and maintain their market share, which means that employees could lose their jobs if this bill passes.

I urge those on the other side of the aisle not to sacrifice two good-paying American manufacturing jobs to create one ''green'' job.

PASSAGE OF HELPING FAMILIES SAVE THEIR HOMES ACT

(Ms. MOORE of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, I am so pleased that Senate bill S. 896 included the first major reauthorization of the McKinney-Vento homelessness bill. I have worked diligently on this bill with Representative WATERS for over a year, particularly on provisions that would expand the definition of homelessness and give agencies more flexibility so that they could assist folks who are at risk of becoming homeless within 14 days.

I want to thank Congresswoman WATERS, Congressman FRANK for their leadership, also to thank Representative BIGGERT, Representative JEFF DAVIS and Representative ANDRE CARSON.

Too many families in today's recession are just one paycheck away from making their rent, and we have seen hundreds of thousands of foreclosures, many more expected this year. These families are also at grave risk of becoming homeless.

This provision also will serve victims of domestic violence trying to flee their abusers. It will allow families to seek emergency shelter due to the imminent loss of their housing. It gives local homeless agencies greater resources and flexibility.

REMEMBERING THE LIFE OF COACH CHUCK DALY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I honor a man who held his first position as a head coach at Punxsutawney High School in my district, coaching the Chucks. You will recognize the name of this coach, Chuck Daly, and realize some of his fame came much later when he led the Detroit Pistons to two National Basketball Association titles.

This is a man who was voted one of the 10 greatest coaches of the NBA's first half century in 1996, 2 years after

being inducted into the Basketball Hall of Fame. He was the first basketball coach to win both NBA and Olympic titles, and he led the Dream Team to gold in the 1992 Olympics.

Daly, who died May 9 at the age of 78 in Jupiter, Florida, will be honored by basketball legends and eulogized by members of professional teams.

But in Pennsylvania, we remember that he was born in St. Mary's, Pennsylvania, attended Kane Area High School and Bloomsburg State. We remember that he led Pennsylvania University to a 125–38 record in six seasons.

In short, today we honor a hometown boy.

NEW MILEAGE STANDARDS

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Mr. Speaker, I wish to thank President Obama for announcing new mileage standards which will reduce carbon emissions 30 percent by 2016 and reduce our dependence on foreign oil.

Another great Chicagoan, Daniel Burnham, once said, ''Make no little plans; they have no magic to stir men's blood.''

Well, now is the time for us to make big plans on behalf of generations we will never live to see. Now is the time to broaden our attention span beyond the next election cycle. Now is the time to think about those who can't vote yet but will have to breathe the air, drink the water, and pay the debts we leave behind. Now is the time to work together to make big plans on robust climate change based on verification, sustainability, and renewable energy.

As we think about what to do with our time here in Congress, let me leave you with an old Irish blessing: May there be a generation of children, on the children of your children.

GLOBAL WARMING JUST ISN'T PANNING OUT THE WAY THE LEFT THOUGHT IT WOULD BE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. The icon on the left, Al Gore, spent millions of dollars, of course of other people's money, talking to everybody about global warming. And it was embraced with great passion by the left, global warming, global warming, global warming. But then when their own scientists peeled off and said it doesn't look like it's going to quite trend the way we think it is, what did they do? They pivoted. Well, they just mean climate change in general. I say that as somebody who rode his bike to work today, 49 degrees in the middle of May. I guess the global warming just isn't panning out the way it should be.

But not to be bothered by it, the left is going to continue with their cap-and-tax proposal, reducing emissions to 80 percent of what they were in America in 1910, when we had 92 million Americans. And what's it going to cost you taxpayers? $1,500 a household, because do you think your good old friendly utility and gas company is just going to absorb this new tax on them? Of course not.

Businesses aren't going to pay taxes over the long run. It's a function of cost, which is going to be passed on to the consumer; $1,500 per household, and they're going to exclude nuclear energy which is good enough for four out of five houses in France but not here in the Obama administration and the America that they want it to be.

□ 1500

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FOREIGN NATIONALS IN STATE PRISONS COST TOO MUCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, we have talked a lot about the different entities that don't pay their bills, but the U.S. Federal Government is also a culprit that does not pay its bills. Let me explain.

The 9/11 Families for a Secure America Organization say that 32 percent of all people incarcerated in the United States for crimes other than immigration violations are in the United States illegally! With Texas being a border State, we get a lot more of these criminals in our jails than the rest of the country.

The administration wants to eliminate a program that helps Texas pay for keeping these criminals in jail. It's called the SCAAP program. We have porous borders because the Federal Government does not secure those borders. When a criminal alien sneaks into the United States, commits a crime, the State government must be financially responsible for the capture and trial of that individual, not the Federal Government, even though border security is a Federal responsibility. That forces Texas to foot the bill for their medical care and feeding them and housing them in jail. Sometimes Texas taxpayers are on the hook for paying for their lawyer and other related costs.

The State Criminal Alien Assistance Program, the SCAAP Program, doesn't even come close to covering the cost of keeping these criminal aliens in Texas prisons, but it helps. However, the administration wants to take away what little the Federal Government does send to Texas and other border States, thus making the cost of border crime the responsibility of State governments rather than the Federal Government.

Texas Governor Rick Perry today sent a letter to the President asking him to reconsider cutting the SCAAP program. As a practical matter, I side with the notion the Federal budget should be cut. There's enough waste in the budget this year to keep the bureaucrats busy for years trying to weed it all out. But this is not an example of wasteful spending, far from it. This expense is because the Federal Government refuses to secure the borders and, thus, border States are stuck with the cost of crime created by foreign nationals and housing them after they are convicted.

The Texas Department of Criminal Justice reports it cost Texas taxpayers $143 million to keep over 13,000 criminal aliens in Texas prisons just last year. These are major crimes. These are felonies. The SCAAP program the bureaucrats want to eliminate only paid $18 million of these costs. These criminal aliens serving time in Texas are not there for an overnight stay. They are in prison for violent crimes like rape, murder, kidnapping, and child abuse. Instead of eliminating the Federal program that helps pay for these costs, it ought to be expanded, or the Federal Government should take these prisoners.

Here's an idea. How about we send these criminal aliens to the Federal facility in Gitmo? I hear there may be some room in that facility soon. It's a nice place as far as Federal prisons go. I've been there and have seen it for myself. They play soccer. They have hot meals that are fit for a Sunday dinner table. There's plenty of sunshine and fresh air, quite a step up from the overcrowded prisons in Texas and other border States.

Or we should charge foreign countries the costs of housing their citizens that are illegally in the United States that have committed felonies. If they won't pay up, we can cut off their visas until they do pay up. Or, in most cases, we should just deduct the cost of housing these criminal foreign nationals from the foreign aid we send that country.

State citizens have paid enough to a system that houses foreign nationals in our prisons that have committed crimes in the United States. Foreign countries should pay for the crime of their nationals, or our Federal Government should pay. And since we're strapped right now because of the Federal tax and borrow and spend and spend program, we should even consider deducting our cost of the annual dues to the United Nations to pay for incarceration of foreign nationals that have committed crimes in the United States. Now, there's a plan that might work.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WALL STREET ROUND 2: HEARTLAND INDUSTRIALISTS VS. WALL STREET FINANCIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, who thrust Chrysler into bankruptcy? A few Wall Street investors who wanted more return on their investment as opposed to taking the government's deal.

Who can't get loans to pay their employees or retool their businesses in this new economy? Heartland industrialists.

Throughout our country, and especially in regions where manufacturing built the middle class, the credit crisis has subjugated production to Wall Street financiers. The warning signs were present when the Big Three automakers were changed from production companies to cash cows and transformed into financing companies back in the 1990s.

In Toledo, Ohio, automobile production started 100 years ago when John North Willys bought the Pope Motor Company factory and started turning out automobiles in our region.

When General George Marshall ordered production of a rough-and-ready vehicle for American troops to win World War II, Willys won the competition, and we made hundreds of thousands of Jeeps in Toledo, and we continue to do that today. Toledo workers make the best-known brand in the world.

Control of Chrysler, however, went to Daimler, and then to an uncaring hedge fund known as Cerberus.

Who is Cerberus? No one knows. Worse yet, Cerberus even has a seat on the trust created to handle the United Auto Workers' 55 percent investment in Chrysler. But the UAW doesn't even have a seat, and it's their money.

Wall Street, again, will call the shots, not the people whose money they hold.

By the late 1990s, the auto companies were profitable on paper, but only through their financing arms, because their Wall Street handlers had rigged the Tax Code, through this place, to benefit car leasing, fleet leasing, and financial activities. And you can trace the recent demise of GM and Chrysler, discounting the equally devastating trade and tax policies that bore down on them, to the year that they became financing companies, not production companies.

Wall Street started to accumulate and milk the wealth of these firms. When GMAC became a mortgage lender and sucked into Wall Street's subprime lending in the late 1990s, then acquired by Cerberus, their fate was sealed. Chrysler Financing is now subsumed under Cerberus, too, as has been GMAC for quite a while.

It is true that the public wanted more energy-efficient vehicles, and the Big Three failed to produce them. However, this goes back to management who were in cahoots with Wall Street and the role of Big Oil.

You can look at all of the green patents that these firms filed, evidence of the industrial people, men and women inside these companies trying to beat back the Wall Street house.

Why, in Europe, are the majority of cars diesel, but not here?

Why, in Brazil, are flex-fuel vehicles made by GM the norm but not here?

I will tell you why. Because lots of people made money off the ''gas hog'' cars of America. Global oil companies certainly did. And as oil companies merged and went global, many Arab sheiks got filthy rich by recirculating their petro dollars through, guess where, our own Wall Street houses. Their wealth grew so huge they constitute one-seventh of reinvested global capital that today props up our economy.

This goes way back to the time of Richard Nixon and Secretary of State Henry Kissinger, whose secret U.S.-Saudi agreements were signed through the Treasury to denominate Middle East oil sales in dollars, thus assuring petro dollar reinvestment in this country's financial system and saddling the American people with gas hogs for years to come, because gas hogs meant more oil sales. The more oil sold, the more Wall Street got petro dollars to recirculate.

Gradually, we became more and more embroiled in the Middle East, where our troops stand today, over 150,000 of them. And more energy-efficient cars would mean less deployment of U.S. troops to places they shouldn't be in the first place. But Wall Street doesn't like that game. They'd lose too much money and their greed would not be fed.

Beyond diminishing our Nation's innovation, this dependence also wed our country to a diminishing resource found in these unstable, undemocratic nations. For too long, it is has compromised the integrity of the industrial might of regions like I represent in a critical sector of our economy, as well as our defense base.

What great industrial Nation does not have a thriving automotive and vehicular sector?

Wall Street continues to sell out our heartland. Let me repeat that. Wall Street continues to sell out our heartland, sell out our companies, sell out our workers. I hope the American people begin paying attention to whom really has the reins of power in this country, and it's time the American people reassumed that power to themselves.

PANAMA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise today to discuss the proposed United States-Panama Free Trade Agreement.

It is very disappointing to see that the President intends to follow the broken trade agreement of the previous administration by pushing Congress to approve the Panama Free Trade Agreement.

We've had 15 years of the ''NAFTA-based'' trade model on which the Panama agreement is based, and the results are in. We now have a $127 billion annual trade deficit with Mexico and the other 15 nations with which we have free trade agreements. Since the passage of NAFTA, the United States has lost over 4.5 million manufacturing jobs, over 364,000 in my home State of North Carolina alone.

We're in the worst recession since the Great Depression. Unemployment is rising and may soon be over 10 percent. The last thing this country needs is another free trade agreement that will cause more good-paying American jobs to be outsourced. But sadly, that's exactly what the Panama agreement will do.

Why is that the case? One of the primary reasons is because the deal fails to level the playing field for U.S. producers. Let me give you one product as an example: seafood.

One of the biggest industries in my district is commercial fishing. The sector has been hammered by a flood of imports from overseas, including Panama. Panama's number one export to the United States is fish and seafood. They export over $100 million worth of fish and seafood to the United States each year. That's more than 50 times the amount that the United States exports to Panama. Their top exports include products that compete with seafood caught by North Carolina fishermen, including shrimp and yellow fin tuna.

With the Panamanians already having a huge advantage over United States fishermen in terms of balance of trade, one would think that the least that the United States negotiators could insist upon would be a level playing field so that our fishermen could have the same ability to access the Panamanian market as their fishermen have to our markets. Sadly, that is not the case.

According to the United States International Trade Administration, ''while 100 percent of U.S. imports from Panama will receive duty-free treatment immediately upon implementation of the agreement, only 82 percent of U.S. exports to Panama will receive duty-free treatment immediately upon implementation.'' Duties on most of the remaining 18 percent of U.S. exports to Panama would not be eliminated for 10 years.

Now, how is that a level playing field? The simple answer is it is not a level playing field, and the unfortunate result of provisions like this would be the loss of even more United States jobs.

Mr. Speaker, poorly negotiated trade deals with Panama are one of the main reasons our country finds its production base shriveling, our unemployment rolls rising, and our economy in shambles.

Passing this agreement is bad for America, especially at this perilous economic time, and I would encourage this administration to rethink its position before it asks Congress to approve this Panamanian trade agreement.

Mr. Speaker, with that, before I close, I do want to ask God to continue to bless our men and women in uniform in Afghanistan and Iraq. I want to ask God to please bless the families who have given a child dying for freedom in Afghanistan and Iraq. And I close by asking God to give wisdom and strength to the President of the United States. And I ask God to continue to bless America.

□ 1515

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CURRENT CONDITIONS OR JUST A BAD DREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Could it all be a bad dream, or a nightmare? Is it my imagination, or have we lost our minds? It's surreal; it's just not believable. A grand absurdity; a great deception, a delusion of momentous proportions; based on preposterous notions; and on ideas whose time should never have come; simplicity grossly distorted and complicated; insanity passed off as logic; grandiose schemes built on falsehoods with the morality of Ponzi and Madoff; evil described as virtue; ignorance pawned off as wisdom; destruction and impoverishment in the name of humanitarianism; violence, the tool of change; preventive wars used as the road to peace; tolerance delivered by government guns; reactionary views in the guise of progress; an empire replacing the Republic; slavery sold as liberty; excellence and virtue traded for mediocracy; socialism to save capitalism; a government out of control, unrestrained by the Constitution, the rule of law, or morality; bickering over petty politics as we collapse into chaos; the philosophy that destroys us is not even defined.

We have broken from reality—a psychotic Nation. Ignorance with a pretense of knowledge replacing wisdom. Money does not grow on trees, nor does prosperity come from a government printing press or escalating deficits.

We're now in the midst of unlimited spending of the people's money, exorbitant taxation, deficits of trillions of dollars—spent on a failed welfare/warfare state; an epidemic of cronyism; unlimited supplies of paper money equated with wealth.

A central bank that deliberately destroys the value of the currency in secrecy, without restraint, without nary a whimper. Yet, cheered on by the pseudo-capitalists of Wall Street, the military industrial complex, and Detroit.

We police our world empire with troops on 700 bases and in 130 countries around the world. A dangerous war now spreads throughout the Middle East and Central Asia. Thousands of innocent people being killed, as we become known as the torturers of the 21st century.

We assume that by keeping the already-known torture pictures from the public's eye, we will be remembered only as a generous and good people. If our enemies want to attack us only because we are free and rich, proof of torture would be irrelevant.

The sad part of all this is that we have forgotten what made America great, good, and prosperous. We need to quickly refresh our memories and once again reinvigorate our love, understanding, and confidence in liberty. The status quo cannot be maintained, considering the current conditions. Violence and lost liberty will result without some revolutionary thinking.

We must escape from the madness of crowds now gathering. The good news is the reversal is achievable through peaceful and intellectual means and, fortunately, the number of those who care are growing exponentially.

Of course, it could all be a bad dream, a nightmare, and that I'm seriously mistaken, overreacting, and that my worries are unfounded. I hope so. But just in case, we ought to prepare ourselves for revolutionary changes in the not-too-distant future.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SECRET BALLOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. The secret ballot is fundamental to free and fair elections—and they're the hallmark of the democratic process. Most every time Americans go to the polls to vote, they do so by the means of a secret ballot. Secret ballots protect the voter's privacy and allow the individual to vote his or her conscience without fear of reprisal from those who disagree with the voter's decision.

As a Nation, we celebrate when the citizens of other countries who were previously denied to vote in free and fair elections are finally able to do so. We watched with pride several years ago as Iraqis braved terrorist threats to cast their vote by secret ballot.

Mr. Speaker, if the secret ballot is used by Americans in local, State, and Federal elections, if the secret ballot is used by citizens of other nations for which American soldiers have sacrificed, don't American workers also deserve this fundamental right?

If you can ask Kansans, they will say, Yes, workers do deserve the right to a secret ballot election. A recent poll found that 65 percent of Kansans surveyed believe that the secret ballot should remain in use for union organizing.

Yet, despite the centrality of the secret ballot to our conception of fairness and public support for its use, many in Congress are pushing for the passage of legislation that would do away with this longstanding principle. In its place, the Employee Free Choice Act would allow unions to form if a majority of workers signed authorization cards—a process known as ''card check.''

Without giving workers the protection of a secret ballot, each person's choice would be known to others. It is not unreasonable to believe that those who choose not to sign authorization cards would be subject to intimidation and coercion.

While this should be reason enough to defeat the Employee Free Choice Act, the legislation is further flawed. Provisions within the legislation require a mandatory arbitration process that would allow the Federal Government to dictate contract terms on businesses if a first contract is not agreed to within 120 days. The contract would be binding for 2 years and would cover decisions that are best left to company leaders that understand the specifics of that business and are most familiar with the competitive forces that the business faces.

In these difficult economic times, the government-imposed and -written contracts would have an especially devastating impact on businesses that would further delay our economic recovery. Allowing the government to impose contracts on private firms and their workers would effectively allow the government to pick winners and losers in the marketplace.

The Employee Free Choice Act is bad for workers and bad for the economy.

Congress should reject this legislation and refocus its effort on initiatives that would protect the rights and privacy of American workers and strengthen the economy by creating conditions in which businesses can grow, prosper, and create jobs.

60TH ANNIVERSARY OF THE BERLIN AIRLIFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, 60 years ago, the United States embarked on a crucial operation to sustain and defend a vulnerable entrapped people. The Berlin Airlift was a colossal strategic mission that encouraged strength and fortitude in those held captive in Berlin. Today, we honor those who designed and participated in this feat.

These brave veterans struck the first major blow in the new Cold War, forcing Stalin to lift the blockade that impoverished Germany's capitol, and thwarting the Iron Curtain's fall over the Western strongholds. The efforts of these airmen embody the highest virtues of American air defense, as they fused tactical brilliance, along with innovation and with goodness in heart, in what is seen as one of the greatest American humanitarian efforts of all time.

Our veterans provided food, coal, and medical supplies to the besieged citizens of West Berlin each day, living up to the spirit of the Greatest Generation. They led a seminal goodwill offensive that succeeded in alleviating the suffering inflicted by Stalin's regime that threatened the peace and prosperity of all those in Berlin, East Germany, as well as throughout the world.

Some creative and generous pilots even found a heartwarming way to connect with the children of Berlin during those airlifts. As they carpeted the streets of Berlin with chocolates and candy, they drew the hearts and minds of many children to goodness and liberty rather than the pervasive Communist propaganda that sought to turn them against the West.

The goodwill of this so-called ''Operation Little Vittles'' has carried forward to the streets of Baghdad today, where many of our soldiers relish opportunities to brighten the lives of Iraqi children as well.

As we celebrate the 60th anniversary of the Berlin Airlift, let us remember the veterans who exemplified our highest ideals of brilliance and innovation in air defense, and whose integrity and dedication to liberty have inspired so many vulnerable people throughout the world. Their example renews our faith in the power of freedom and goodness to prevail over tyranny.

Mr. Speaker, as the memories of World War II and the Berlin blockade fade with the passing years, I believe it is even more important to commemorate the spirit of kindness that led our veterans to bring hope and to bring joy to the weary and beleaguered city of Berlin.

Mr. Speaker, a congressional resolution has been introduced to honor their legacy. I'm grateful for this opportunity to celebrate this noble endeavor, and I ask my colleagues to please join me in remembering and thanking those who served 60 years ago in the Berlin Airlift.

NATIONAL ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. As the summer months quickly approach and families start to plan vacations, our country continues to struggle with high energy costs. That is why the Democrats' cap-and-trade, or better known as cap-and-tax, energy plan is an irresponsible proposal that will do more harm than good. The simple truth behind the Democrats' energy plan is that it raises taxes, kills jobs, and will lead to more government intrusion in our lives.

The Democrats' energy plan is really a $624 billion national energy tax that will hit nearly every American family. This new national energy tax will be paid by anyone who turns on a light switch or plugs in an appliance.

With Democrats still hiding many of the important details of their energy plan, a study that looked at a similar proposal estimated that the impact will be roughly $3,100 every American household will have to pay to the Federal Government.

Also disappointing is the fact that the Democrats' national energy tax will hit the poor the hardest. Experts agree that lower-income individuals spend a greater share of their income on energy consumption. So while every American will be paying more for energy, low-income households already living on the edge of desperation will be hurt even more.

The truth is President Obama is aware of the impact his energy plan will have on American families. While still a candidate for President, then-Senator Obama said that under his cap-and-tax plan, utility rates would necessarily skyrocket and said that those costs would be passed along to consumers.

The impact of this national energy tax will not only be seen in home utility bills or at the pump, but various estimates suggest that anywhere from 1.8 million to 7 million Americans could lose their jobs as well.

Though the President is promoting green jobs that may be created by his cap-and-tax plan, any new jobs created will not come close to compensating for those lost to this reckless energy policy.

We have no greater example of the devastation the cap-and-tax system can have on an economy than Spain. After years of promoting green jobs, Spain has the highest unemployment rate in Europe, standing at a whopping 17.5 percent.

□ 1530

Cap-and-tax has sought to be an environmentally friendly plan. The truth is that it will relocate manufacturing plants overseas to countries with far less stringent environmental regulations, in turn trading pollution to another part of the world.

Republicans are for clean air, clean water and are committed to solving our energy crisis. Republicans believe there is a better way to achieve energy independence without destroying our economy and killing jobs.

THE IMPACT OF CAP-AND-TRADE ON MANUFACTURERS USING COAL-GENERATED ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATTA. Thank you, Mr. Speaker. I appreciate the opportunity to have this hour with my colleagues to talk about a very, very important issue facing this country.

The issue that's facing this Congress is cap-and-tax. Why is it important? Well, as you can see from this chart right here, Cap-and-Tax Vulnerability by State. I'm from Ohio. I represent the largest manufacturing district in the State of Ohio as well as representing the largest agricultural district in the State of Ohio.

If you see from this map where it says, the vulnerability key from high, medium and low, you will see that Ohio, along with a good part of the Midwest, is all facing a very, very tough time under this proposal.

At the same time I know when I am back home, I talk to the folks; and they say, Well, who's proposing this? I say, If you look from California to Washington. You go from Washington, D.C., up the coast to Maine, that's where it is. You look at that—very low vulnerability. That concerns me. It concerns me because, as I said, manufacturing is the lifeblood in my district. I would like to talk about it for just a few minutes.

First, every week I go out in my district. I go out in that district, and I go into plants. We manufacture everything from car parts, to batteries, to windshields, to washing machines. You name it, we make it.

My district, when people say, What's your largest city? It's my hometown of about 30,000 people. So over 140 miles east to west we have a lot of small manufacturers out there. We have large manufacturers. We have a large General Motors power train plant. When you keep going across, you have a Chrysler plant. We have a furniture

manufacturing plant. As I mentioned, we have a washing machine plant.

We go across it, and then we have a lot of smaller ones. We have plants that might employ 50, 100 people. But those are the folks that make this economy run because small business is the main economic engine for this country.

So when I see things like this where you look at the vulnerability, I see that right off the bat, we're in trouble. But we're also in trouble because Ohio, being a large manufacturing State in total, we have another situation out there. And that situation is this: When you look at the plants that we've had, we've had to grow, as our former Governor and now Senator GEORGE VOINOVICH used to always tell us when we were in the legislature together, that we had to work harder and smarter in the State of Ohio.

Well, a lot of factories are that way now. They don't employ as many people. But at the same time, we have watched a lot of these plants, because of the economic downturn, having to lay people off. Every week I go out into these plants. I remember one not too long ago I went into the plant, and they said, We'd like to take you in the back. They usually had around 180 employees. They said, We're down to about 70. They said, We make brass fittings; and with those brass fittings, they're in competition against the world. And of course that means the Chinese right now. They said, It costs us X number of dollars to make this product, and at the same time the Chinese can make it for 45 cents.

They can't have any more impact on them, especially if we're going to raise the price of energy. We can't have a national energy tax because if we do that, these companies are going to shut down, and they're never going to open up again.

Back in 1982 we were coming out of that recession that started back in the Carter years when—you might all remember—we had 21.5 percent interest rates, double-digit inflation, double-digit unemployment rates. It was tough; but people still thought, When this thing's over, those factories are going to open up. I'm going to have my job back. Not so today. Not so today because when people start looking around—and we're in a global economy.

I was a county commissioner of Wood County for 6 years. We used to compete against some parts of Ohio and over in Indiana and Michigan, but now we're competing against people on the other side of the globe, and they're going to eat our lunch if we're not careful.

When we have these situations, like I said, that you go into these plants, and these folks are saying, We can't have one more increase or we're out of business, they mean it.

Then the question is going to be when they come to me and say, Well, where am I going to get a job? Or like last weekend I spoke to a commencement address. I asked them beforehand, I said, Just out of curiosity, what would you like me to talk about? They said, What we'd really like you to talk about is telling our graduates what you're working on, what you're helping to try to do to make sure that—where we are going be when we come out of this tough economic situation that we're in. So you have to start these things off by saying, You know, I'm not going to paint you any kind of a rose-colored picture here.

If we work hard and we do the right things here in Congress, we're going to survive. But if we pass the wrong pieces of legislation, I can't go back to that same college in a couple of years and look at those next graduates coming up and say, You know what, you're going to have a job, because they might not. So what we have to do is think about these things.

Just to show you on another chart something that the Heritage Foundation put together, they took all 435 congressional districts. What they did was, they put together a manufacturing vulnerability index. They took what your State's percentage of energy usage from coal was, and then they took from each district the number of manufacturing jobs.

This is one of the times you don't want to be at the top of the list. My good friend from Indiana, who will be on in a couple minutes here, unfortunately ranks number one in vulnerability in this country because of the number of manufacturing jobs and coal generation in the State of Indiana. I'm number three because I have 80,623 manufacturing jobs, and we get 87.2 percent of our energy from coal. You put those two things together, and my manufacturing vulnerability index percentile rank is at 99.5 percent, which puts you at three.

When I go across my district, I can't go out there and say, Things are just fantastic. I'm telling them, Right now I want to try to keep you in business, but I will tell you, if we start passing these bills in this Congress to put a national energy tax on you, you're in trouble. And not only are you in trouble, but every generation coming up in Ohio is in trouble because these jobs aren't going to come back. These jobs are not going to come back.

When you look, as I said, from 1982 when people thought, Well, we are going to come back. Why? Because the United States was at the top of the heap. Today the Chinese have become, in 2009, the number one manufacturing country in the world. We got knocked off after over 100 years being on top. Not anymore. That's why we have to start thinking about our future. When you talk about what the folks want to do here, they need to look around the world a little bit.

Not too long ago in the Washington Times there was an interesting article. The headline was Chinese Official Aims Emissions Cost At Consumers. The folks here in Congress are saying, Well, it's not fair if we do all these things. We need to have the rest of the world cooperate with us. Well, guess what. Let me just read you one quote. This is from their lead climate negotiator in China who said this:

''As one of the developing countries, we are at the low end of the production line for the global economy. We produce products, and these products are consumed by other countries. This share of emissions should be taken by the consumer, not the producer.''

Interesting philosophy. They can produce it, but they're not going to pay anything for it. They want us, for consuming it, to pay that cost. But at the same time in this country what we're going to be doing is we're going to be paying on both ends because we're going to be paying to produce it. It's going to be very difficult for these manufacturing jobs in States like Ohio and Indiana to stay in one spot.

The one thing would be that they might say, We're going to leave and go to another State. But I've already had companies that are multinational say, You know what, we don't even have to be in Ohio. We don't have to be in the United States. We'll just produce it in another country. That's where we are. And I'll tell you what, the future is very bleak if we start looking at these things.

Last summer we talked about an all-of-the-above energy plan for this country, and the American people got it. Because first of all, the American people went to the gas station, and they saw, like in Bowling Green, Ohio, $4.19 for a gallon of gasoline. People understood right off the bat what was happening. But sometimes when they hear about cap-and-tax, cap-and-trade they say, Well, we're not really sure what that is. But it will affect everybody immediately when this thing starts.

Let me give you a couple of statistics here from a Heritage Foundation report. This is about the negative impacts on consumers. This is from the Heritage Foundation. By 2035 this legislation would, one, reduce the aggregate gross domestic product by $9.6 trillion, destroy 1.1 million jobs per year on average with the peak year seeing unemployment rise by over 2.5 million jobs, increase the average family cost of four by $4,800 a year, raise electricity rates by 90 percent, raise residential natural gas prices by 55 percent, and increase inflation-adjusted Federal debt by 26 percent or an additional $29,150 per person after adjusting for inflation. That's what this cap-and-tax, this national energy tax is going to get us. This is a massive tax. We can't afford it.

Going back to this chart, when you look at the States that are using a lot of coal and you have a lot of manufacturing in your district, well, we can't take it.

Now, let's go to the bottom of the chart. For those that are in favor of it, you look at their percentile rank. Zero. Well, that's out in California. Very little manufacturing. When you look at

the number of manufacturing jobs in the bottom four of California, you've got 15,500 and 19,000 manufacturing jobs in a congressional district. Again, compare that with Indiana 3, which has almost 104,000 manufacturing jobs, you wonder why we're concerned about this in the Midwest. You wonder why we're concerned about this when we talk about making sure that our people have jobs in the future.

Let's think about the tax bases out there. We've got areas in the State of Ohio that are going to be devastated when you take these kinds of numbers, and we're not going to have these jobs anymore. What's going to happen to the local school districts? What's going to happen to the municipalities? What's going to happen to the fire departments? Everything? They're all going to be affected. So again, we can't afford this, and it's a tax on the American people. It is a loss of jobs that we can't afford in this country.

At this time I would like to recognize some of the other Members today that are here. My good friend, the gentlelady from Oklahoma, who I would like to recognize at this time.

Ms. FALLIN. Mr. Speaker, I want to thank Congressman LATTA for leading this special hour tonight on a very important topic to our Nation.

When I go back to my home State of Oklahoma almost every weekend, I hear a couple of things from my constituents back home. First of all, they are very concerned about our economy. They want to know that they will be able to keep their jobs, be able to have a salary, make their house payment, pay their bills, take care of their families; and they want to know their taxes are going to be kept low. They want us here in Washington, D.C., to be a part of the solution, not a part of the problem.

The second thing I hear back home in Oklahoma is that people talk a lot about expenses and about the cost of living going up and how concerned they are with all the spending that is going on here in Washington, D.C., about the costs to their families and the costs to their businesses.

Many of them say to me, Please don't let our gas prices go up like they did last summer to $4 a gallon. We can't afford that anymore for either our families or even our businesses. They say, Please don't let my utility costs go up. We're hearing with cap-and-trade, cap-and-tax, that our utility costs could go up by 30 percent and I'm on a fixed number or I'm a lower income person, and I can't take a 30 percent increase in my utility costs.

□ 1545

They say things like, please don't let my businesses have more operating costs. Or please don't raise my gasoline prices because I won't be able to take my kids to school as freely as I had been able to.

And so as we begin and have this debate about cap-and-trade, controlling carbon emissions and about what we call the ''cap-and-tax,'' I feel that the Democrat national energy tax would harm all these things that people are concerned about. Experts estimate that cap-and-trade, cap-and-tax, as I said, would raise utilities costs and would raise costs on families to an estimated cost increase of around $3,100 per family. A recent report by the U.S. Chamber of Commerce and the National Association of Manufacturers says the new energy tax would also cost the United States 3.2 million jobs at a time when we already have a high unemployment rate throughout our Nation. And this means that the future of manufacturing, the future of jobs in our Nation, would be at stake, and especially at a time when we cannot afford, as a Nation, to make the wrong policy decision that could further hurt our national economy.

A strong manufacturing base is very vital to our economy and our security as a Nation depends on our having a strong manufacturing base and a strong economy. Many of us believe that we have are losing ground to other foreign countries when it comes to competing for products, production and also for market share.

I saw a recent report by the Industrial Energy Consumers of America, and they said that from 2000 to 2008, imports were up 29 percent, and manufacturing employment fell 22 percent, a loss of 3.8 million high-paying jobs. And they said of great concern is that manufacturing investment in the United States, as a percent of gross domestic product, has been on the decline since the late 1990s.

Two-thirds of our world's pollution comes from other countries who won't be under a cap-and-trade type piece of legislation, two-thirds of the pollution in our world. But yet here in the United States we are talking about a plan that would affect our business sector because of the climate control legislation. Now we all want to do all that we can to keep our air clean, our land clean and our water clean. That is a very important goal for all of us. But not at the cost of risking our national security or even our national economy.

We know that the Democrat solution is an energy tax. And we know it won't work. The United States might cap and tax its carbon emissions, but countries like China and India would never agree to restrictions that are so economically destructive. And the result would be, for the United States, more outsourcing of good jobs to other countries at the worst possible time when, as I said, unemployment is at 9 percent.

Cap-and-trade is nothing more than a national energy tax. And its effects would be far reaching to businesses, consumers and even more so to rural America. Rural areas will be hit hardest by energy taxes. Americans in rural areas must travel further for routine errands, in fact, about 25 percent more miles than urban households, according to a recent Federal highway data study.

Higher gasoline prices may not be the end of the world if you are taking a subway in a major metropolitan city like here in Washington, D.C., but higher gasoline prices are a big deal in small towns like I grew up in, like Tecumseh, Oklahoma, especially when you have to commute long distances to work. The numbers back that up. Rural households spend 58 percent more of fuel than urban residents as a percentage of their income.

And then you look at another important industry in rural America, and that is agriculture. And agriculture is a bull's eye industry for energy tax because it is energy intensive. Whether it is the fuel for a tractor or fertilizer for the crops or delivery of food to a local grocery store, agriculture uses a great deal of energy production. Small businesses and American jobs are also a target of the cap-and-trade, cap-and-tax system. A recent report from the U.S. Chamber of Commerce and the National Association of Manufacturers and other business groups states that President Obama's budget proposal to reduce greenhouse gas emissions would result in a net loss of jobs in our economy of 3.2 million and would shrink our household purchasing power by $2,100. And while protecting our environment is a worthwhile effort, and we are all for that, I cannot support legislation that does nothing but levy taxes on small business, on rural America, on families and on those who are on limited resources and raises just higher energy taxes.

If you want a real solution to climate change, then we should focus on incentives. We should focus on innovation, research and letting the free-market system work. And yes, Republicans do have a plan that would support energy production and also support clean energy, an all-of-the-above energy plan. We support production of clean natural gas, wind power, solar power, nuclear power as well as the traditional fossil fuels. We, as Republicans, have our eye on the future, and we know that the United States doesn't have an unlimited reserve of fossil fuels, and we understand we need to pursue other energy sources, energy diversity. But Republicans also understand that we can't get this overnight by pursuing a series of damaging tax increases.

And Congressman LATTA, I will yield back my time for further discussion on this issue.

Mr. LATTA. Thank you very much. I appreciate that. You have brought up some very good points, especially when you are talking about rural America. I know in my district when I go in the plants, one of the questions I always like to ask is how many folks have driven X number of miles? It is nothing for people in my district to drive 30 to 50 miles one way to go to manufacturing jobs. If those manufacturing jobs are not there or the cost of fuel is too high, they can't get there. That is

an excellent point. I'm glad you brought that up.

Ms. FALLIN. Thank you.

Mr. LATTA. At this time, I would like to call on and yield to a good friend of mine from Ohio, the gentleman just to my south. Good afternoon.

Mr. AUSTRIA. I thank the gentleman for yielding. And I want to thank the gentlewoman from Oklahoma for putting things in perspective. I think you did a very good job of laying things out. It certainly applies to Ohio. And to the gentleman from Ohio (Mr. LATTA), thank you for your work in Ohio. I have had an opportunity to serve with you for 10 years in the State legislature. Together we worked on some good things to move our State forward, comprehensive tax reform that lowered income taxes for families and small businesses. We helped to make Ohio more business friendly, especially in the manufacturing industry, by phasing out tangible personal property tax and corporate franchise tax.

When we look at the proposals before Congress today, this cap-and-trade proposal, on the surface, it sounds harmless. But it isn't. It is not, for the reasons that the gentlelady from Oklahoma just talked about. It hurts Ohioans as far as jobs, as far as businesses, and it is not a good thing. This proposal is going to increase the price of the cost of energy and the price for anyone who turns on a TV or fills up their gas tank or turns on the heat in the winter. Their cost of energy is going to go up.

The Congressional Budget Office, in the initial proposal that was brought forth by this administration, estimated that the cost of energy in the average household will go up approximately $1,600 per year. We have seen figures as high as $3,000 per year by MIT and other credible organizations that are following this very closely. So the cost of energy is going to go up on not just Ohioans, but all Americans.

And I think at a time when we are struggling economically, we are going through an economic crisis, it is not the time to be raising the cost of energy on families and small businesses like we are going to be doing with cap-and-trade if this moves forward.

Let me also point out the fact in our State, in Ohio, as in many other States, in Ohio, manufacturing and agriculture are the two top industries in our State and will get hit the hardest with cap-and-trade. As was just mentioned by the previous speaker, manufacturing jobs will be at stake. American companies will be less competitive internationally against other countries that will not be playing by the same rules, that will not have the same regulations on them like China and India, and will put them at a disadvantage from a competitive standpoint. That in turn is going to cost jobs.

Ohio, again, as in many of the other Midwest States across our country that are heavily into manufacturing, is going to get hit the hardest by this. And this is not a good thing for that industry, as well as the agriculture industry, as was just mentioned, which relies heavily on fuels for tractors, for transporting crops and going to the store and so forth. So it is going to increase the costs of energy as well as hurting those who are trying to do business in the State of Ohio as well as job loss.

I also want to point out one other factor for our State, which I know is very diversified from State to State, on the chart that you put up previously. In the State of Ohio, 87 percent of our fuel, of our energy comes from coal. And coal will be hit directly by the cap-and-trade. It is going to put mandates on undeveloped technologies for coal-fired plants. In some cases, coal-fired plants may not even be able to comply with this, and they may have to close down. And that too could cost jobs in the State of Ohio.

So when you look at the cap-and-trade and the way this is put together, it should be called a ''cap-and-tax'' as many of the other Members had mentioned because, Mr. Speaker, I think clearly this is a cost that is being passed on to every American.

And Republicans, as was mentioned, do have an alternative. I think we all want to see cleaner energy. We all want to see more efficient energy. But we do have an alternative plan that is out there that will have less reliance on foreign oil, that would look at the resources that we have available in this country, that would help us produce and make us more energy independent, give us more energy independence with increased exploration and development of new and renewable energy sources, to help promote alternative forms of energy like solar, like wind and other alternative sources of energy that are out there. So we do have an alternative way to get to where we want to go.

Again, I think the cap-and-trade doesn't make sense for Ohio, and it is going to cost jobs. It is going to put an increase in the cost of energy for all Americans. And I think we can do a better job and have a better alternative out there that we should be pursuing.

And I thank the gentleman from Ohio for yielding.

Mr. LATTA. I appreciate your being here. And you bring up an excellent point when you talk about jobs disappearing. Last summer, I was number 9 in the list the National Manufacturers Association puts out. I was number 9 in the United States in manufacturing jobs out of 435 districts. Earlier this year, I dropped to 13 already. And we are watching those jobs disappear from across Ohio and across this country. And you are absolutely right. We have a massive national energy tax. Those jobs aren't going to stay. They can't compete. And they are gone. So that is an excellent point. Thank you very much. I appreciate it.

At this time, I would also like to introduce my good friend from Illinois who also represents manufacturing and what it can do to his State and also across the Midwest.

Mr. MANZULLO. Mr. Chairman, the person who has been forgotten in all the debate that has been happening is the American worker. I can remember when I was a little kid, my dad used to pack his lunch box, a black tin box with a round top, with a salami sandwich, a piece of fruit and a thermos of coffee, as he would rise early in the morning, go off to work at the factory, and come back with a sense of satisfaction that he had made something with his hands.

And that perhaps is the emblem of the American worker, somebody who actually worked in a factory and then became a master meat cutter in his grocery store, master restaurateur, and at the same time was an expert carpenter and cabinetmaker. He was a person who could do marvelous things with the hands that God gave him.

That perhaps also is the picture of the American that we are not examining as we take a look at this entire cap-and-trade system. Because after all, it is the American worker who is going to be disadvantaged in many ways because of this theory that the majority wants to impose upon the American family, which according to the nonpartisan Congressional Budget Office, would spike the cost of energy for the average American family of somewhere between $700 and $2,200 a year. So we start with the fact that the American worker is going to be paying a lot more for his or her energy at home before he leaves and goes off to the factory.

Once he gets to the factory, exactly what is going to happen? Well, the factory is already under tremendous competition, competition domestically because of high productivity of the American manufacturers and competition because of offshore, because of countries that don't have OSHA standards, that have very few environmental standards, who care less about the safety of the worker and more about shipping that product to the United States.

□ 1600

So we start with the distinct disadvantage already in the manufacturing sector. How much more can the American worker take? How much more can the owner of that factory take?

I assembled this past week—in fact, yesterday—in the congressional district that I represent, a congressional district that has in its largest county an over 25 percent manufacturing base—55 or 60 small manufacturers. I laid out to them this cap-and-trade system and exactly what it would mean to them as manufacturers. The looks upon their faces were nothing less than startling because we start with the proposition that 535 people in Washington, D.C., suddenly wake up in

the morning and decide, well, America should go into the green business, that America should get involved in the energy-saving business as if the American manufacturer and his worker have been on the sidelines, doing nothing.

You have great manufacturers out there, like the Perks family from Rockford, Illinois. The Perks family has been around for three generations now, involved in combustible burners. Their goal has always been to make the most efficient combustible burner possible, and they lead the world in that technology. They just didn't wake up one morning and say, ''We should start saving energy.'' That's what productivity is all about. That's what the American manufacturer is all about—to be giving him and the small inventor the opportunity to be able to go out and to make products—to make them run faster, quicker, and leaner.

The Federal Government didn't invent the term ''lean manufacturing.'' The Federal Government didn't come up with ISO standards of excellence and productivity. The Federal Government does more to hinder the innovation ability and the productivity and the energy savings of the American manufacturer than it does to help them out. Take, for example, all of the American machinery in Harvard, Illinois. There is an extraordinary patent on being able to run hydraulics on an as per unit. It gives a shot of power to move that hydraulic pump, and then the unit shuts off, saving between 60 to 80 percent of the energy costs versus a machine that runs all the time.

No one in Washington called the people back home in Harvard, Illinois, and said, We have this great idea for you. The people in Washington are calling the people whom I represent and are saying, I've got news for you. I don't have new innovations for you. I don't have new technologies for you. I have a new task that's going to make you less competitive with the world, the so-called ''cap-and-trade tax,'' because the people in this body and in the other body are going to say that we are manufacturers and that we know everything about manufacturing as we sit here in our pin-striped suits and don't even know what the sweet smell of machine oil is because most of them have never been in a factory in their lives. They're going to tell our American manufacturers how to run their factories.

As I talked to our American manufacturers yesterday, 55 or 60 of them, several have places where they're already manufacturing for domestic consumption in China and in Mexico. Their faces spoke the results. If it's going to become so much more expensive to manufacture in the United States, we'll just do more manufacturing in Mexico and in China. Do you know what, Mr. Speaker? The cost of shipping finished items from China to the United States will be less than the cost of the increase in power for people to make their products under the new cap-and-trade bill. This is absolute lunacy to be able to subject the American manufacturer and the worker to this, the worker who gets up at the crack of dawn every morning, who packs his lunch box and goes off to work and gets in his old car and puts in 8 or 10 or 12 hours a day, working to support his family, working to get the kids through college, working to pay the mortgage. All of a sudden, Congress says, You don't know what you're doing. You don't know how to run your factory.

All we have to do is look at what happened in Europe. Look at the famous cap-and-trade system in Europe. Now, I don't usually look to the Europeans for examples except when they fail. In this case, the cap-and-trade system, Mr. Speaker, has been a complete and total failure. Why is that? Well, it's because you go across the Strait of Gibraltar, into Morocco and northern Africa, and you see countries that are not locked into the same type of system of control emissions. In fact, Kollo Holding in the Netherlands makes a silicon carbide. According to an article in The Washington Post, it's used as an industrial abrasive. It's the finest factory that you could find, the best in ecological construction, the finest in meeting the most stringent requirements to reduce the emissions of carbon. They're in big trouble, huge trouble, because right across in Morocco you will find a competitor—and in China—that can make it cheaper and that can ship it to Europe.

So what happens to the brave soul in Europe who complies with their ill-fated cap-and-trade system? He'll probably go out of business. That's exactly what happens. What's going to happen to the United States? There will be a southern movement to Mexico as American manufacturers will be making more of their products in Mexico and shipping it across the border because it will be a lot cheaper as they won't be sacked with a cap-and-trade system.

If you take a look at the Government Accountability Office report of December of 2008, this is their own organization that sets up standards by which to make measurements of efficiencies in different programs. The Government Accountability Office says there are better, less expensive and more direct methods to accomplish the goal of reducing emissions. Well, that's interesting. What are those? Well, perhaps someone ought to take a look at what the American manufacturer is already doing. You can go to a Danish manufacturer in Rockford, Illinois, called Danfoss. Danfoss makes these machines that hook onto another machine. The Danfoss machine, Mr. Speaker, measures the exact amount of energy necessary in order to run the machine right down to the lowest fraction of electrical unit required. It is highly efficient.

No one from Washington called the Danfoss engineers and said, We have an idea for you. We, in Congress, wear pin-striped suits, and we can tell you how to run your manufacturing facility. No one called the city of Rockford years ago and said, We've got a great plan for you where you could take the sewage that you have in the city, turn it into methane and run three turbines so you could help the electrical grid, and there would be many fewer carbons going into the air.

Mr. Speaker, Washington has no news for the American manufacturer or for the American worker except bad news. That's why we have to defeat this. We already have a lot of plans in place. One is the Republican alternative, and that's the one that rewards ingenuity. It makes it a lot easier for people to change to the latest techniques, to scrub the air, to scrub the environment. It just amazes me. It totally amazes me.

We are in Rockford, Illinois, where there is close to 14 percent unemployment. It's the same in Belvidere, Illinois. Our Chrysler plant is closed for 60 days. Chrysler is in bankruptcy. We've gone from 16 million cars sold 2 years ago to 8 million cars sold this year. On top of all of the problems that manufacturing is having, now we need one more—one more regulation, one more requirement, one more chop on the block of the American manufacturer.

It's time to say ''no'' to this big government that thinks it knows best. It's time to say ''no'' to Washington that thinks it has all of the answers. It's time to say ''yes'' to the American worker, ''yes'' to the little inventor, ''yes'' to the American manufacturer—the people who made things with their hands, the people who created all the wealth in the world, the leaders in technology, the leaders in ingenuity—not with the help of government but with the help of their own minds and their own hands.

Mr. LATTA. Well, I thank the gentleman, and he is absolutely correct. When you look at these margins that these companies are working with today, they are slim.

It's the same thing in my district. You know, I get in those plants every week. When I go in those plants, they show me what one blip of an electrical costs. I have massive, heavy energy users in my district, especially on the electrical side. With one blip, they could say, You know what? We're done. We'll go overseas. We don't need this, and we don't need one more Federal regulation. We don't need one more government bureaucrat telling us how to run our business, and we're out of business in this country.

Then what do we tell our constituents? What do we tell the next generation of Americans out there? That you don't have a job. What do you have to look forward to in the future? It's not very bright when you look at this piece of legislation.

You know, the President said when he was running for office that, Under my plan of a cap-and-trade system,

electricity rates will necessarily skyrocket.

That will cost money. They will pass that money on to the consumers. It goes from one to the next, and it's going to finally get down to those honest people who are going to try to be in those factories, making a product, finding out first they don't have jobs and, at the same time, that their electricity rates at home are just going to skyrocket. How are they going to make a living? How are those kids going to go to college?

I thank the gentleman.

At this time, I'd like to yield to my friend from Louisiana. Thank you.

Mr. BOUSTANY. I thank my friend from Ohio for yielding time to me.

I want to go back for a moment, back to March, at a time when the Ways and Means Committee in the House convened to hear Secretary Geithner's testimony to us regarding President Obama's budget proposals and specifically regarding the issues related to cap-and-trade and some proposed tax increases on the oil and gas industry. In fact, in addition to cap-and-trade, the administration is proposing $31.5 billion in increased taxes on the U.S. domestics—the small, independent companies that produce oil and gas and that power our country. So, at the time, I had a very simple, a very straightforward question for Secretary Geithner, who was testifying.

I said, Mr. Secretary, how many jobs will this kill, particularly on the gulf coast? The gulf coast is trying to recover from hurricanes, but yet, at the same time, it has done a magnificent job of getting the oil and gas industry back up in the Outer Continental Shelf and inland—our refineries—to provide energy for our country. So I asked him simply: How many jobs do you intend to kill with this budget? He could not answer the question. So I gave him a little time, and I followed up with a letter to Secretary Geithner.

Two or three weeks elapsed. I received a letter today, and I have yet to receive an answer on how many jobs this administration intends to kill with its energy policy of cap-and-trade and of increased taxes on the domestic oil and gas industry.

Now, I know for a fact that we have about 1.5 million people directly employed in the oil and gas industry and that there are about 6 million additional folks who have jobs related to this, whether in manufacturing or in support services. So, if we look back and if we look at a time when a previous administration, Mr. Carter's administration, raised a windfall profits tax on the oil and gas industry, it devastated our domestic industry. What happened? We became more dependent on foreign oil, and we saw price spikes in energy.

So what's going to happen with this massive tax increase that is compounded by cap-and-trade? Well, my prediction is we're going to see massive job loss.

I was down in Louisiana for 2 weeks back during the Easter recess. I toured and went along the coast, and I visited a lot of these small companies, companies that employ pipefitters and welders, people who work on the boats, folks who do the electrical work on these rigs, people who do the fabrication work. These are good-paying jobs, high-paying jobs with benefits. These are manufacturing jobs, the same kind of manufacturing jobs my friend from Illinois just spoke about.

□ 1615

And our President says his goal is to save or create 3.5 million jobs before the end of 2010. I want to know a simple answer to the question I posed: How many jobs does this administration intend to kill with its energy tax proposals? It's a simple question.

And I think the American people deserve an answer. And certainly the good, hardworking folks down in Louisiana and Texas and Alabama and Mississippi who supply a large amount of the energy that this country uses deserve a simple, straightforward answer from Mr. Geithner and this administration.

Now, let me make one clear point here. I want to quote something first. Let me quote something from this letter that I received from Secretary Geithner. He says, ''To the extent the credit,'' he's referring to the tax credits that the oil and gas industries had since 1913, ''to the extent the credit encourages overproduction of oil, it is detrimental to long-term energy security.'' Overproduction of oil? Does any American believe that we have overproduction of oil? I would like to know what planet the Secretary is living on. What kind of information is he getting, for God's sake?

Now, I think it's also important to recognize that if we're going to have a reasonable and sensible energy policy that the American public can believe in, an energy policy that diversifies our sources of energy and utilizes oil and gas and clean coal technology and nuclear power as well as green technology and alternative fuels, that's the kind of energy policy that we're promoting. That's the energy policy that the American people want to hear about. That's the energy policy that will unleash individual American genius to solve our problems.

But if you're thinking about energy policy, our transition to that strategy involves natural gas as a diversified fuel as well as expanding nuclear power. But keep in mind that 30–35 percent of the natural gas that this country uses comes from rigs, oil and gas rigs that were drilled within the last 2 years. 35 percent.

Now, I have to tell you that the rig count in the United States since September is down by over 50 percent and dropping because of these tax proposals. It's dropping, and that means we're going to have a shortage down the line of natural gas and oil, and we're going to become more dependent on oil from foreign sources, and we are going to become more dependent on liquefied natural gas being imported into this country.

All the while, we're kind of like—we're the Saudi Arabia of natural gas. We have a lot of natural gas reserves, but we're not utilizing them. And this energy policy that the President is proposing, these tax increases will devastate our industry, and we will become more dependent.

So, again, I asked President Obama and Secretary Geithner how many jobs do you intend to kill with this policy? And I think the American people, again, deserve a straight answer. Again, we're talking about good high-paying jobs across the board, manufacturing jobs, jobs that allow folks to buy homes, jobs that allow them to send their kids to college.

Finally, let me just say that I believe it is wrong for this administration to deliberately pick winners and losers. It's the height of arrogance. What we ought to be doing with an energy policy is unleashing American genius to solve these problems, the same kind of genius that have solved many problems before in this country.

One last thing I would like to mention is that back during the heyday of World War II when this country was in a fight against Nazi Germany and the Japanese and the concerns about energy were there and there was a fight for oil reserves and so forth, there was also a fight to see who was going to get nuclear power first. And it was because this country had a well-developed manufacturing and refining system with all of the chemical engineers, the petroleum engineers, that they were able to bring forth enough of the technical capability to win the race for atomic energy. And this is the same energy industry that this administration is currently trashing with this tax policy.

So, again, I want to know a simple answer to a simple question: How many jobs does the Obama administration intend to kill with cap and trade and with these targeted tax increases on the oil and gas industry?

With that, I will yield back to my friend.

Mr. LATTA. I thank the gentleman.

If I could just comment on a couple of things that he said.

I think you're absolutely right. I know when they shut the lights on us right here on this floor last year when we were down here talking about energy—and it wasn't hard to remember that we were talking about 65 or more percent of all of the energy that we were consuming in this country was being imported in this country. I remember those T. Boone Pickens commercials saying the largest transfer of wealth in history was occurring. I believe the number was like $700 billion per year. And so when you see those things happening, it's hard not to get up here and speak out on that.

I yield back to the gentleman.

Mr. BOUSTANY. This administration doesn't understand the difference between our large multinational energy companies like ExxonMobil, Chevron that do most of their work overseas, and independently owned, American-owned energy companies working in the Gulf of Mexico who provide most of the oil and gas that this country utilizes. These are small companies operating in the Gulf of Mexico, predominantly, some in California and other areas around the country, but predominantly in the Gulf of Mexico. And this industry will be devastated by these tax proposals, and it's going to hurt our energy production, and it's going to make the price of oil and gas and gasoline and electricity go up significantly. It's absolutely the wrong policy at this time. We need a diversified energy policy, and we shouldn't punish those who are producing energy that Americans need desperately today.

Mr. MANZULLO. Would the gentleman yield?

Mr. BOUSTANY. I would be happy to yield.

Mr. MANZULLO. I thank the gentleman.

Perhaps the answer to the number of jobs that would be lost may be found in the draft of the American Clean Energy and Security Act. This is the Cap-and-Trade Act under title IV, if I'm reading this correctly, because it talks about worker transition. Now, that normally means somebody who's lost his job as a result of a government regulation and has to transition to something else. So they already are figuring that some people are going to be losing their jobs.

My gosh, you take a look at the quote of the President. It's going to cost a tremendous amount of money, electricity rates will skyrocket in factories. When you look at the small margin of profit, for example, on castings—already under tremendous pressure from overseas—they won't be around.

But something happened interestingly yesterday at the conference we had in Rockford, Illinois. Dr. Redmond Clark is a Ph.D. in environmental sciences. He's also an inventor and runs a business, and he said this astonishing statement: If American manufacturers, if all of America went to zero carbon emissions, within 7–10 years, the Chinese would more than compensate and put into the air all of the carbon emissions that the Americans had saved. Now, that is how flawed this plan is.

Mr. BOUSTANY. I thank the gentleman.

I would just add that really a productive way to reduce emissions would be to work out a cooperative agreement with China—which also has large amounts of emissions into the atmosphere—and let's use the technology that we have today to work with the Chinese to reduce emissions. But instead, with these tax proposals, they intend to destroy this industry. And I will tell you from my experience in Louisiana in the 1980s, once these jobs are gone, folks leave. They go off and do other things. That expertise is gone. You can't develop it overnight. And this is at a time when our energy needs are critical.

So I have to say when the President talks about saving or creating 3.5 million jobs, this policy is not the way to do it. It will kill jobs, and it will kill many jobs.

Mr. LATTA. I would like to yield to the gentlelady from Oklahoma.

Ms. FALLIN. I appreciate your comments.

We're already seeing some of the effects in our oil and gas energy sector in the State of Oklahoma of job losses already just by talking about the cap-and-trade piece of legislation. And you were mentioning a few moments ago about the pollution of other countries and how if we have cap and trade here and we try to control our emissions—which we should, we should have reasonable policy on that—how China and India and some of those other growing economies will still keep polluting. In fact, a statistic that I saw said two-thirds of the world's population comes from countries other than the United States. So while we may put some heavy restrictions that could cost jobs and investment in the United States, these other countries will take those market shares from us and continue polluting.

I was interested in your comments by Secretary Geithner who said we have an overproduction of our oil, which that is an unusual comment when our Nation is so dependent upon foreign energy. I think many of us in this body believe that our country is at risk in our national security and economic security by buying almost 70 percent—65, 70 percent of our energy supplies from other foreign countries while spending around $700 billion buying that foreign energy. Just think what that $700 billion—if we produced our own energy—what that would do in our Nation as it relates to jobs and investment in our marketplace here in the United States.

But yet we continue to send that money to foreign countries buying their energy versus encouraging innovation, free enterprise here in United States of all kinds of energy sources.

And I just truly believe we have the knowledge, we have the capacity and the intellect in the United States to develop these alternative means of fuel and to reduce our carbon emissions. Look at natural gas. There is a proposal here in Congress to encourage more investment in C&G cars, more infrastructure investment in natural gas. And I hope that we continue to push those kinds of policies rather than massive tax increases and standards that will actually hurt our national economy and hurt our jobs.

Mr. MANZULLO. Will the gentlelady yield?

Another shocker that we found out is built into this proposed bill, there is a threshold limit so that the smaller manufacturers—and you don't even have to have a smokestack to be covered by this because buildings naturally emit a carbon dioxide going out through the windows—but the smaller manufacturers would be exempt from cap-and-trade. However, the EPA has now empowered itself to control carbon for greenhouse emissions. So they will be coming in with another layer of regulations even for the smaller ones.

And—and this is almost certain—the EPA, in the past several months, had this proposed standard to tax cows. Any farmer that has a herd in excess of 25 cows—because cows are big methane emitters—$125 per head per year. I don't make that much profit when I sell my beef cattle, even though we haven't done it in the past couple of years.

Washington, D.C. must be its own planet, how people can come up with these absurd ideas. And back home, we have two methane digesters. Some farmers got a little grant from the government to help out, and that's fine, and all of the waste from 300 dairy cattle near Pearl City, Illinois, go into this methane digester, and the methane is recaptured, goes back on the grid. It's enough to run a city of 500 homes. It's amazing.

How is it that people that know so little about manufacturing can, overnight, come up with the idea that they are the experts on green manufacturing as if American manufacturers were doing nothing to increase productivity?

Mr. BOUSTANY. If the gentleman would yield,

You know, U.S. companies in the oil and gas industry do the safest and most environmentally friendly work of any of the companies around the world. We've got Louisiana and Texas expertise disbursed all over the globe as a result of what happened back in the 1980s with the windfall profits tax. I run into workers all the time who are coming back to Louisiana to visit family. And they have been away, and they wish they could work in the Gulf of Mexico around this country doing work in this country to produce energy for our country. Yet, they were pushed out. We lost those jobs. And as the energy industry has started to come back, now we're seeing the specter of these increased taxes, which will be devastating.

And, in fact, I have a friend of mine—he and I finished college together—he's a petroleum engineer, and he's lived his entire professional life overseas because he went out into the work world at the time that this tax took place and devastated the domestic energy.

With that, I yield back to my friend.

Mr. LATTA. I recognize the gentlelady from Oklahoma.

□ 1630

Ms. FALLIN. I thank the Congressman. I have one thing I just wanted to add. President Obama has talked about how the United States can achieve a new long-term subsidization of green

jobs like similar to what Spain has done, and I have a report from the Institute For Energy Research, which talks about other countries.

And what has happened is they have spent billions of dollars of taxpayer resources to subsidize renewable energy programs and to add more greening within their societies. And as they passed some carbon tax-type legislation, it was showing that, according to their results, compared to what the United States could expect, that the U.S. can expect 2.2 jobs destroyed for every one renewable job that is financed by government-based bond, what has happened in Spain. Only one of 10 jobs actually creating a green investment would be permanent. They'd be temporary jobs.

Mr. LATTA. I thank the gentlelady.

IMPACT OF CAP-AND-TRADE ON MANUFACTURING

The SPEAKER pro tempore (Mr. CARSON of Indiana). Under a previous order of the House, the gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, we've just concluded an hour of debate on manufacturing and the impact that this cap-and-trade system will have on manufacturing. I wanted to add a footnote from the congressional district that I represent. It's the top of the State of Illinois.

And near east of Dubuque, on the Mississippi River, is a company called Rentech that makes hydrous ammonia urea and products for agriculture. They were in the process of switching to what's called the Fischer-Tropsch process—it's an old German process—substituting natural gas and in its place putting coal, bringing coal up the Mississippi River.

And one of the byproducts of that coal would be diesel fuel, in addition to the hydrous ammonia, urea, et cetera, that could come from that facility.

Once the owners found out about a proposed cap-and-trade system, that stopped that half-billion-dollar investment in the congressional district that's smarting with unemployment, running as high as 14 and 15 percent. Just the talk, just the threat of a cap-and-trade has already stifled innovation.

And that's why it's extraordinarily important that we take a look at alternatives such as the ones suggested by GAO that can accomplish the same things without these onerous requirements and regulations on the backs of our American manufacturers.

And so those of us who were really concerned about the loss of manufacturing in this country, those of us who really want to see us become less dependent upon the Chinese and the Indians and the Mexicans and other countries around the world and to look to ourselves for self-sufficiency, to restore manufacturing in America, we cannot have this cap-and-trade system because that has already stifled a half-billion-dollar investment in the congressional district that I represent.

CHANGING OUR ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. YARMUTH. Mr. Speaker, it's been very interesting to have engaged in discussions over the last few months about changing our energy policy, and it's been particularly interesting listening to my colleagues on the other side talk about their vision of where this country goes or, rather, their lack of vision as to where this country will go in energy.

This debate began several years ago. It was very prominent during the Presidential campaign in 2008, and there began to emerge a very clear distinction about two very different visions about what we need to do in this country.

We heard last summer the mantra coming from the Republicans: ''Drill, baby, drill! Drill, baby, drill!'' That was, in essence, the sum and substance of the Republican Party's energy policy: continue to drill for oil, continue to emit carbon CO_2 into the atmosphere, continue to avoid the tough choices about changing our goals in energy policy in this country, trying to achieve energy independence and, again, relying on the same technologies that we've used in this country for 100 years.

Fortunately, we elected a President who has a very different vision of where we go in energy, a very progressive vision of where we go in energy, a policy that he has proposed, that this Congress is proposing to enact, that will end our dependence on oil and carbon-based fuels, will set a new course to where we are actually using the great gifts of the natural world, such as wind and solar energy, creating the kinds of incentives for businesses to create new jobs and new industries, so that we can create a future that is not only clean but prosperous.

Now, what's interesting in listening to my colleagues from the other side, all very well-intentioned men and women, and I've listened to some over the last hour, is this constant emphasis on the cost of changing direction, the cost of cleaning the air, the cost of truly creating an alternative energy policy in this country. And I'm glad they do that because, as with any good thing, there is a cost to doing it, but what we would like to emphasize in pursuing a new direction is the cost of not acting and not pursuing that new direction.

What have we seen, for instance, in this country over the last decade? We've seen the average citizen's energy costs rise by well over $1,000 a year, and last summer alone, we saw gas prices at $4 a gallon, which certainly is an additional tax on every American citizen who drives a car or who powers anything.

As we project onward, we know that diminishing resources in carbon-based fuel, diminishing supplies of petroleum, the price of gas is going to continue to go up. The price of natural gas is going to rise. So the cost of pursuing the same old status quo is significant.

On the other hand, we can make an investment now. We can make an investment that will save us money, will continue to save us money toward infinity. We can actually harness the power of the sun, the power of the wind, hydroelectric power, geothermal power, all of the alternative sources which we know are available to us. If we can do that—and this bill that we are contemplating right now sets us in that direction, provides the type of incentives and stimulus that will get us to that era—then we will have an era in which we dramatically cut our energy costs. We will save trillions and trillions of dollars as we move forward.

I know just in my own district, I've gone to see some of the new techniques for building homes, for utilizing all of the LEED-certified processes that can cut a 3000-square-foot home's utility costs to under $100 a month. These are the potentials that are out there for us, and these are the potentials that this proposal that we are dealing with now and considering in Congress can bring to reality.

So this is a debate that's important for this country. In a very real sense, it represents the future of this country, and there are very real differences between the Democratic Caucus and the administration and our colleagues on the other side who again prefer to pursue a 20th-century energy policy, rather than a 21st-century energy policy.

So I'm joined here by someone who has great interest in this subject and many others, who is part of that class of 2006 which changed control of the Congress and set us in a new direction. I'm proud to introduce my good friend and colleague, RON KLEIN from Florida.

Mr. KLEIN of Florida. I thank the gentleman and thank him for his leadership.

As a Member from the Commonwealth of Kentucky, obviously you have a great deal of understanding about energy needs. The cities in Kentucky, the rural areas of Kentucky, the great equestrian and horse industry in Kentucky, all of those require the types of energy that we know are future energy sources for America.

I think this is just such a moment in time that really allows for an excitement. Now, these are challenging times, make no mistake about it. In my lifetime—and I'm 51 years old. Mr. YARMUTH is probably somewhere in that range as well.

Mr. YARMUTH. I thank the gentleman for his flattery.

Mr. KLEIN of Florida. Well, as Americans we understand challenges. We understand crises. Our fathers, our grandparents, our great-grandparents were certainly the architects of us getting through world wars. They fought, they innovated, they came out of it even stronger. My mom was a public schoolteacher, taught second grade, taught me about how important education is to make a success of one's self.

My dad was a small businessman. I don't know if you remember five-and-ten-cent stores. We called them variety stores. We had them in Cleveland, Ohio, where I grew up, and I worked there since I was 8 years old. And my dad taught me what it was like to balance the books, not borrow unless you absolutely have to. I understood what it took to make payroll. We had eight employees and we took care of them. These were people that he was loyal to and they were loyal to him, and he taught me about work ethic.

But most importantly, he taught me about what it takes to be an American, and given those opportunities to succeed, you will succeed.

And that's why, to me, at this moment of great challenges in our economy, people's jobs may be being lost permanently, that this is the moment that we shouldn't just be incremental. We shouldn't be small thinking. We should be thinking big and look at this as an opportunity, an opportunity to truly change the direction of America.

And that direction takes in a lot of different pieces, but of course, it starts with a solid education. And I know that when my mom made it a necessity for me to go to school, college, I was able to borrow money through the student loan programs to get there. That was an opportunity and allowed me to be standing here today representing people in south Florida. But most importantly was that education that allowed me to see what our great universities can do in terms of innovation and science and business and to combine those great things together.

We know the story of John F. Kennedy, when that little Sputnik went up in space, and for those people who were living at that time, that little can that went up in space was the Russian statement to the world that they were going to be dominant in space, and that scared Americans. Not because they knew that it was a direct threat, but they didn't know what it meant with this Cold War going at that time.

But what John F. Kennedy did by saying, I'm going to put a man on the moon at the end of the 1960s is, he said that we're going to put science first and innovation and challenge, and we built a NASA program, and we put a man on the moon not by 1970, but in 1969, in July. I remember that.

And to me, that is the kind of inspiration that I think our President today is presenting to us, President Barack Obama, about using science, using technology, using business innovation to earn our way and work our way out of this recession. It's not going to be something we're going to tax our way out of. We're going to grow our way out of this with jobs, with clean energy, with energy innovation, with energy products that not only are going to make us safer and more secure from a national security point of view—because we already know we import 60 percent of our oil from countries outside of the United States, and God only knows that is the wrong place for us to be at any moment in time.

We want to be self-reliant, and we have the capacity to do that with not only oil and gas but solar and wind and wave and nuclear and a whole lot of different things.

And it's about time that we sort of say this is our time, this is our moment to get it back on track. And I think that is what the President is saying to Americans. That's what the President is saying to American business.

I would share with the gentleman from Kentucky—he knows this because he helped write this bill. The big bill that we passed recently, the American Recovery and Reinvestment Act, the stimulus bill it's called, it has some incredibly positive things in it, not only to stimulate the economy but on energy. It has a smart grid, advanced battery technology effort, and it's millions and billions of dollars for our universities, for our businesses to come together, putting the smartest people at the table from a business point of view, how to take a product to market, as well as the science point of view, to get these batteries for all electric cars and for all sorts of innovation, to come together and say we're going to focus and we're going to do it. We're going to be more successful than any other country in the world.

□ 1645

And you know something, we're not only going to make it good for the United States; we're going to export those products and license that technology. And all the other countries of the world, instead of, you know, exporting to us, we're going to start exporting to them. Great opportunity there.

There are also a whole lot of really good things about energy efficiency, energy savings at home, encouraging people to buy products and giving them tax incentives to buy products that save on energy. Green jobs, green buildings, all these kind of things just offer such great opportunities. So, you know, I look at this moment when we're discussing energy, and not just about a drill, drill, drill issue. That's not the issue. Of course oil's going to be part of our national energy policy and so will natural gas, and we have more natural gas, and that's good.

But I'm from Florida. Florida should be leading the world right now in solar power. We're the Sunshine State, and every State in the country has something to advertise. People come to Florida for our sun. Well, we should be leading in solar technology at our universities and for consumer purposes.

So I thank the gentleman for raising this today. We're going to be working on this issue. And again, this is not just about climate. This is about energy. This is about environment. This is about national security. Any one of those three, pick them, and I think that we could recognize this is the time for us to really put our foot down and make something happen.

Mr. YARMUTH. And I would also mention that this is about jobs. It's about jobs, jobs, jobs, because this is going to be one of the emerging industries of the 21st century. We know that. The American people know that. I mean, the polling on this topic is actually overwhelming. The high percentage, a majority of the American people understand that we need to go in a different direction in energy, that we need to make the investments, we need to stop global warming emissions. Seventy-seven percent of the voters, according to one recent poll, want us to act to reduce global warming emissions, CO_2. They know that this is what we need to do.

And, you know, this relates to what my colleague has said so well. What we are proposing to do in this legislation, in health care legislation that we're also working on, in the Recovery Act legislation that we've enacted, we're making a bet on America. We're making a big bet on America.

And I know that sometimes we hear our colleagues on the other side say, Oh, gosh, nobody borrows money to make money. Well, no. That's exactly what you do. That's what virtually every corporation that's ever succeeded in this country has done. They've borrowed money and they've invested it in ways that enabled them to make enormous future profits. And that's what we're proposing to do here.

We're going to increase deficits in this country over the next few years in order to enact those policies. But we're making a bet that American ingenuity, American brilliance, will develop the type of advances that will not only pay back that deficit, will not only create millions of new jobs, will not only create an exploding new industry, but will also lead this country into a great era of prosperity and will make life better for everyone, because if we can cut a person's utility bills from $3,000 or $4,000 a year to $500 a year, that's essentially a tax cut, a substantial tax cut.

And I know they like to talk about raising taxes, raising taxes. But again, as I mentioned earlier, what is the cost of not doing something now? What is the cost of reverting to that 20th century economy when gas was $4 a gallon last summer, and where, you know, we know gas in Europe is $9 and $10 in some places. What would that do to the American economy if gasoline were $9 or $10 a gallon? It would come to a screeching halt literally and figuratively. And that's why the types of

things we're proposing in this energy legislation are so critical, because we're making the big bet, the big bet that American ingenuity will succeed and we'll once again dominate the world and we'll once again lead the world into a much better era, an era of cleaner skies, cleaner water, and also one of great prosperity.

I'm willing to make that bet on America because America's never failed. And I think that's what is so exciting and inspirational about the administration and the White House and the leadership in this Congress, that they're willing to make the big bet that America will succeed.

I yield again to the gentleman from Florida.

Mr. KLEIN of Florida. I thank the gentleman for yielding. When I think about, when people talk about the best investment you can make is in yourself, and I know that over the years I've known people that were very successful in their own business and then they sort of went outside, they had a little extra money and they went outside their comfort zone and invested in something they maybe didn't know enough about and sometimes they lost money in that way.

I am so strongly in belief, as you just said, that investing in American scientists, investing in American business entrepreneurs, investing in the confidence that American consumers have, that we cannot only emerge in a stronger position, but we will absolutely dominate this energy field. And I'll give you an example.

The light bulbs that we see up here. These are incandescent light bulbs that were designed by Thomas Edison. The technology, long, long ago, a hundred years ago. And over the years we've made certain improvements to them and things like that, but they're very energy oriented. They really consume a lot of energy.

Well, you've now seen these new bulbs, that sort of circular, looks like a loop kind of thing, and those save a lot of energy. Now, they cost more at the store right now if you go to one of the stores because obviously there is a supply-and-demand issue.

But one of the things that we can do in government that doesn't cost the taxpayers a dime is we can create market, something Europe has been doing for a long time. And an example of this, and I know the gentleman from Kentucky is aware of this: Last year we passed a bill that will phase out the old-fashioned light bulbs over the next number of years, transition. And when we say ''phase out,'' they're going to have to put in, you know, they'll basically be selling new light bulbs, new energy-efficient light bulbs.

Well, guess what that does. Without the government spending a dime, without anybody doing anything, it gives businesses and business entrepreneurs and scientists a signal, a market signal that says there are going to be 450 million light bulbs sold in 2012 of this type, a big, big market in the United States. That's not the real number, but some extraordinary number, and then around world.

That means that if you design and can build in a cost-effective way and manufacture a light bulb that meets these specifications, there is a big market out there. So it certainly gives you, as an entrepreneur, as a businessperson, the signal to say, I'm going to invest in something that I know there's going to be a big market. And over the next number of years that market will only grow and expand. It's the same thing that we've seen with appliances. It's the same thing with our heating and air-conditioning systems. The refrigerators that were built 20 years ago used, I think, something like 10 times as much energy as they used today, even though today's average refrigerator is larger, does more functions and everything else. And that's because over time, you know, people understood, they wanted it more efficient, they wanted to pay less. So they paid a little more for the refrigerator up front, absolutely recouped that over time.

So, to me, these are the exciting things when it comes to electric automobiles and hybrids and all sorts of new technology that will make our homes more efficient, our buildings more efficient where we work. And it's a moment where I think with a partnership of government sending the right signals and the right tax planning, and businesses and consumers wanting to make these changes, wanting to succeed and create these jobs and wanting to be successful, it's the perfect combination.

And I yield back.

Mr. YARMUTH. I'm glad the gentleman mentioned those types of innovations, because the Consumer Products Division of General Electric is based in my district, and I'm well aware of the incredible progress that's being made in energy-efficient appliances and in those light bulbs. And this isn't the General Electric Company, but another very large company in my district just went through their plant and replaced all of their bulbs with energy-saving bulbs. It cost them $80,000 to do it. Now, $80,000 is a pretty substantial sum to a business, but they made the calculation that $80,000 would be paid back many, many times over in savings as they went forward.

And this is going to happen in business after business, in institution after institution, colleges, schools, you name it, across the country will be making these changes because they recognize the savings.

General Electric has, as do other manufacturers—I'm obviously going to plug General Electric—has new appliances which actually are regulated so that they will actually go on. They're timed so that they will be—let's say a dishwasher or a clothing washer or dryer will actually go on during periods of the day when peak utility usage, when it's not peak utility usage, when there's actually low demand on utilities. And they think by doing this, by creating these types of very smart appliances, they call them smart appliances, that they will actually be able to save energy costs systemwide because they won't be draining the utilities at the peak usage hours.

So there are all sorts of very, very smart things going on, and the legislation that we're proposing and the government initiatives that we're trying to initiate will go a great distance in seeing that through.

One of the things that intrigued me today, and I'm very proud of not just President Obama but also the automobile manufacturers and the various State governments that were involved in this discussion, to raise the mileage standards for automobiles to 35 miles a gallon by 2016, which is far faster than was provided for in legislation we passed in 2007.

But what's fascinating to me about this, and I think the gentleman would agree, that technology is going to outstrip even these standards that we're setting. I mean, there's a Ford Fusion right now, 41 miles a gallon in the city, a Ford Fusion hybrid. There are going to be electric cars that are coming out within the next year or two that will essentially get far more mileage than the prescription in this agreement that was reached.

So that's just a measure, one more measure of how successful, how innovative our economy can be when given a challenge. And all we're trying to do in this legislation that we're proposing now is to kind of put the challenge out there with the right kind of incentives, with the right kind of government push and funding and let the American spirit and American ingenuity have its way. And I know that this is going to be—again, this is going to be a phenomenal job creator and an economic engine for America as we move forward.

And I'll yield to the gentleman again.

Mr. KLEIN of Florida. Thank you. And I absolutely agree. And if you think about, you know, the automobile, I'm in full agreement. I think it's exciting, and I'm glad to see that our people at the automotive companies understand this challenge, are not standing in the way. They're embracing it, and that's pretty exciting. And I think they're embracing it because they know that their survival is dependent on selling a car that the American consumer will want to buy, will get efficiency in operation, will last, and the maintenance will be minimal. There's a strong warranty behind it, things that were the mainstay of the automobile industry in the United States for a long time and, you know, sort of tapered off over the last few years.

But there's absolutely no reason in my mind why an American automobile can't be as good or better than any automobile in the world and why our

scientists and engineers can't create the best automobile.

There's a company in New Jersey that has been working on a different kind of concept which is very interesting. They're actually pushing—or not pushing. I think they've got the Government of Israel to support this, and I think Finland also, where in Israel they're going to be converting their entire—all their automobiles to electric automobiles over the next number of years.

And here's the simplicity of how this works, because I love when people say, Well, we can't do it, and the naysayers. And, oh, it's too expensive or too this. It just takes a little bit of thought to get it through.

Here's the simple idea. Right now, we have a tank of gas that may get you 200 miles, 300 miles, and then you run out of gas. Okay? So it's finite. It's not like your car runs indefinitely. You have to stop at a gas station. And, of course, in the United States, we have gas stations a lot of different places, but there aren't a lot of places you can get flex fuels and a lot of other, which has held up the alternative types of engine development in the United States.

This group has a car that has a battery, and the battery, I think right now the electric charge is maybe 100 miles, which, by the way, for most people, you don't go more than 100 miles in any city during the day. You may go 30, 40 miles, and then you can swap the battery out. You go to a gas station, which is now a service station. You swap the battery out just like you did with your old—your telephone battery kind of thing, and then you pop it back in and you're ready for the next charge. Or you plug in at night at home.

Now, if you think about it, our utility plants right now operate at peak capacity during the day. In the middle of the night when factories aren't necessarily operating and the peak load for electricity is down, they're operating at 30 percent, 40 percent, 60 percent, whatever the number is. So if you were to plug all these cars in at night with a nominal amount of electricity, no big deal. It makes full use of the existing capacity. You don't need another megawatt of electricity to do this, and you've got a car that has no emissions whatsoever.

□ 1700

We also know that this 100-mile charge, in the next couple of years it's going to be 120 and then 150 and then 200, because the technicians and the science people are going to get these batteries up and running, just like they make cars more efficient over time.

I thank the Senate for passing the Credit Card bill. I think that's a very exciting bill that the House passed already—it's called the Credit Card Consumers Rights bill. I think in a bipartisan way many of us in the House were very excited about the opportunity to try to get some balance in the credit card world for consumers, particularly at a time like this. So I appreciate the work of the Senate. I know we're going to be working actively to get that bill resolved.

But just to finish the thought, if I can, the gentleman from Kentucky, is just to say that this electric car concept, it's exactly—whether that is the prototype for what is going to work in America, I can't tell you. But I love the idea that great thinkers are out there coming up with new ideas. The simplicity of being able to plug a car into a wall—there's a plug in the most rural areas or there's an electric outlet in the middle of the city.

So I think that's the kind of thinking that I would love to see as we move forward. I know that the tax incentives are in place for the development of our companies in the United States that develop these. I know the American people are ready for the jobs and our economy is ready for rebuilding. I think this is that moment in time as we pass this stimulus bill and we're now moving into the phase of letting the companies compete for these grants and letting our universities participate in the development with our greatest scientists and greatest engineers to take us to the next level so we will have energy security, national security, cleaner environment, and the kinds of economy that my kids, your kids, maybe our grandkids in the future, will be able to enjoy and participate in.

Mr. YARMUTH. Exactly. And millions of new jobs and essentially a reduction in everyone's utility costs that will amount to a substantial tax cut. So, in my view, and I think the view of most Americans, this is a win-win-win-win-win.

Before we yield to another colleague, I'd just like to go through some of these other poll numbers to show where the American people are, because sometimes we sit in this Chamber—and we have equal time with the minority party so we have equal minutes. Sometimes you might get the impression that there's an equal number of people who agree with that position, an equal number of people who agree with our position.

But this is a poll actually done by a combination of Democratic and Republican pollsters and also by the Pew Research Group. Seventy-four percent of Republicans, 70 percent of Independents, and 74 percent of Democrats believe jobs that reduce our dependence on foreign oil are very important for helping the economy over the next 5 to 10 years.

Sixty-three percent of Republicans, 70 percent of Independents, and 37 percent of Democrats believe jobs that are improving energy efficiency are very important to helping the economy over the next 5 to 10 years.

Fifty-nine percent of voters believe efforts to tackle global warming will help create jobs. We heard from the other side earlier this afternoon that, Oh, gosh, efforts to reduce global warming emissions are going to kill jobs—millions and millions of jobs—and result in a huge tax increase. Most Americans don't agree with that. Most Americans agree this is going to be a benefit for the economy.

Seventy-seven percent of voters favor action to reduce global warming emissions. Fifty percent of voters say they would view their Member of Congress more favorably if they support a comprehensive plan to create clean energy jobs and fight global warming. Only 22 percent say they would view their Member of Congress less favorably.

So it's pretty clear from these numbers and it's pretty clear from the people I talk to that the American people are strongly in favor of our taking dramatic action to set our country on a new path where energy is concerned toward a cleaner energy future, a more affordable energy future, toward an independent energy future. And I think that the moves we are making in this Congress will take us in that direction. I'm very proud that we're doing that.

I yield to the gentleman from Florida.

Mr. KLEIN of Florida. I thank the gentleman. I think when we talk about polls, obviously it's interesting to hear what the American people have to say because those are the people impacted by the decisions that are made here in Washington. And particularly at home right now, I know where I live in south Florida, people are hurting, they're suffering. They're looking for what is going on for the future of their jobs, their businesses. If they're senior citizens, they're concerned about what's going on in the economy.

But I think what is going on is there seems to be a little bit of a glimmer of some turn here. It's going to take time. What we all inherited—I'm talking about America, I'm not talking about this Congress—but all of us as Americans, we inherited, unfortunately, a pretty deep situation with the bank crisis and things like that.

We all go through recessions. Recessions cycle out. We do everything we can as a country, both public and private sector, to contract the amount of time it's going to take to allow a recession to go through.

But, again, I see this as a time also with the new President, President Obama, as really taking this moment to say we're going to have to fix some of the problems that have been festering a long time. We have an investment in roads and infrastructure and schools and bridges and things like that.

We have an investment in health care—to try to fix the health care system. We're debating a lot of new ideas right now. I know that every one of us has a family situation with a preexisting condition. My sister had cancer diagnosed recently, and she's going to have problems with insurance. You know something? This is that moment when you need insurance—not a perfectly healthy person.

But whether it's energy or health care or education or the bridges and roads and universities, things like that, these are the things that I think are really beginning to come out. The polls can say something, as my friend from Kentucky said, but these are Americans talking. These aren't Democrats or Republicans or Independents. These are Americans from all walks of life, from all 50 States, rural areas and industrial areas, areas where there's been a great history of success and areas that are now having great difficulties.

I think that's why it is exciting to have the kind of energy and the kind of leadership that's coming out of the White House. We may not necessarily grant every single thing, but I think that what's going on right now in Washington, there's a great amount of trying that's going on, a great amount of effort going into passing things.

There's been a number of bills passed—everything from health care to the energy issues. We know that as we move forward there are going to be greater issues to tackle. And I know that all of us feel very strongly this is a moment where we want to hear from our constituents, to talk to us, to let us know what is on their mind; not get caught up on the discussions on cable television. Obviously, everybody's got an opinion.

Literally, when we come home and we're talking every day at home with what Americans are talking about, what is important to them, this is that time to share with us. I know that many of you do. I just want to continue that conversation as we move forward.

I just wanted to thank the gentleman for bringing us here tonight to talk about energy because this is something that is going to have one of the biggest impacts on our future, both our foreign policy and our domestic policy. I look forward to working with you and all the Members of Congress on making sure we get it right.

Mr. YARMUTH. I thank the gentleman. He makes a very important point, and that is that you started in this way, that we are at a critical juncture in our Nation's history and the history of the world. We, for once, at least in my memory, are starting to look at the long-term needs of this country and this world.

We don't do that very well in this country. It's always we look to tomorrow, we look maybe to next year, but we don't look at the next generation and the generation past that. And in the debate we will have in coming weeks on energy and later in the year on health care, we will hear, again, this very distinct difference in opinion.

I heard Members this morning and I heard the minority leader on Sunday on television talking about health care, saying the cost of reforming health care is so great, it's going to cost billions and billions of dollars, which we know. We don't know exactly how much it's going to cost to do that, but we know pretty certainly what the cost of not acting is, because the projections just in Medicare alone are that we're facing something like a $70 trillion projected deficit in additional deficit in Medicare over the next 50 years.

So we don't have the option of not acting. We don't have that option. Yes, we are going to spend some money in the next few years. But, again, if we don't, we face a certain dismal future. If we act now, we have a chance of turning this country in the right direction and creating a very prosperous and bright future for our country.

Now I'd like to yield to another member of the class of 2006, a good friend and colleague from Indiana, Mr. DONNELLY.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana will control the remainder of the hour.

There was no objection.

COMMEMORATION OF THOSE WHO GAVE THEIR LIVES IN THE ARMED FORCES

Mr. DONNELLY. Thank you, Mr. Speaker. I'd like to thank my two colleagues, Mr. KLEIN from Florida and Mr. YARMUTH from Kentucky, for their insightful ideas and words.

Mr. Speaker, as we near Memorial Day, I rise today to offer some words in commemoration of those who gave their lives in the Armed Forces; in particular, three sons from our Second District of Indiana.

I know that words are only a poor and passing memorial, gone as soon as spoken. Flowers, plaques, and even stone—the other tokens we offer on Memorial Day to celebrate our fallen sons and daughters—all of these will decay and crumble. Nothing we give will endure as long as the gifts of these soldiers who, in their death, gave an example of fidelity that will never die.

Lance Corporal Cameron Babcock, was a native son of Plymouth, Indiana, and a proud member of the United States Marine Corps. Cameron lost his life at Twenty-Nine Palms Marine Base in California on January 20.

Cameron was a fine young man. He loved his family and he loved his country. Cameron was fun-loving and was known for his bear hug. He knew the value of the small things that made life a joy—being with friends, playing music, four-wheeling, and spending time with his beloved family. Cameron was successful in enjoying the many riches of life.

His talent with the trumpet led him to compete at the State Jazz Festival in 2005, and his musical talent also led to his participation in the Wind Ensemble, comprised of some of the top musicians at Plymouth High School. Cameron's warm personality attracted to him a wide circle of friends.

But Cameron also knew the value of matters larger than himself. His lifelong dream was to join the proud ranks of the United States Marine Corps. Shortly after graduating from Plymouth High School in 2006, Cameron dove right into this dream and enlisted. His energy, enthusiasm, and many gifts made the Marine Corps, and this Nation, much better.

He became an infantry rifleman, excelling all through basic training. Before long, he proved his bravery by serving a tour of duty in Iraq, spending several months in Ramadi in the Sunni Triangle. In this dangerous setting, Cameron continually did his job faithfully, and he did it well.

He won a variety of honors for his service and, at the time of his death, was prepared to again answer the call of duty for his country and return to Iraq.

Mr. Speaker, I also want to recognize the life and service of Sergeant Joseph Ford, originally of Knox, Indiana, a proud member of the Indiana Army National Guard. He died on May 10, 2008, when his vehicle rolled over during a training exercise near Al Asad, Iraq.

For most of his life, Sergeant Ford was simply known as Joey. Joey had a love of learning throughout his life; in particular, a passion for history that led him to attend the University of Southern Indiana to major in history.

Joey's passion for history reflected a passion for his country. This passion—this patriotism—kindled in him the desire to serve his country. The dedication to military service did not come without challenges for Joey. In order to meet the physical demands of the military, he embarked on an aggressive weight loss program, losing over 70 pounds in order to be able to join the Indiana National Guard.

This desire to serve his country did not stop at the water's edge. His commanding officer, Lieutenant Chastain, stated that Ford wanted to be the gunner on an armored vehicle rather than the driver. He said of Joey, ''He exemplified what a dedicated soldier is.''

□ 1715

This dedication was honored by his posthumous promotion from specialist to sergeant and the awarding of a Bronze Star.

Mr. Speaker, great as his love of country was, he also loved his family, in particular, his parents Dalarie and Sam and his wife Karen.

Joey had met the love of his life while he attended the University of Southern Indiana. His friend and fellow Guardsman, Keith Ausland, noted that his conversations with Joey during training and in Iraq generally ended not with concerns about the mission but concerns about his family. Ausland wrote in his tribute to Joey that, ''Joe was a new husband, and he loved his wife dearly.''

When his mom Dalarie was asked about the one thing she would want her son remembered for, she said, ''He was so kind to everybody. At the memorial service it was amazing just to see all the unique people who loved Joey. He never wrote off anyone, and he was friends with everybody, all shapes, sizes, all walks of life. Joe was a gentle soul.'' So today we remember and honor Joe Ford, a patriot and a gentle

soul, a proud dad, a proud husband and a wonderful son.

Mr. Speaker, for much of the history of war, the number of soldiers struck down on the battlefield has been dwarfed by those killed by illness and disease. Thankfully, modern medicine has made the scourge of disease far more remote for our soldiers today, which makes the death of Private Randy Stabnik, also of the Indiana Army National Guard, all the more painful.

On February 17, Private Stabnik died from pneumococcal meningitis, a rare and unexpected death. After Randy had joined the National Guard, his family could see how much he was growing to love his service. His dad Jim, when asked about his son's service, said, ''When he came home for Christmas, I could tell he missed it. He missed the lifestyle. He missed his friends there. He loved it, but missed his son. They were very, very close.''

His son Nathan, only 8 years old, lost his 28-year-old dad. This is part of the tragedy of war. Soldiers fight and die to protect those they love, and we must never forget the burden of sacrifice borne by the loved ones who are left behind.

His son and his family should know that Randy cared deeply for them. His mom said shortly after his death, ''Randy was Mom's baby, Mom's angel. He was my heart.'' And her angel, he remains. But he is also an angel for the entire Nation.

Mr. Speaker, ultimately the greatest memorial to these fallen patriots, to Cameron, to Joey and to Randy, will not be my words nor anything we can build or bestow. Our greatest honor for them will be to look not toward them but to look where they looked, to seek what they sought. If we work for that same good for which they gave their lives, if we create a nation at once more just, more secure, and more free, we will be a brighter beacon in a frequently dark world; and we will have given our fallen brothers and sisters a true memorial worthy of them.

Thank you, Mr. Speaker.

I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 627. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

ADDRESSING THE HEALTH CARE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Tennessee (Mr. ROE) is recognized for 60 minutes.

Mr. ROE of Tennessee. Thank you, Mr. Speaker. We're here this evening to begin and continue a very important debate in American society. I think it's probably one of the most important social debates we've had in the last 40 years in this Nation since the debate on Medicare in 1965.

We're here tonight as a Physicians Caucus to discuss health care reform. My background, I spent 31 years practicing medicine in Johnson City, Tennessee, in the First Congressional District. As I've watched our health care system change over the past 30 years, it really spurred me to run for Congress, to come here and be part of this great debate that will affect every American citizen.

I recall when I made my decision to go to medical school, I wanted to be a family practitioner. Somewhere along the way, I discovered I had a great knack and a love of delivering babies. I have delivered almost 5,000 of them, many of whom are now grown. One of the great advantages you have as an obstetrician when you run for Congress is that you can deliver your own voters. There is some advantage to that.

We have a health care problem in America. Some call it a crisis. For some, it is. For others, it's cost. Certainly we know that there are great concerns about the cost of health care.

In the next hour we're going to discuss how we're going to address this health care crisis. We can ensure that every American can get the care they need, protect individuals from costs that can bankrupt them and make health insurance portable so that you don't lose your coverage just because you change jobs or move from one State to another.

We can also take the profits out of health care by reforming the health insurance industry to bring about a patient-centered approach to providing health care. Enacting a public plan will not bring about this type of change, and I'm going to go into that in some detail from the experiences we've had in the State of Tennessee with our Tennessee Medicaid system called TennCare.

If you think you won't be affected by a public plan, consider this: A recent analysis of this plan by the respected independent firm Lewin Group estimated that 70 percent of individuals who have health care coverage through their employer would lose those benefits in favor of a public plan. Now this plan could very easily become a Medicaid-type plan.

When supporters of a public plan say they want the public plan to compete with private plans, the facts show that what they're really saying is that they want Washington bureaucrats to take over the health care decision-making.

I want to talk for a while or speak to you a little while about the principles that House Republicans have put forward to start the debate over how to bring about patient-centered health care.

I want to mention a couple things before we start. Health care affects all of us, whether we're Democrats, Republicans, Independents, or whether we're totally apolitical. At some point in time in your life, you're going to have to make decisions about how I receive and get health care for myself or my family.

We're going to start this evening by giving another opinion or another view of the health care plan and how it is to be administered and obtained. The principles that we're going to talk about for health care reform are, number one, make quality health care coverage affordable and accessible for every American regardless of preexisting conditions. In a country that spends 16 percent of its GDP, over $2 trillion a year, on health care, I think there's no question that we can provide a basic health care plan for each American.

Now what I mean by basic health care, it's not a plan where you can get hair transplants or face-lifts or all this. But if you are out there injured in an automobile wreck or have a heart attack or have a gallbladder that goes bad, you can get basic health coverage and care.

I think this is something that all Americans believe in. I think we now have crossed that bridge and believe we can do that. I think the differences we're going to have in this great debate that we're going to have are, how are we going to accomplish this very noble task? In a few minutes I will go through how we tried this in Tennessee, and how it was not successful. But I think it can be.

Most Americans also fear, I think rightly so, that a basic health problem—it may be leukemia or a cancer of some type—can bankrupt the family. Certainly we don't want a situation where a family, through no fault of their own, develops a disease process, and then you use up all the family resources you've saved in a lifetime to provide care for your family.

The second principle we'll talk about is not a government-run health care plan. This eliminates coverage for more than 100 million people who receive insurance from an employer, and it restricts patient choice of doctors and treatments and results in the Federal Government takeover of health care.

Let me sort of explain how this worked in Tennessee. In the early nineties and mid-nineties, the big debate in this country came along about controlling health care costs or managed care. We were going to control costs through deciding who and what care was appropriate and so on. Well, that didn't work. Health care costs have continued to escalate in spite of managed care, and managed care basically has moved the pay to providers over to the third-party payers.

In Tennessee we had a very noble plan. We wanted to cover everyone in our State, and we're not a wealthy

State, so it was a noble goal. Right now in the State of Tennessee we have TennCare, which is our Medicaid plan. We have the uninsured, we have Medicare, and then we also have the private health insurance coverage. About 60-plus percent of Americans are covered by private health insurance coverage.

In Tennessee when we applied the TennCare solution, which was a managed care solution with multiple third-party payers at that time, the plan was not fully vetted and thought out well. One of the things I've said the entire time I've been here, Let's do this health care plan right. Let's not do it fast. I think one of the mistakes we made in Tennessee was going too rapidly with this plan.

So we instituted this plan, and what we found out was that 45 percent of the people who applied for TennCare and were granted it had private health insurance coverage. Well, I went to the providers recently, hospitals and other providers, and I said, What percent of your costs does Medicaid or TennCare pay in your particular facility? And the resounding answer was, about 60 percent. So you have a significant percentage of people now who have given up their private health insurance and have gotten on the public plan, which only pays about 60 percent of the provider costs. You also have the uninsured who pay some percentage of their own costs, and Medicare pays about 90 percent of the costs.

So as you shifted more people from the private plans to the TennCare plan, you forced the private health insurers to charge more for their plan. That's what happened. What I can see happening in the public plan is exactly this. It's going to be described, we're going to have a plan that's competitive. It will be very rich in benefits. And what happened was, in Tennessee the actual TennCare plan was richer in benefits than I could afford to provide my own office staff and myself because of the costs.

When you have politicians deciding what goes into a basic plan, it will become richer and richer and richer. What will happen in the public plan—and you'll hear the buzzwords. It will be competitive. If you like your own health insurance coverage, you can keep it. You don't have to give it up. Just keep what you have.

Well, what will happen is this: Businesses will make a perfectly logical decision. What they will do is—and this is small business because in businesses in this country with over 200 employees, 99 percent of those have health insurance coverage.

So this is what will happen. You have the public option plan, the government-run bureaucratic plan that will have a lot of benefits, except it won't pay the cost of care. And when that happens, the cost of private insurance once again will be forced up, causing more and more and more businesses to do away with their private health insurance plans and put it on the public plan. And really over time—and I think a very short period of time—you will see the public plan, along with Medicaid and Medicare, become the only options available.

Now why do we think that this is not a good idea? Well, we've looked at public plans, and I have studied these extensively in foreign countries. In England, Canada, Sweden, Norway, Germany, France, Italy, other major European industrialized nations.

□ 1730

And this is what you would find. The way costs are controlled are by rationing care. In other words, when you have used up all the public dollars that you have dedicated for health care, you have to create ways. An example is in Tennessee. What we did was we simply shrank the rolls. We realized if so many people got on the public plan, the TennCare plan, that the State no longer could afford to budget for it. Our health care costs were more than education in the State. So what the Governor did, along with the legislature, is just cut the number of people off the TennCare rolls.

Well, for instance, in Canada, if you have a heart attack, your average time to go to the operating room is 117 days. They simply ration their care in Canada. And they have great physicians there. As a matter of fact, in the last decade, 11 percent of the Canadian physicians have moved to the United States. I have several very close friends who are Canadian physicians and colleagues. And they do a wonderful job. The president of the Canadian Medical Association once stated that a dog in Canada could get a hip operation within 1 week, and a patient there, it took between 2 and 3 years, simply because of lack of government funds to provide all of the benefits that the government had promised.

So in this particular plan, the one thing that I want as a physician, that I have utilized for years, is that you want to maintain the patient-physician relationship. The one thing that is absolutely mandatory, in my mind, is that the decisionmaking between patient and physician is paramount. Doctors and patients should be making health care decisions. Some government bureaucrat should not be deciding whether you get your hip replaced or your aging parents get the care they need.

I'm going to stop at this point in the principles, and there are lots to talk about tonight. And I see my colleague, Dr. FLEMING from Louisiana, is here. And I would like to yield him as much time as he feels is necessary.

Mr. FLEMING. Well, thanks to my colleague and the gentleman from Tennessee, Dr. ROE. Dr. ROE certainly has a lot to bring to the table being a physician for many years and also having quite a political background being mayor of a city and actually having balanced a budget and even having a surplus, something we don't see very often these days. And so I thank the gentleman for that.

Yes, I wanted to make a few comments, as well, regarding this health care debate that is coming to a head here very soon. Patients are very simple in what they want from health care. Certainly they want choice. They want affordability. They want control. And they want good results. And I think that that is quite reasonable. And certainly on the other side of the aisle where there is a debate about a single-payer system, really a government-run system, I think that there is not any disagreement about the fact that we want everyone to have access to health care, and we want everyone to have access to good health care.

I think where the debate begins to fall down is that in our opinion on this side of the aisle, we feel that a government-run system is not a well run system. It is an inefficient system. It is a wasteful system. We have many, many examples of why that is true. We don't have to even turn to health care. We can look at any system that has been run by government, and not just the United States Government. Cities and States all reveal considerable waste because it is the nature of the system itself. On the other hand, in the private system, there is the administrative ability to remove fraud, waste and abuse.

I will give you an example. Today with Medicare and Medicaid, we recognize that there is fraud, waste and abuse. Everyone knows it. Many politicians get up and clamor that they will be able to remove it, but none has been able to do that. The reason is because of the nature of government itself. Government cannot remove fraud, waste and abuse. In order to attempt to do so, it has to build, first of all, a large bureaucracy. It has to catch the offenders. With that, there has to be prosecution of the offenders. And when you get down to it, you only find the very most egregious small percentage of those who are actually committing fraud, waste and abuse. So you get really a small tip of the iceberg. So much more is underneath that a government can never get to.

On the other hand, if you look at a private business, private business has all sorts of ways of finding fraud, waste and abuse and removing it administratively. For instance, a physician who is practicing inefficient medicine in an organization, in a private organization, he can be reeducated, or she can be reeducated, or just simply removed entirely from employment. But government is unable to micromanage individual behavior. And every time we attempt, we simply run cost up. And I will give you another good example of that. If you look at the post office and compare it to FedEx or UPS, you will see these private companies run so efficiently and so profitably. And yet, of course, the post office does not run efficiently. There are long lines. And that is just one way to control cost, and

then, of course, ultimately we have to pay higher rates.

So I think that we really have to look at the endemic problems within a private system versus a public system when we see that really there are only two ways to control cost in a public system. And we are attempting one of them and have been doing so for the last 20 or 30 years, and that is price controls, price controls on the providers, the hospitals and the doctors. And that would be a wonderful thing perhaps, at least for consumers, if it worked. But what goes up faster than health care every year? Nothing that I'm aware of. It is the one part of the economy where we have price controls, the only one, and yet it goes up faster than anything else.

Well, what is the only other way we can control costs? That is rationing. And you say, well, we are not rationing care today. Look at Medicare and Medicaid, still a reasonably smaller percentage of the total health care system here, and it is able to provide good service to recipients, even though they are government-run programs, only because you have a much larger private system that is able to keep it supported. Now if we expand that to a large, government-run health care system, it is going to make up 17 percent of our entire economy. Where are we going to get the money to prop that system up? Where is it going to come from? And so what we are going to end up with is the same place where Canada, the U.K. and all the other countries that have gone to a single-payer, government-takeover-run system, and that is that there is going to have to be cuts. When we get up to a point where budgets have to be evaluated, we are going to have to make cuts. And when you make cuts, that equals rationing.

Mr. ROE of Tennessee. Will the gentleman yield for a moment?

Mr. FLEMING. Yes

Mr. ROE of Tennessee. Here just a minute ago, we heard a debate on the floor about how we are going to have to redo Medicaid and Medicare. And we have a system already that has promised up to as much as a $70 trillion promise that we have unfunded, a government system that we don't have the money to pay for now, and we are thinking about starting another one, another government system. And you mentioned rationing of care. It brings to me the thought of breast cancer.

As a physician in our practice, we average seeing one newly diagnosed breast cancer per week. And when I began my practice over 30 years ago, half the women, approximately half the women, died in 5 years after being diagnosed with breast cancer. It was a terrible, and still is, a terrible diagnosis. And one of the great miracles of medicine is we haven't cured that disease, but we have improved the life expectancy for a woman diagnosed early to a 5-year survival rate of 98 percent. It is a wonderful story to tell. When a patient comes to my office, and she says, Dr. ROE, how am I going to do? I can say, look, you're going to have some tough times. It's going to be hard. This therapy is going to be difficult and tough. But you're going to make it. And you're going to live. And you're going to get through it. And I'm going to be through it with you.

What has happened in England is that the best results they had ever was a 78 percent 5-year survival rate. And they quit doing routine screening mammograms in England. And the reason they quit doing that is because there is a false positive rate. That means the test says you have something wrong, you go and have a more sophisticated biopsy. It is called a ''wire-guided biopsy.'' It requires a radiologist. It is a fairly sophisticated, as you all know, procedure. But what happens is that that costs more than the screening mammogram. So now they just wait until you develop a lump that you can feel. And as most physicians know, that is about 2 centimeters or three-quarters of an inch.

I don't think the American people are going to tolerate that for their families. I know I won't tolerate that for my family. I don't want a government decision based on the amount of money whether my wife or my daughter can have a mammogram. I yield back.

Mr. FLEMING. I thank the gentleman from Tennessee, Dr. ROE, for his excellent comments.

What you're pointing out is that rationing is not just about inconvenience, although there is a lot of inconvenience where someone has to wait 6 months to get a surgery, elective surgery or something like that. But it also means accepted death rates and accepted morbidity rates so that people go unable to work because they need a hip replacement or someone dies waiting for needed surgery for a disease disorder. They go delayed diagnosis for a tumor which is going to end up in much more cost down the line because it wasn't prevented or diagnosed earlier. So rationed care I think is unacceptable to the American mind. And I would just say that if we go towards a government-run system, we have to be willing to accept the fact that we will have rationed care. I don't see any way around that.

I do want to just sum up before I yield, and that is that I think that in evaluating the American psyche today when it comes to health care, we find that 83 percent of Americans like the health care the way it is. They like their insurance coverage. They like the doctor that they see. They are happy. The problem that we are talking about today is the 47 million uninsured. And who are these people? Well, statistics tell us that probably 10 million or so of those are illegal aliens. And, of course, that is a whole other debate. We need immigration reform. There is also probably half that number who are young adults who are healthy who elect not to get any health care insurance coverage. And so we have a real challenge before us to entice or to incentivize them to join, because if they join into the plan, we can work through preventive health care and early diagnostic care to prevent them from disease down the road, and also their dollars up front will help fund the last 10 million, which is the most critical 10 million, and that is older adults who are not Medicare age who do not have affordable accessibility to health care coverage, and therein lies a problem. They are not the poor. They are not the elderly. And they are not people that work for corporations. They are small business owners and their employees, a critical 10 million population that are finding their ways into the emergency rooms late in their illness with outcomes poor, far more cost required. And of course we physicians and hospitals have a mandate to provide care to them regardless of their ability to pay, which is a noble American concept. But the problem is, that cost has to be passed on to others, taxpayers, those who are paying their insurance subscription rates. And I'm sure we, as Americans, are willing to do that to an extent. But if you take those same dollars and you allow these people to get insurance and early preventive care, have a medical home, a family doctor, those costs will collapse. They don't have to be the high-price, low-yield kind of care that they get through the emergency room.

And lastly, I think it is important that we look at reforming health care laws where we can allow physicians and hospitals and other providers to come together to begin to work together and to compete to lower the overall cost of health care rather than having it being dictated from Washington, which as I pointed out, is really a very poor way to try to cut costs.

And then finally, that we do away, remove from the lexicon, the idea and even the verbiage that says ''preexisting illness.'' There should never be that term used ever again.

□ 1745

In conclusion, I just want to emphasize the need to remove the term ''preexisting illness'' from the lexicon and that we make it easy and affordable for all Americans to access the health care system; but as I say, I think we all tonight would agree that that is done much better through a private plan rather than through a government plan. I know that we hear some rhetoric about, well, let's have both a private plan and a public plan—and I'm sure that my colleagues tonight will expand on this—but if you have one plan that's controlled and subsidized by the government, whose responsibility it is to be sure that there's an even playing field in the competitive arena, we know that the public plan will always receive advantages and benefits, and the private plan will then atrophy. I think it's far better to work through the private arena and to let

the government do what it does best, and that is to protect its citizens and to ensure an even playing field.

With that, I yield back to my friend from Tennessee.

Mr. ROE of Tennessee. Thank you, Dr. FLEMING, and thank you for those great comments.

For the public, we have had, for the last several weeks and months, a physician's caucus that has met now sometimes one and two times a week to discuss this ongoing health care debate. With us tonight here is one of the leaders in that caucus, Dr. PHIL GINGREY, who happens to just have the same specialty as I do, and he has been very heavily involved in the health care debate over the past several years, so I will yield now to Dr. PHIL GINGREY from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding. It's a pleasure to be on the floor with my colleagues, with my physician colleagues, who are part of the GOP Doctors Caucus. I think, among us, we have something like 335 years of clinical experience, so we do feel that we bring to the body, to this great House of Representatives, some useful information, some practical information, not highbrow, academic, research-based information. I think we're just talking about, for the most part, the meat and potatoes practice of medicine, different specialties.

We just heard from our colleague from Louisiana, Dr. FLEMING—a family practitioner for many years. Dr. ROE from Tennessee is a long-term practitioner of obstetrics and gynecology, as am I, and we have a number of orthopedists in our GOP Doctors Caucus. So we bring a broad spectrum of experience.

You know, as we look at this issue of health care reform, the main thing is the urgency that the Democrat majority has placed upon it to the extent that the Speaker, the majority leader, and the President want a health care reform bill by the time that we leave here for the traditional August recess. Here we are in mid-May, so we're talking about, maybe, 2½ months away. It's going to be awfully tough to do that. Although, Mr. Speaker and my colleagues, we have been doing a lot of work on both sides of the aisle. Unfortunately, it has not been done in a bipartisan way. Those of us in the minority, the Republican Party, have really not been privy to too many details about what is in the Democratic majority's plan for health care reform; but we can read; we can watch television; we can listen, and we can pay attention. Indeed, there have been some trips over to the White House to commiserate with the new Commander in Chief, our President, about ideas.

The former majority leader of the Senate and the almost Secretary of Health and Human Services—and I'm talking about Senator Tom Daschle—wrote that book called ''Critical'' where he kind of outlines what he thinks the blueprint for health care reform should be. So we're getting little inklings.

I'll tell you, Mr. Speaker, the main thing that we're opposed to, and I think that I speak for all of my colleagues, I know, in the Republican GOP Doctors Caucus but probably for most of my colleagues on this side of the aisle no matter what their profession. We do not want to overreact to a problem, to a problem of too many people not being able to afford health insurance, to an overall problem of the cost of health care and to those insurance policies, 150 million of them probably provided by employers. Many of these employers are small, mom-and-pop companies, and they just can't afford it. They can't afford to continue to pay those premiums that are increasing by double-digit rates from year to year.

So that's the problem, and we all understand that people don't have access because they can't afford it. In some instances, they don't have access because they have preexisting conditions, but we don't have to overreact. I don't know why it is that, in Congress, everything has to be a knee-jerk response where you just absolutely have to throw the whole kitchen sink at every problem. It may be because the media, in some instances, ginned it up almost to the point of hysteria. Then there are a lot of public opinion polls taken and a lot of push, and the next thing you know, you've spent $2 billion in preparing the country for swine flu and in producing a vaccine that probably will never be used, and if it is used, it will have the potential of doing a lot more harm than good.

I don't want to say that we overreacted to Katrina. I don't think we did, but—gosh—we did buy a whole lot of trailers, sitting somewhere down there in Louisiana, that are soaked with formaldehyde because the construction was rushed.

You know, in a lot of instances up here, we create, I think, more problems than we solve. There was an old adage, Mr. Speaker, in OB/GYN—and I think Dr. ROE has probably heard this one, too, because he's also an OB/GYN practitioner. Most people want to say, ''Don't just sit there. Do something.'' How many times have we heard that expression up here? I mean, people will call and say, ''For goodness sakes, why don't you all do something? Don't just sit there. Do something even if it's wrong.''

For Dr. ROE and I, our motto was ''Don't just do something. Sit there.'' I'm talking about late at night when you're waiting for a lady to have a baby, and if you just leave her alone, she'll have that baby, and all you'll have to do is catch it, and if you start meddling and trying to push things and rush things and overreact, you cause some problems, don't you, Dr. ROE?

I yield to the gentleman.

Mr. ROE of Tennessee. We used to say, ''Smoke a long cigar.''

Mr. GINGREY of Georgia. ''Smoke a long cigar.'' That's right. A ''covered wagon'' I think they called those things back when I was a kid.

Mr. Speaker, that's what I want to bring to this discussion tonight. We need to be very careful not to overreact. We don't need a government-run program to solve this problem. We do have too many who are uninsured. There are various and sundry reasons why they don't have health insurance. Yes, some of them are not poor enough to be eligible for Medicaid, so they missed that safety net. They're not old enough to be eligible for Medicare, so they missed that safety net. They just have enough money, but they can't afford expensive health insurance. We can do things to help them without turning this great health care system that we have—lock, stock and barrel—over to the Federal Government.

Right now, part of the reason for lack of access and affordability is that the private market and the physicians who practice in that venue have a tendency to do too much. Maybe they order too many tests. Maybe they order duplicate tests because they don't know that the doctor down the street or in the next county had done the very same test a month ago. There are no electronic medical records for at least 300,000 doctors in this country, so we're a long way from having fully integrated electronic medical records where, every time that patient comes into your office or into the emergency room, you know exactly what they've had, what you should order and what you shouldn't order.

So that's all part of the problem, but we can deal with this without having a government default program, because what happens is, in that instance, you're going to say, well, I'm going to solve this problem because the doctors and the hospitals are doing too much and are running up the cost, and so you turn it over to the Federal Government. What do they do? They do too little. They do too little. They begin to ration just like they do in other countries, like in the U.K. and like our great friends to the north and like other countries that have experienced that for many years. The only way they can pay for those systems is by rationing and by long queues. What happens? If they can afford to, a lot of those people come to this country for care. A lot of their doctors move to this country where they can practice medicine and can make a decent living.

So I just wanted to touch on that. I will yield back to Dr. ROE, who is controlling the time.

My friend from Georgia, Dr. PAUL BROUN, is on the floor. I know he'll want to talk and will want to bring some intelligence to this issue, but let's just say this as my closing remarks:

I don't want to just do something even if it's wrong. I'm willing to sit there, to think and to hear from a lot of different folks who are experts on how we can best solve this problem, on how we can deal with this, whether

they're the hospital associations, whether they're the insurance companies, whether they're the pharmaceutical companies or whether they're the doctors who've practiced for many, many years. I think we can come up with the answer, and I think we can do it a whole lot better.

The final expression that I'll throw out there, Mr. Speaker, to you and my colleagues is the one that everybody has heard: ''Don't throw the baby out with the bathwater.'' We are on the verge of doing that. That would be a horrible thing for this country to take a great health care delivery system that needs some tweaking and that we can do in a bipartisan way without turning it over—lock, stock and barrel—to the Federal Government. They do a lousy job at running a lot of programs, and I certainly don't want them deciding what needs to be ordered and to come between the doctor and the patient in the exam room.

With that, I'm going to yield back to Dr. ROE of Tennessee.

Mr. ROE of Tennessee. Thank you, Dr. GINGREY. Thank you for those comments.

I think one of the things that has concerned me the more I have watched this system and have watched this debate go on is, since I've been here, I've had one of the health care think tanks in my office about every week or so to discuss this issue, and it is incredibly complicated. That's why we cannot do it rapidly, because it is so complicated.

I'll now recognize my colleague from Georgia, Dr. PAUL BROUN.

Dr. BROUN.

Mr. BROUN of Georgia. I thank you, Dr. ROE, for yielding me some time.

I want to make sure that the American people know what we're talking about. We on the Republican side are offering alternatives for the health care financing problems we have in America, and they are huge. People cannot afford to buy insurance. There are a number of people who are struggling just to have halfway decent health care insurance coverage, and that is a huge problem that we need to fix, and we need to do it as quickly as we can.

I agree with Dr. GINGREY, my colleague from Georgia, that we can fix that system. We need to, and we need to do it as quickly as we possibly can. Yet what's being proposed from the other side of the aisle, from the Democrat side, is to set up a Washington-based health care system where health care decisions are going to be made by some bureaucrat here in Washington, D.C. That bureaucrat will tell your doctor how he can deliver your care—what care he can give you and when he can give it to you.

What that's going to do is take away your choice. You may not have a choice of your doctor. You may not have a choice of what hospital you go to. You may not have a choice of whether you can even get some kind of procedure or a test or not. What it's going to do is it's going to delay your being able to get those tests and those procedures even if the Federal bureaucrat says that you may have them.

We can't go down that road. It's going to destroy the quality of health care. It's going to destroy the health provisions that you're getting today as an American. I don't want that, and I'm sure you don't want that. I'm sure Dr. ROE doesn't want that. I'm sure no physician, at least on our side of the aisle, wants that kind of a health care system to deliver your health to you by some Washington bureaucrat. We've got to stop that, and it's up to the American people to do so.

We're offering alternatives, many alternatives. I know one of our colleagues I talked to today is introducing a bill tomorrow that is going to be a health care reform bill. Our health care working group is developing a plan. I'm developing one in my office also that's independent of everything else, but we need to develop a solution that is patient-centered, not Washington-centered. We need to develop a plan that gives the American people the choice—the choice of their doctor, the choice of their hospital, the choice of whether they get a procedure or not. It should not be made by some Washington bureaucracy or bureaucrat or Federal bureaucrat anywhere, whether it is in Atlanta—in my own State—or in Knoxville or anyplace else.

□ 1800

We've got to develop a health care system that is patient-centered to give patients the choices that they deserve and they desperately need. We, as Republicans, are going to give you that opportunity. The opportunity is not going to be available from the other side of the aisle. They're developing a socialized medicine program, a Washington-based health care system to give your health to you by some Washington bureaucrat, not by a doctor.

And the American people need to know that very clearly, Dr. ROE, because they have a choice. Is it a choice between a Washington-based health care system, or is it a choice of a patient-centered health care system where those decisions are made in the doctor-patient relationship? And that is what we're offering.

And I'm just encouraging the American citizens all over this country to write their Congressmen, write their Senators and demand a patient-centered health care system. Demand that our alternatives are heard.

NANCY PELOSI has blocked—she has been an obstructionist for every single alternative that we've offered whether it's for energy, whether it's for environmental issues, whether it's spending, whether it's straightening out this economic situation, as well as the health care solution. She has been an obstructionist. She's blocked every attempt we've made to deliver to the American people alternatives that make sense from an economic perspective as well as a market-based perspective.

So we need to give our plans the light of day. And the American people are going to have to demand that, Dr. ROE. It's the only way it's going to happen. And I encourage people to contact their Members of Congress and demand that we slow this steamroll of socialism, as I'm calling it, this rolling over—the financial services industry is rolling over the car manufacturing; it's rolling over now the health delivery system. And we, as Americans, need to demand that all alternatives are heard, that we have the time to put something in place that makes sense to give patients the choice that they need.

So I congratulate you for doing this. It's absolutely critical for the future of health care. If we continue down this road that the Democrats have taken, it's going to destroy the quality of health that we deliver as physicians to our patients, that you did as a practitioner for so many years and I have, also, for so many years. So I thank you so much.

Mr. ROE of Tennessee. Dr. BROUN, thank you for your comments.

And just to summarize and sum up. I think our time is just about gone.

This is just the beginning of this debate. It is a very important debate for the American people. We just got through a few of the principles tonight. We will continue those at another time.

But I thank Dr. BROUN for being here, and I thank the Speaker.

I yield back the balance of my time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the House amendment to the bill (S. 896) ''An Act to prevent mortgage foreclosures and enhance mortgage credit availability.''.

RECESS

The SPEAKER pro tempore (Mr. HEINRICH). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1828

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEINRICH) at 6 o'clock and 28 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–120) on the resolution (H. Res. 456) providing for consideration of the Senate amendment to the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2352, JOB CREATION THROUGH ENTREPRENEURSHIP ACT of 2009

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–121) on the resolution (H. Res. 457) providing for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONNOLLY of Virginia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. FORTENBERRY, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. MANZULLO, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 386. An act to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

ADJOURNMENT

Ms. PINGREE of Maine. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 20, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1884. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID: OCC-2009-0001] (RIN: 1557-AD14) received May 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1885. A letter from the Secretary, Department of Transportation, transmitting the Department's fiscal year 2008 Annual Report as required by the Superfund Amendments and Reauthorization Act of 1986 (SARA); to the Committee on Energy and Commerce.

1886. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1887. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, Federal Emergency Management Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1888. A letter from the Deputy General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1889. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of Certain Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL77) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1890. A letter from the Deputy Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Testimony by Employees and the Production of Records and Information in Legal Proceedings, Claims Against the Goverment Under the Federal Tort Claims Act, and Claims Under the Military Personnel and Civilian Employees' Claim Act of 1964; Change of Address for Requests [Docket No.: SSA-2009-0015] (RIN: 0960-AG99) received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1891. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1892. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Department of Homeland Security, Federal Emergency Management Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1893. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Department of Homeland Security, Office of the General Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1894. A letter from the Acting Assoc. Gen. Counsel for General Law, U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1895. A letter from the Acting Special Counsel, U.S. Office of Special Counsel, transmitting the Office's fiscal year 2008 annual report required by Section 203, Title II of the No FEAR Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1896. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action [Docket No.: 090224229-9245-01] (RIN: 0648-AX72) received May 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1897. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Air Races; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0119] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1898. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I. [Docket No.: USCG-2009-0179] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1899. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River, Pittsburgh, PA [Docket No.: USCG-2009-0149] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1900. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River, Pittsburgh, PA [Docket No.: USCG-2009-0175] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1901. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Barge BDL235, Pago Pago Harbor, American Samoa [Docket No.: USCG-2009-0159] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1902. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Crewmember Identification Documents [Docket No.: USCG-2007-28648] (RIN: 1625-AB19) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1903. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mill Creek, Fort Monroe, VA, USNORTHCOM Civic Leader Tour and Aviation Demonstration [Docket No.: USCG-2009-0263] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1904. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Blue Water Resort and Casino APBA National Tour Rounds 1 & 2; Colorado River, Parker AZ [Docket No.: USCG-2008-1220] (RIN: 1625-AA00) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1905. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Alternate Compliance Program: Vessel Inspection Alternatives [Docket No.: USCG-2004-19823] (RIN: 1625-AA92) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1906. A letter from the Federal Register Liaison Officer, Department of Veterans Affairs, transmitting the Department's final rule — Reimbursement for Interment Costs (RIN: 2900-AM98) received May 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1907. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF PORT LIMITS OF ST. LOUIS, MISSOURI [[USCBP-2005-0035] [CBP Dec. 09-16]] received May 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1908. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on applications made by the Government during calendar year 2008 for authority to conduct electronic surveillance and physical search for foreign intelligence, pursuant to Sections 1807 and 1862 of the Foreign Intelligence Surveillance Act of 1978, as amended and Public Law 109-177, section 118; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

1909. A letter from the Inspector General, Railroad Retirement Board, transmitting the fiscal year 2010 Congressional Budget Justification for the Office of the Inspector General of the Railroad Retirement Board; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 466. A bill to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services; with amendments (Rept. 111–118). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 915. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; with an amendment (Rept. 111–119 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 456. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes (Rept. 111–120). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 457. Resolution providing for consideration of the bill (H.R. 2352) to amend the Small Business Act, and for other purposes (Rept. 111–121). Referred to the House Calendar.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. Report of the Committee on Standards of Official Conduct (Rept. 111–122). Referred to the House Calendar.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2200. A bill to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes; with an amendment (Rept. 111–123). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Science and Technology discharged from further consideration. H.R. 915 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COFFMAN of Colorado (for himself, Mr. ALEXANDER, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. POE of Texas, and Mr. LAMBORN):

H.R. 2472. A bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes; to the Committee on the Judiciary.

By Ms. TSONGAS:

H.R. 2473. A bill to improve Department of Defense policies relating to body armor; to the Committee on Armed Services.

By Mr. MCKEON (for himself, Mr. DREIER, Mr. HUNTER, Mr. MCCLINTOCK, Mr. LEWIS of California, Mr. GALLEGLY, Mr. HERGER, Mr. ROHRABACHER, Mr. CALVERT, Mr. ROYCE, Mr. RADANOVICH, Mr. DANIEL E. LUNGREN of California, Mrs. BONO MACK, Mr. GARY G. MILLER of California, Mr. BILBRAY, Mr. ISSA, Mr. NUNES, Mr. CAMPBELL, Mr. MCCARTHY of California, and Mr. THOMPSON of California):

H.R. 2474. A bill to amend title 38, United States Code, to provide that in the case of an individual entitled to educational assistance under the Post-9/11 Educational Assistance program who is enrolled at an institution of higher education in a State in which the public institutions charge only fees in lieu of tuition, the Secretary of Veterans Affairs shall allow the individual to use all or any portion of the amounts payable for the established charges for the program of education to pay any amount of the individual's tuition or fees for that program of education; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN:

H.R. 2475. A bill to authorize appropriations for the Department of State for fiscal years 2010 and 2011, to modernize the Foreign Service, and for other purposes; to the Committee on Foreign Affairs.

By Ms. DEGETTE (for herself and Mrs. MCMORRIS RODGERS):

H.R. 2476. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. SOUDER):

H.R. 2477. A bill to provide for an extension of the authority of the Secretary of Homeland Security to regulate the security of chemical facilities; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. ROYCE, and Mr. MILLER of North Carolina):

H.R. 2478. A bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes; to the Committee on Foreign Affairs.

By Ms. BERKLEY:

H.R. 2479. A bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for prosthetic devices and orthotics and prosthetics, to apply accreditation and licensure requirements to such devices and items for purposes of payment under the Medicare Program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mrs. BONO MACK, Mr. MOORE of Kansas, Mr. BROWN of South Carolina, Ms. WOOLSEY, Mr. COHEN, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. FARR, Mr. MCCOTTER, Mr. HINCHEY, Mr. KUCINICH, Mr. SHERMAN, Mr. KING of New York, and Mr. PLATTS):

H.R. 2480. A bill to improve the accuracy of fur product labeling, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. MCHUGH, Mr. HOEKSTRA, Mr. LEWIS of California, Mr. KING of New York, Mr. BOEHNER, Mr. CANTOR, and Mr. PENCE):

H.R. 2481. A bill to require the President to develop a comprehensive interagency strategy and implementation plan for long-term security and stability in Pakistan, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. MCHUGH, Mr. HOEKSTRA, Mr. LEWIS of California, Mr. KING of New York, Mr. BOEHNER, Mr. CANTOR, and Mr. PENCE):

H.R. 2482. A bill to require the President to develop a comprehensive interagency strategy and implementation plan for long-term security and stability in Afghanistan, and for other purpose; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. GARY G. MILLER of California, Mr. FRANK of Massachusetts, Mr. GRAYSON, Mrs. HALVORSON, Ms. HARMAN, Ms. SPEIER, Mrs. CAPPS, Mr. CULBERSON, Mr. ROHRABACHER, Mr. CUMMINGS, Mr. SCHIFF, Mr. MCNERNEY, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. CARDOZA, Mrs. TAUSCHER, Mr. FILNER, Mr. BILBRAY, Mr. HONDA, Mr. BERMAN, Mrs. BONO MACK, Mrs. MALONEY, Mr. CAMPBELL, Mr. ACKERMAN, Mr. GALLEGLY, Mr. DREIER, Mr. FARR, Mr. BISHOP of New York, Ms. WATERS, Ms. ESHOO, and Mr. HALL of New York):

H.R. 2483. A bill to permanently increase the conforming loan limits for the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association and the FHA maximum mortgage amount limitations; to the Committee on Financial Services.

By Mr. CAO (for himself, Mr. MELANCON, Mr. SCALISE, Mr. CASSIDY, Mr. FLEMING, Mr. BOUSTANY, and Mr. ALEXANDER):

H.R. 2484. A bill to provide for disaster assistance for power transmission and distribution facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON (for himself, Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Mr. PETERSON, Mr. WALZ, Mr. WELCH, Mr. TONKO, and Ms. CLARKE):

H.R. 2485. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to include nongovernmental and volunteer firefighters, ground and air ambulance crew members, and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 2486. A bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 2487. A bill to direct the Secretary of Defense to conduct a study on the feasibility of using military identification numbers instead of social security numbers to identify members of the Armed Forces; to the Committee on Armed Services.

By Mr. HEINRICH:

H.R. 2488. A bill to require the Secretary of Defense to modify the Certificate of Release or Discharge from Active Duty (DD Form 214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to include an email address on the form; to the Committee on Armed Services.

By Ms. HERSETH SANDLIN (for herself and Mr. LATOURETTE):

H.R. 2489. A bill to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs; to the Committee on Natural Resources.

By Mr. KENNEDY (for himself, Mr. KAGEN, and Mr. PATRICK J. MURPHY of Pennsylvania):

H.R. 2490. A bill to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 2491. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any enlistment, accession, reenlistment, retention, or incentive bonus paid to a member of the Armed Forces; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Mr. HINOJOSA, and Mr. DAVIS of Illinois):

H.R. 2492. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income discharges of student loans the repayment of which is income contingent or income based; to the Committee on Ways and Means.

By Mr. MASSA (for himself, Mr. TONKO, Mr. MCMAHON, Mr. WEXLER, Mr. BISHOP of New York, Mrs. MALONEY, and Mr. MAFFEI):

H.R. 2493. A bill to prevent wealthy and middle-income foreign states that do business, issue securities, or borrow money in the United States, and then fail to satisfy United States court judgments totaling $100,000,000 or more based on such activities, from inflicting further economic injuries in the United States, from undermining the integrity of United States courts, and from discouraging responsible lending to poor and developing nations by undermining the secondary and primary markets for sovereign debt; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 2494. A bill to designate 4 counties in the State of New York as high-intensity drug trafficking areas, and to authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

By Mr. MOORE of Kansas (for himself, Mr. DUNCAN, Mr. BOYD, and Mr. HILL):

H.R. 2495. A bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 2496. A bill to amend title XXI of the Social Security Act to improve access to the children's health insurance program (CHIP) by providing exemptions to CHIP eligibility waiting period requirements; to the Committee on Energy and Commerce.

By Mr. NADLER of New York:

H.R. 2497. A bill to amend title 49, United States Code, to expand and improve transit training programs; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 2498. A bill to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. PIERLUISI (for himself, Mr. ABERCROMBIE, Mr. ARCURI, Mr. BAIRD, Ms. BERKLEY, Mr. BERMAN, Ms. BORDALLO, Mr. BOUSTANY, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CASTLE, Ms. CLARKE, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTA, Mr. CUELLAR, Mr. DELAHUNT, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOYLE, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FLAKE, Ms. FUDGE, Mr. GERLACH, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. HARE, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINCHEY, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KLEIN of Florida, Mr. KRATOVIL, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MAFFEI, Ms. MARKEY of Colorado, Mr. MASSA, Mr. MCGOVERN, Mr. MCCAUL, Mr. MICA, Mr. MOLLOHAN, Mr. MORAN of Virginia, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. PENCE, Mr. POE of Texas, Mr. POLIS of Colorado, Mr. PUTNAM, Mr. RAHALL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. SABLAN, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Mr. SHULER, Mr. SMITH of Washington, Mr. STARK, Mr. TAYLOR, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WESTMORELAND, Mr. WEXLER, Mr. WILSON of South Carolina, Mr. WU, Mr. YARMUTH, and Mr. YOUNG of Alaska):

H.R. 2499. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; to the Committee on Natural Resources.

By Mr. PITTS (for himself, Mr. MICHAUD, and Mr. WITTMAN):

H.R. 2500. A bill to amend the Internal Revenue Code of 1986 to allow nontaxable employer matching contributions to section 529 college savings plans; to the Committee on Ways and Means.

By Mr. POMEROY (for himself and Mr. PAULSEN):

H.R. 2501. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHRADER (for himself, Mr. MCMAHON, Mr. CONNOLLY of Virginia, Mr. KIND, Mrs. HALVORSON, Mr. CROWLEY, Ms. SCHWARTZ, Mr. HIMES, Mr. ALTMIRE, Ms. BEAN, Mrs. TAUSCHER, and Mrs. DAVIS of California):

H.R. 2502. A bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Comparative Effectiveness Research Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. MCCAUL, Mr. ROGERS of Alabama, Mrs. MILLER of Michigan, Mr. BILIRAKIS, Mr. DENT, Mr. AUSTRIA, Mr. KING of New York, and Mr. DANIEL E. LUNGREN of California):

H.R. 2503. A bill to amend title 49, United States Code, to require inclusion on the no fly list certain detainees housed at the Naval Air Station, Guantanamo Bay, Cuba; to the Committee on Homeland Security.

By Mr. TEAGUE:

H.R. 2504. A bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; to the Committee on Veterans' Affairs.

By Mr. TEAGUE:

H.R. 2505. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to utilize tele-health platforms to assist in the treatment of veterans living in rural areas who suffer from post traumatic stress disorder or traumatic brain injury; to the Committee on Veterans' Affairs.

By Mr. TEAGUE:

H.R. 2506. A bill to direct the Secretary of Defense to ensure the members of the Armed Forces receive mandatory hearing screenings before and after deployments and to direct the Secretary of Veterans Affairs to mandate that tinnitus be listed as a mandatory condition for treatment by the Department of Veterans Affairs Auditory Centers of Excellence and that research on the preventing, treating, and curing of tinnitus be conducted; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. ABERCROMBIE):

H.R. 2507. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Natural Resources.

By Mr. FORTENBERRY (for himself and Mr. KAGEN):

H. Res. 458. A resolution expressing the sense of the House of Representatives that the Federal Government should encourage organic farming, gardening, local food production, and farmers' markets; to the Committee on Agriculture.

By Mr. ROSKAM (for himself and Mr. DAVIS of Illinois):

H. Res. 459. A resolution expressing support for designation of ''National Safety Month''; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

51. The SPEAKER presented a memorial of the House of Representatives of Oregon, relative to House Joint Memorial 4: Urging the President of the United States and the Congress to take action to pass legislation and appropriate funds for an orderly 90- to 120-day transition for National Guard members and National Guard Reservists to civilian life following active service; to the Committee on Armed Services.

52. Also, a memorial of the House of Representatives of Maine, relative to H.P. 938, JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS FOR INCREASED OVERSIGHT AND ACCOUNTABILITY FOR RECIPIENTS OF FEDERAL BAILOUT FUNDS; to the Committee on Financial Services.

53. Also, a memorial of the General Count of Massachusetts, relative to a resolution MEMORIALIZING CONGRESS TO COMMIT TO THE GOAL OF RE-EMPOWERING AMERICA WITH 100 PER CENT CLEAN ELECTRICITY IN THE NEXT 10 YEARS; to the Committee on Energy and Commerce.

54. Also, a memorial of the 61st Legislative Assembly of North Dakota, relative to HOUSE CONCURRENT RESOLUTION NO. 3042 expressing support for the public awareness of multiple sclerosis and urging the Congress of the United States to join in the movement in creating a world free of multiple sclerosis; to the Committee on Energy and Commerce.

55. Also, a memorial of the House of Representatives of Maine, relative to H.P. 925, JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS; to the Committee on Ways and Means.

56. Also, a memorial of the House of Representatives of Oregon, relative to House Joint Memorial 2 Urging the President of the United States and the Congress to take action that: (a) Increases funding levels for the Local Veterans' Employment Representatives Program and the Disabled Veterans' Outreach Program; (b) Establishes a nationwide public works program in collaboration with state employment and military authorities that will provide jobs for veterans; and (c) Provides tax credits for employers that hire veterans and businesses that retrain veterans; jointly to the Committees on Veterans' Affairs and Ways and Means.

57. Also, a memorial of the House of Representatives of Maine, relative to H.P. 1004, JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND CONGRESS OF THE UNITED STATES TO SIGN LEGISLATION THAT ESTABLISHES A NATIONAL, UNIVERSAL, SINGLE-PAYOR NONPROFIT HEALTH CARE PLAN; jointly to the Committees on Energy and Commerce, Ways and Means, and Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 2508) to extend patent numbered 5,180,715 for a period of 2 years; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. COBLE, Mr. PIERLUISI, Mr. LATOURETTE, and Mr. TANNER.

H.R. 49: Mr. BILIRAKIS.

H.R. 147: Mr. YOUNG of Alaska and Mr. TOWNS.

H.R. 211: Mr. GRAYSON and Mr. HOLT.

H.R. 235: Mr. BURGESS, Mr. CARSON of Indiana, and Mr. RUSH.

H.R. 240: Mr. NEUGEBAUER.

H.R. 393: Mr. CULBERSON.

H.R. 433: Mr. PUTNAM.

H.R. 444: Mr. MCINTYRE, Mr. TEAGUE, and Mr. HALL of New York.

H.R. 482: Mr. PUTNAM.

H.R. 503: Ms. FUDGE and Mr. PASCRELL.

H.R. 510: Mr. KRATOVIL and Mr. MARCHANT.

H.R. 564: Ms. MATSUI.

H.R. 574: Mr. SCHIFF.

H.R. 593: Mr. DELAHUNT.

H.R. 606: Mr. OLVER.

H.R. 621: Mr. SCHAUER, Ms. Titus, Ms. GIFFORDS, and Mrs. LUMMIS.

H.R. 702: Mr. COURTNEY.

H.R. 745: Mr. HARPER, Mr. RAHALL, and Mr. CASSIDY.

H.R. 808: Mr. TONKO.

H.R. 816: Mr. DELAHUNT, Mr. CHAFFETZ, Mr. CALVERT, and Mr. FRANKS of Arizona.

H.R. 916: Mr. PRICE of Georgia.

H.R. 930: Ms. DELAURO, Mr. PUTNAM and Mr. SCHIFF.

H.R. 950: Mr. MCGOVERN.

H.R. 952: Mr. HEINRICH, Mr. LANGEVIN, Ms. VELÁZQUEZ, Ms. EDWARDS of Maryland, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mr. ARCURI, Mr. CARNEY, Mr. SHULER, and Mr. RUPPERSBERGER.

H.R. 997: Mr. BARRETT of South Carolina.

H.R. 1021: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1032: Mr. LANCE, Mrs. KIRKPATRICK of Arizona, and Mr. BARTLETT.

H.R. 1053: Mr. GOODLATTE.

H.R. 1135: Mr. THOMPSON of Pennsylvania.

H.R. 1158: Mr. WILSON of South Carolina, Mr. RADANOVICH, and Mr. GOODLATTE.

H.R. 1179: Mr. FARR, Mr. BOYD, Mr. BISHOP of New York, and Mr. GONZALEZ.

H.R. 1255: Mr. SMITH of New Jersey and Mr. OLSON.

H.R. 1330: Mr. CARSON of Indiana and Mr. GENE GREEN of Texas.

H.R. 1346: Mr. NYE.

H.R. 1428: Ms. CORRINE BROWN of Florida, and Mr. KAGEN.

H.R. 1441: Mr. BUTTERFIELD.

H.R. 1458: Mr. HOEKSTRA.

H.R. 1474: Mr. BISHOP of New York, Mr. PIERLUISI, and Mr. AL GREEN of Texas.

H.R. 1479: Mr. DELAHUNT, Ms. SCHAKOWSKY, and Mr. PASTOR of Arizona.

H.R. 1505: Ms. FALLIN.

H.R. 1528: Ms. MCCOLLUM, Mr. FARR, Mr. OBERSTAR, and Mr. HINCHEY.

H.R. 1530: Ms. MCCOLLUM, Mr. FARR, Mr. OBERSTAR, and Mr. HINCHEY.

H.R. 1531: Ms. MCCOLLUM, Mr. FARR, Mr. OBERSTAR, and Mr. HINCHEY.

H.R. 1545: Mr. SHADEGG.

H.R. 1552: Mr. RODRIGUEZ, Ms. ZOE LOFGREN of California, Mr. HALL of New York, and Mr. CHILDERS.

H.R. 1587: Mr. DAVIS of Kentucky.

H.R. 1616: Mr. MURPHY of Connecticut, Mr. SMITH of Washington, Mr. HASTINGS of Florida, Mr. FATTAH, and Mr. JOHNSON of Georgia.

H.R. 1618: Mr. LEWIS of Georgia and Mr. SHERMAN.

H.R. 1660: Ms. MARKEY of Colorado.

H.R. 1684: Mr. WITTMAN, Mr. KING of Iowa, Mr. NUNES, Mr. MILLER of Florida, and Mrs. KIRKPATRICK of Arizona.

H.R. 1692: Mr. WITTMAN and Mr. WAMP.

H.R. 1700: Mr. SIRES.

H.R. 1708: Mrs. LOWEY and Mr. COHEN.

H.R. 1712: Mr. MANZULLO.

H.R. 1744: Mr. FLEMING and Mr. BOUSTANY.

H.R. 1751: Mr. TOWNS.

H.R. 1763: Mr. PAUL, Mrs. BACHMANN, and Mr. SOUDER.

H.R. 1826: Mr. ARCURI, Ms. SCHAKOWSKY, and Mr. MORAN of Virginia.

H.R. 1844: Mr. KENNEDY and Mrs. MALONEY.

H.R. 1912: Mr. WITTMAN and Mr. WEXLER.

H.R. 1934: Mr. CUMMINGS, Mr. WILSON of South Carolina, Mr. GERLACH, and Mr. LATOURETTE.

H.R. 1944:. Mr. SAM JOHNSON of Texas.

H.R. 1964: Mr. HASTINGS of Florida and Mr. SERRANO.

H.R. 1993: Ms. SCHAKOWSKY.

H.R. 2000: Mr. SMITH of Washington.

H.R. 2006: Mr. ALTMIRE, Mr. BISHOP of New York and Mr. MCINTYRE.

H.R. 2014: Mr. TIAHRT, Mr. GRAVES, Mr. RUPPERSBERGER, Mrs. BACHMANN, Mr. SARBANES, Mr. LEWIS of Georgia, Ms. SPEIER,

Mrs. MCCARTHY of New York, Mrs. MILLER of Michigan, Mrs. SCHMIDT, Mr. ELLSWORTH, Mr. PETRI, Mr. MILLER of Florida, Mr. WALZ, Mr. MCINTYRE, Mr. BERRY, Mr. JOHNSON of Illinois, Mr. NEUGEBAUER, Mr. WITTMAN, Mr. REHBERG, and Ms. WASSERMAN SCHULTZ.

H.R. 2017: Mrs. MALONEY.

H.R. 2022: Mr. ROONEY.

H.R. 2031: Mr. PUTNAM.

H.R. 2055: Mr. FARR, Mr. MINNICK, Mr. DEFAZIO, Mr. SCHRADER, and Mr. WU.

H.R. 2067: Mr. NADLER of New York and Mrs. MCCARTHY of New York.

H.R. 2071: Mr. RANGEL.

H.R. 2076: Mr. QUIGLEY.

H.R. 2083: Mr. WITTMAN.

H.R. 2118: Mr. POSEY.

H.R. 2119: Mr. POSEY and Mrs. BACHMANN.

H.R. 2134: Mr. RANGEL, Mr. PAYNE, and Mr. MORAN of Virginia.

H.R. 2143: Mr. BOOZMAN.

H.R. 2169: Mrs. BACHMANN.

H.R. 2181: Ms. BERKLEY and Mr. MCGOVERN.

H.R. 2219: Mr. WITTMAN.

H.R. 2243: Mr. HINCHEY, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. EDWARDS of Texas, Mr. WELCH, Mr. BRADY of Texas, Mr. ALTMIRE, and Mr. COURTNEY.

H.R. 2254: Mr. DELAHUNT.

H.R. 2294: Mr. BUYER, Mrs. LUMMIS, Mr. WHITFIELD, Mr. HUNTER, Mr. FORTENBERRY, Mr. KIRK, Mr. SCHOCK, Mr. THOMPSON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mr. ROE of Tennessee, Mr. GUTHRIE, Mr. LANCE, Mr. SMITH of Nebraska, Mrs. CAPITO, Mr. POSEY, Mr. HARPER, Mr. DAVIS of Kentucky, Mr. SMITH of New Jersey, Mr. KING of Iowa, and Mr. BOOZMAN.

H.R. 2296: Mrs. BACHMANN, Mr. WITTMAN, Mr. CONAWAY, Mr. PAULSEN, and Mr. SESSIONS.

H.R. 2298: Mr. LEWIS of Georgia, Ms. SHEA-PORTER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2311: Mr. PAULSEN.

H.R. 2312: Mr. PAULSEN.

H.R. 2321: Mr. WITTMAN.

H.R. 2325: Mr. BARTON of Texas and Mr. PAUL.

H.R. 2328: Mr. LYNCH.

H.R. 2329: Mrs. LUMMIS, Mr. ENGEL, Mr. OLSON, and Ms. ZOE LOFGREN of California.

H.R. 2332: Mr. KISSELL.

H.R. 2338: Mr. WAMP, Mrs. MYRICK, Mrs. BACHMANN, and Ms. FALLIN.

H.R. 2355: Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, and Ms. CORRINE BROWN of Florida.

H.R. 2368: Mr. BERMAN.

H.R. 2389: Mr. HALL of New York.

H.R. 2393: Mr. OLSON, Mr. PAULSEN, Mr. THORNBERRY, and Mr. MCKEON.

H.R. 2404: Mr. MASSA.

H.R. 2408: Ms. ROYBAL-ALLARD and Mr. HOEKSTRA.

H.R. 2414: Ms. MARKEY of Colorado.

H.R. 2422: Mr. BARTON of Texas, Mr. CUELLAR, Mr. CULBERSON, Ms. JACKSON-LEE of Texas, Mr. PAUL, Mr. RODRIGUEZ, and Mr. HENSARLING.

H.R. 2440: Mr. ROE of Tennessee.

H.R. 2450: Mr. LOBIONDO.

H.R. 2452: Mr. KIND, Mr. CROWLEY, and Ms. MARKEY of Colorado.

H.R. 2458: Mr. PAUL.

H.J. Res. 46: Mr. KAGEN and Mr. HOLT.

H.J. Res. 47: Mr. SIMPSON, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. TIAHRT, Mr. LATHAM, Mr. BOUSTANY, and Mr. YOUNG of Florida.

H. Con. Res. 21: Mr. BERMAN, Mr. MOORE of Kansas, Mr. COURTNEY, Mr. CAO, and Mr. ALEXANDER.

H. Con. Res. 49: Mr. SKELTON, Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. LEWIS of California, and Mr. HERGER.

H. Con. Res. 109: Mr. BARROW, Mrs. CHRISTENSEN, Mr. NYE, Mr. BERMAN, Mr. MELANCON, Mr. BRALEY of Iowa, and Mr. HEINRICH.

H. Con. Res. 120: Mr. SESTAK.

H. Con. Res. 124: Mr. BOOZMAN.

H. Res. 6: Mr. JORDAN of Ohio and Mr. JONES.

H. Res. 22: Mr. YARMUTH.

H. Res. 57: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. SCOTT of Georgia, Mr. MILLER of North Carolina, Mr. CONNOLLY of Virginia, Mr. LOEBSACK, Mr. BECERRA, and Mr. SALAZAR.

H. Res. 156: Mr. DANIEL E. LUNGREN of California.

H. Res. 169: Mr. DUNCAN, Mr. MILLER of North Carolina, Mr. COHEN, Mr. ETHERIDGE, Mr. KIRK, Mr. MARCHANT, Mrs. MILLER of Michigan, Mr. ROGERS of Kentucky, Mr. SKELTON, Mr. MCGOVERN, Mr. ABERCROMBIE, Mr. MILLER of Florida, and Mr. CAMPBELL.

H. Res. 231: Mr. EHLERS, Mrs. MALONEY, Mr. BRALEY of Iowa, Mr. BURGESS, Mr. HOLT, and Mrs. BLACKBURN.

H. Res. 232: Mr. SESSIONS.

H. Res. 241: Mr. GARRETT of New Jersey.

H. Res. 244: Mr. GOODLATTE.

H. Res. 285: Mr. DELAHUNT, Mr. MCCOTTER, and Mr. PITTS.

H. Res. 314: Mr. SIRES, Mr. RYAN of Ohio, Mr. GRAYSON, Mr. HARE, Mrs. HALVORSON, Ms. EDWARDS of Maryland, Mr. ADLER of New Jersey, Mr. WEINER, Mr. CARNEY, and Mr. ROONEY.

H. Res. 323: Mr. ISSA.

H. Res. 327: Mr. LIPINSKI.

H. Res. 349: Mr. HASTINGS of Washington, Mr. SESTAK, Mr. ROSKAM, and Mr. CALVERT.

H. Res. 355: Mr. BARTLETT.

H. Res. 364: Mr. LOBIONDO.

H. Res. 394: Mr. BURGESS.

H. Res. 397: Mr. MILLER of Florida, Mr. BACHUS, Mr. YOUNG of Alaska, Mr. BLUNT, and Mr. GOHMERT.

H. Res. 404: Mr. YOUNG of Alaska.

H. Res. 411: Mr. CALVERT.

H. Res. 418: Mr. CALVERT, Mr. WILSON of South Carolina, Mr. LATOURETTE, Mr. BARTLETT, Mr. SHUSTER, Mr. CULBERSON, Mr. KINGSTON, Ms. FOXX, Mr. TAYLOR, Mr. PERLMUTTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. COBLE, Mr. MCCAUL, Mr. MANZULLO, Mr. BONNER, Mr. HALL of Texas, Mr. BARTON of Texas, Mr. HOEKSTRA, Mr. MORAN of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. THORNBERRY, Mr. OLSON, Mr. TIBERI, Mr. LOBIONDO, Mr. NUNES, Mr. YOUNG of Florida, Mr. HASTINGS of Washington, Mr. LUCAS, Mr. COLE, Mr. PUTNAM, Mr. SIMPSON, Mr. CARTER, Mr. SENSENBRENNER, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. FORTENBERRY, Mr. FRELINGHUYSEN, Mr. YOUNG of Alaska, and Mr. TIERNEY.

H. Res. 420: Ms. BORDALLO, Mr. RODRIGUEZ, Mr. BROWN of South Carolina, Mr. GUTHRIE, Mr. THOMPSON of Pennsylvania, Mr. POSEY, Mr. AUSTRIA, Mrs. BACHMANN, Mr. HELLER, Mr. DUNCAN, Ms. ROS-LEHTINEN, Mr. MILLER of Florida, Mr. MCHENRY, and Mr. ROE of Tennessee.

H. Res. 426: Mr. POE of Texas.

H. Res. 430: Mr. WILSON of South Carolina, Mr. ROTHMAN of New Jersey, Ms. ROS-LEHTINEN, Mr. MANZULLO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Mr. LATOURETTE, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMPSON, Mr. CASTLE, Ms. FOXX, Mr. LOBIONDO, Mr. SCALISE, Mr. MICA, and Mr. FRELINGHUYSEN.

H. Res. 439: Mrs. MALONEY.

H. Res. 444: Ms. JACKSON-LEE of Texas, Ms. FUDGE, Ms. KAPTUR, Ms. SUTTON, and Mr. HARE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative NYDIA VELÁZQUEZ or a designee to H.R. 2352 the Job Creation Through Entrepreneurship Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *111th* CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, MAY 19, 2009 *No. 77*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious Lord, King of our lives and Ruler of all, help us today to trust You with all our hearts and strive to stay within the circle of Your will. Turn the Members of this body back to the truth that those who would be great must be willing to serve humanity and that those who lose their lives for a worthy cause will find life everlasting. May such service and sacrifice bring deliverance to captives and balm to those who are bruised by life. Make our lawmakers, this day, receptive to Your wisdom, even amid the contention and collision of debate. Help them to shine with Your peace and good will. Lord, fill this Chamber with Your presence and each Senator with Your power for the work of this day.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that today, Tuesday, May 19, I be authorized to sign any duly enrolled bills or joint resolutions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of H.R. 627, the credit card bill. A rollcall vote will occur sometime within the next half hour or so. It may not occur immediately. When cloture is invoked, we will dispose of the pending amendments and then vote on passage of the bill, as amended. Rollcall votes are possible later in the day. We do know there are some agreements on a nomination, the Gensler nomination. There will be a vote on that nomination after the caucus lunches today at about 2:15 p.m. Later this afternoon, we expect to begin consideration of the Iraq and Afghanistan supplemental appropriations bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SUPPLEMENTAL WAR SPENDING

Mr. MCCONNELL. Mr. President, today, the Senate takes up the supplemental war spending bill for the wars in Afghanistan and Iraq. The need to consider such wartime supplementals is familiar to the Senate, but their importance has not diminished over time. Our Armed Forces have fought valiantly against global terrorism for more than 7 years, and our intelligence community has made invaluable contributions to that effort. This week, the Senate will show, once again, that we are grateful for the service and dependent on the heroism of every American fighting to help protect us at home and abroad.

Similar to any supplemental war spending bill, this week's bill must be viewed in the context of the broader fight against terrorism. This is a fight that began in earnest after the events of 9/11 but which found its justification in a long series of attacks that culminated on that terrible day. Eight years before 9/11, several Americans were killed in the first World Trade Center bombing. Two years later, five Americans were killed in an attack on a U.S. military site in Riyadh. In 1996, 19 U.S. servicemen lost their lives in the Khobar Towers bombing. In 1998, 12 Americans were killed in Embassy bombings in Nairobi and Dar es Salaam. In 2000, 17 American soldiers were killed in the attack on the USS

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Cole. Of course, on September 11, 2001, 19 hijackers killed 3,000 Americans in New York, Virginia, and Pennsylvania.

What is clear from all this is that terrorists were at war with us long before we were at war with them. But then, after 9/11, the Northern Alliance and U.S. forces, along with our allies, took the fight to al-Qaida and the Taliban in Afghanistan. Coalition forces later toppled Saddam Hussein and subsequently mounted a successful counterinsurgency against al-Qaida in Iraq that continues to this day. The supplemental we will consider this week funds all those efforts, and it provides vital assistance to Pakistan in its ongoing battle against insurgents.

One of the more contentious issues that has arisen in the course of this protracted fight is the fate of captured terrorists. Since 9/11, the United States has captured hundreds of terrorists who wish to harm Americans. Many of them have been brought to the secure detention facility at Guantanamo Bay. Current inmates include some of the key coconspirators in the Embassy bombings in Nairobi and Dar es Salaam, as well as Abd al-Rahim al-Nashiri, the mastermind of the attack on the USS Cole. Khalid Shaikh Mohammed, the mastermind of the 9/11 attacks, is also there, as are a number of his 9/11 coconspirators.

Guantanamo was established to house terrorists such as these—dangerous men who pose a serious threat to Americans. The fact that we have not been attacked at home since 9/11 confirms, in my view, the fact that this facility, when taken together with all our other efforts in the global fight against terrorism, has been a success.

There is no doubt that some of the men who are held at Guantanamo are eager to launch new attacks against us. Of those who have been released from Guantanamo, about 12 percent have returned to the battlefield. One of these men is currently a top al-Qaida deputy in Yemen. Another is the Taliban's operations commander in southern Afghanistan. These are men who were thought to be safe for transfer.

More recently, the Defense Department has confirmed that 18 former detainees have returned to the battlefield and that at least 40 more are suspected of having done so. Earlier this year, the Saudi Government said that nearly a dozen Saudis who were released from Gitmo are believed to have returned to terrorism. This is a good reason to keep these men at Guantanamo until the administration can present us with a plan for keeping terrorists off the battlefield.

Some have argued that the existence of the Guantanamo prison serves as a recruiting tool for terrorists. But it is hard to imagine that moving this facility somewhere else and giving it a different name will somehow satisfy our critics in European capitals. Even less likely is the notion that by moving detainees from the coast of Cuba to Colorado, terrorists overseas will turn their swords into ploughshares.

The global terror network we are fighting targeted and killed Americans long before 9/11 and long before we opened the gates of Guantanamo. Shutting this facility now could only serve one end; that is, to make Americans less safe than Guantanamo.

The supplemental spending bill that the Senate votes on this week will fund an effort to combat terrorism that has been hard fought. We have seen victories and we have seen setbacks and keeping detainees off the battlefield is part of the battle. Al-Qaida's terrorist networks remain vital and lethal, and releasing detainees to return to terror in places such as Yemen would be at cross-purposes with the underlying bill itself. If we are committed to funding the global fight against terrorism, then we will come up with a good alternative to Guantanamo before we move to close it.

The administration has shown a willingness to change course on other matters of national security. It is my hope that it will show a similar willingness on Guantanamo. As the Senate considers this supplemental, we will have an opportunity to encourage such a shift in their thinking by expressing our opposition to closing Guantanamo until a good alternative emerges. This is the only way to ensure the same level of safety that Guantanamo has delivered and the supplemental itself is intended to promote.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I would like to speak briefly on the credit card legislation which we are going to be taking up in a minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

CREDIT CARD REFORM

Mr. BURRIS. Mr. President, in these trying economic times, far too many Americans have had to watch their hard-earned financial security evaporate almost overnight.

Rising unemployment, rampant foreclosures, and shrinking market liquidity continue to run roughshod over American families. For some, credit cards have become a last line of defense.

Responsible spending on credit has helped millions of ordinary people pay bills and keep food on the table even as the economy continues to deteriorate.

I rise today in support of these hard-working Americans.

The need for credit card reform is crucial, and the time to act is now. We must pass the Credit CARD Act of 2009 without delay.

As credit availability tightens, the final wall of support is crumbling. At the slightest provocation, many credit card companies have chosen to take advantage of families in distress with unfair interest rates and drastic new fees.

Some people are suddenly confronted with a choice between large annual premiums or excessive rate hikes.

A Chicagoan, Mr. Weatherspoon bought a home several years ago and soon ran into some unexpected expenses. To consolidate his home repair bills that totaled over $12,000, Mr. Weatherspoon applied for a credit card to take advantage of a low introductory offer of 4.5 percent.

Without notice, that low rate jumped to 28 percent. And he has been paying it off ever since. Over the last 8 years, Mr. Weatherspoon has paid the bank $15,000, but has only reduced his principal balance by $800.

These companies can change the terms of a contract at a moment's notice and without providing any reason at all.

This allows them to maximize their profits while keepingAmerican families mired in more than $950 billion worth of debt.

We cannot stand by as honest, responsible people fall victim to these predatory tactics.

We must not allow millions of Americans to be tricked and cheated as they struggle to make ends meet. Consumers are demanding relief, and it is our duty to provide it.

There is no place for that kind of greed in this new economy. There is no place for rising interest rates and record profits at the expense of good working people.

Now, as never before, we must move with urgency to shieldAmerican wage earners against exploitation and ensure that everyone gets a fair deal. This is especially true of those in need, and it is on their behalf that I address this Chamber today.

That is why I support the Credit CARD Act of 2009. This bipartisan legislation will give us the tools to fix a system that allows corporate giants to abuse their customers.

It will bring accountability back to the market and strengthen oversight. It will end abusive practices like hidden fees and sudden rate hikes.

Young consumers will be shielded by a provision that requires an adult to share in every new credit card agreement.

Companies will be required to use plain language instead of manipulative fine print, ending the predatory bait-and-switch tactics that got us into this mess.

Quite simply, this bill will restore fairness, honesty and plain old common sense to the credit card industry.

It will stop companies from changing the rules in the middle of the game,

but it will do nothing to reward irresponsible spenders or penalize companies that operate in good faith. This is essential legislation at a time when the stakes could not be any higher.

We must move quickly to halt unfair and abusive practices that threaten our financial security. America has had enough, and it is time that the members of this Senate stand with our fellow citizens to say that we, too, have had enough.

I urge my colleagues to join with me in passing the Credit CARD Act. We will be voting shortly. Let's pass this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak for no more than 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. BROWN. Mr. President, 15 years ago I sat on the Energy and Commerce Committee in the House of Representatives and listened to seven tobacco executives. It was a famous photograph of these seven tobacco executives who raised their right hands and swore to tell the whole truth and nothing but the truth. They were there to defend their practices and swear under oath that cigarettes and nicotine were not addictive. The president of Philip Morris said, ''I believe nicotine is not addictive.'' The chairman and CEO of R.J. Reynolds Tobacco Company said, ''Cigarettes and nicotine clearly do not meet the classic definition of addiction.'' The president of U.S. Tobacco, the chairman and CEO of Liggett Group, and the chairman and CEO of Brown & Williamson Tobacco Corporation all said, ''I believe that nicotine is not addictive.'' I listened as the president and CEO of American Tobacco said, ''I, too, believe nicotine is not addictive.''

During that hearing, we heard repeatedly that 400,000 Americans die of tobacco-related illnesses; 400,000 Americans every year, more than a thousand people a day, die of tobacco-related illnesses. It occurred to me—as these CEOs raised their right hands, all seven of them in a row, and said tobacco is not addictive, cigarettes aren't addictive—it occurred to me why they were saying that. Simply, if 400,000 of their customers are dying every year, more than 1,000 a day, they need at least 400,000 new customers every year, at least 1,000 a day. So if they are going to get those 400,000 customers, my guess is they are not going to convince the Senator from Illinois—the junior Senator or the senior Senator from Illinois—they are not going to convince me, they are not going to convince most of us who are in our forties, fifties, and sixties to start smoking. They are more likely to aim at the pages who are sitting here who are 15, 16, 17 years old. They are more likely to go after children.

In fact, the Cancer Action Network, the American Cancer Society, did an ad today: 98,000 kids have smoked their first cigarette in the last month. That is why the cigarette companies, the tobacco companies have introduced products such as Camel Orbs, Sticks, and Strips that are aimed at children. That is why they did the Camel No. 9, a very attractive package, trying to get women to smoke; Joe Camel; billboards—until we outlawed them—right by high school campuses and high school buildings.

The fact is, 400,000 Americans die every year from tobacco-related illnesses. Tobacco companies need 400,000 new customers just to break even, just to stay in business. They aim at our children. They go after children who are 12, 13, 14, 15, 16, 17 years old. That is why, under Chairman KENNEDY's leadership with Chairman DODD, today the Health, Education, Labor, and Pensions Committee will begin its deliberations on finally changing the way we regulate tobacco, giving the authority to the Food and Drug Administration. It is the right way to go. By this time on Thursday, I hope, certainly by Friday, we should have legislation voted out of that committee, ready to take action. It is about time this body stood up to the tobacco interests and did what is right for our children.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Madam President.

SMALL BUSINESS WEEK

Ms. LANDRIEU. Madam President, I know we are trying to finalize the debate on the underlying credit card improvement bill and support for consumers with personal credit cards. But I thought I would take a moment to come to the floor to speak to the fact that this week is Small Business Week in America. All over our country we are celebrating the entrepreneurial spirit of the over 26 million small businesses in America that serve as a backbone of our economy.

Just yesterday, I was with Administrator Karen Mills of the Small Business Administration, as she opened Small Business Week at one of the local hotels here, where there are hundreds of small business owners receiving awards from all our States for the extraordinary work they have done in opening, starting, and building their businesses, at even these challenging times. In a few minutes, I will be joining her for lunch, as we hand out awards to some of the most innovative small businesses in the world today, not just in America but in the world. It is exciting that many of these small business owners are with us in Washington this week.

So I have come to the floor to speak about our business owners, some of the challenges they are facing, and to acknowledge there will be a resolution we are asking to be cleared this week in honor of these millions of firms.

I say to the Presiding Officer, as you know, Main Street firms pump almost $1 trillion into our economy every year, creating two-thirds of all new jobs, and account for more than half America's workforce. Sometimes when people see corporations and businesses and they read the headlines about General Motors, GE, or other large companies—Exxon, Shell come to mind—those are good examples of national and international companies, but they are not necessarily examples of where all the jobs are, contrary to common belief.

The jobs are hard to see sometimes because they are in small places; in neighborhoods and on main streets and farm roads and on farm-to-market roads throughout our country; they are with small entrepreneurs employing themselves and maybe two or three other people or themselves and maybe 10 or 15 other people. They are building the backbone of the American free enterprise system.

These are the family businesses throughout the country whose thread still weaves the American dream—the dream of working for yourself, being your own boss, setting your own hours, never working less than you would probably at a large company, always working more but being quite rewarding, with a business you can pass down to your children and grandchildren who earn their way in the business. This is what keeps the spirit of America going forward.

These are the businesses we honor this week. They are the technological startups that produce cutting-edge, clean energy sources, lifesaving medical advances, and provide safer equipment for our troops, protecting our way of life. They are the construction companies that build new schools and better homes and businesses that fix our roads and our bridges.

These are the small business entrepreneurs out there whom we honor this week.

As the Presiding Officer and our other colleagues know, small businesses are in a world of hurt. They are in trouble. They are in very troubled waters, in very difficult times.

As America's consumers pinch pennies to pay the bills, small business owners scramble to pay their own bills. Entrepreneurs are, unfortunately, being turned away from many traditional sources of capital financing. Many of these small businesses have never, in their history of business, missed a payment or been late on a payment. Yet we are hearing some very sad and troubling stories in the Small Business Committee, such as that of Robert Cockerham, whose wife, I believe, was with him, if my memory serves. He is a car dealer. He took his life savings and started Car World. Similar to many business owners, he put everything into this business. He became one of the highest selling dealerships in New Mexico. It was an exciting opportunity for him and his family. But yet, as this recession has unfolded, he was forced to close some of his dealerships and lay off workers. He thought most of his tough decisions were behind him, only to find that a bank came in and constricted his line of credit. Again, he had never missed a payment or been late. Unfortunately, now his business is in a very dire situation.

That is why it is important for us to press forward on everything we can, through the Small Business Administration, through the stimulus package, trying to reach business owners such as this who have not done anything wrong. They have simply gotten caught up in one of the worst economic downturns in recent memory. We need to do more, and we will. That is what our efforts are here today, as in the previous weeks, and hopefully in the weeks to come.

I am proud to say we have taken some important steps. But we need to do so much more. The American Recovery and Reinvestment Act took bold steps to increase access to capital for our Nation's entrepreneurs. In the Small Business Committee, we worked to temporarily eliminate fees on SBA-backed loans. I am proud to report the week that new rule went into effect, we saw an immediate uptick of 25 percent in new loans being made through the SBA because of the temporary elimination of those fees.

The Recovery Act has helped to stimulate new lending and will, hopefully, continue to do so. We think, based on what is in the Recovery Act, it will pump about $16 billion in new loans and venture capital into small businesses in America.

I continue to be concerned, however, about the road ahead for so many of our small businesses, not only in New York, the State the Presiding Officer represents, but in Louisiana as well, where our unemployment rate, thankfully, is lower than the average but, nonetheless, our businesses are struggling.

We must double our efforts. I wish to work with my colleagues in the House to reauthorize the Small Business Administration and its critical programs. These initiatives have assisted entrepreneurs in starting and growing their businesses and were responsible, according to our records, for 1.5 million jobs being created or sustained last year.

One of these small business owners is Bob Baker, the owner of Baker Sales, a pipe and fence distributor in Louisiana and the State's Small Business Owner of the Year.

I met Bob Baker yesterday. He encourages his employees to take advantage of the free classes the local Small Business Development Center offers. He has taken advantage of the center's counseling to cope with financial difficulties.

These days, Bob reports he is doing better than most small business owners. He has stabilized his line of credit at a local Chase Bank, but he knows right now he cannot expand because of the current situation.

But let me say, if we are going to pull out of this recession—I believe we will—it is going to be because small business pulls us out, not the giant corporations, not the multinationals but the intrepid entrepreneurs who will put their face to the wind and move forward, even in difficult times.

The least we can do is reauthorize our Small Business Administration, make it as robust and effective and agile and muscular as possible, to give them the help they need.

To help Bob Baker, to help Robert Cockerham, and small business owners such as them who have testified before our committee, let us redouble our efforts to get our work done.

In conclusion, we must also make sure the billions of dollars in stimulus money are moving to small businesses, as required by law. I will be having a hearing this week in my committee, and I wish to thank so many of my members, particularly Senator SHAHEEN, Senator HAGAN, and Senator CARDIN, who have been particularly aggressive in this effort. I thank them very much.

Again, it is Small Business Week. Pat a small businessperson on the back. Thank him or her for doing his or her work because this will be the group who leads America back to strength.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask unanimous consent to be able to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

USURY

Mr. SANDERS. Madam President, I am assuming today we are, in fact, going to vote on the credit card legislation, which is a very important step forward in beginning to address some of the outrages the large banks and credit card industry are perpetrating on the American people.

A few weeks ago, I asked folks on my mailing list to tell me what credit card companies are doing to them. Within 3 days, we had over 5,000 responses, and many of these responses were hair-raising. People have seen their interest rates on their credit cards double, triple. People are now paying 25 or 30 percent interest rates, which to my mind is unacceptable.

The issue we are dealing with on credit cards is something I have been involved in for many years. I was a member of the Financial Services Committee in the House of Representatives in 2003. We introduced legislation entitled the ''Credit Bait and Switch Prevention Act,'' which deals with many of the same issues that, in fact, we are going to be dealing with today. So it has taken us a little bit of time to get to where we are, but I think it is a step forward.

What I do wish to say is, while the legislation we are passing today is important—and it is a very good piece of legislation; I congratulate Chairman DODD for his work on it—it does not go far enough. One of the areas where it is not going anywhere near as far as it should be is finally addressing the issue of usury in the United States of America and making a moral determination whether it is acceptable, whether it is moral for banks to be charging Americans 25 or 30 percent interest rates and, in some cases, in terms of payday lending, significantly higher than that. Is that what we want to be doing as a nation? What I would like to do now is briefly read from what I thought was a very thoughtful article by Arianna Huffington in the Huffington Post, where she touches on the issue of usury, which is an issue we have to address.

This is what she says:

Throughout history, usury has been decried by writers, philosophers, and religious leaders.

Aristotle called usury the ''sordid love of gain,'' and a ''sordid trade.''

Thomas Aquinas said it was ''contrary to justice.''

In The Divine Comedy Dante assigned usurers to the seventh circle of hell.

Deuteronomy 23:19 says, ''thou shalt not lend upon usury to thy brother.''

Ezekiel 18:10 compares a usurer to someone who ''is a thief, a murderer . . . defiles the wife of his neighbor, oppresses the poor and needy, commits robbery, does not give back a pledge, raises his eyes to idols, does abominable things.''

The Koran is equally unequivocal: ''God condemns usury.'' And it goes on to say that ''those who charge usury are in the same position as those controlled by the devil's influence.''

In other words, throughout history, and in all the major religions, usury has been condemned. What civilization has said is that it is simply wrong and immoral for those people who have

money to take advantage of those people who need that money by charging them outrageously high interest rates. In my view, interest rates of 25, 30, 35, 50 percent are outrageous and it is usury, and it is time the Senate address those issues.

Up until the late 1970s—

and I am quoting Arianna Huffington again—

America's laws followed suit, keeping interest rates in check.

Then, in 1979, a Supreme Court ruling allowed banks to charge the top interest rate allowed by the State where a bank is incorporated as opposed to the borrower's home State. Hoping to lure banks' business, States like South Dakota and Delaware repealed their usury laws—and off we went.

That same year, Congress passed the Depository Institutions Deregulation and Monetary Control Act which, among other things, allowed federally chartered savings banks and loan companies to charge any interest rates they chose—putting us on the path that led us to today, where banks routinely gouge their most vulnerable customers.

So here is where we are today. The bottom line is we are going to pass a bill that is long overdue. It is a good bill. I commend Chairman DODD for his hard work. It is an important step forward in protecting consumers. But I am going to be back on this issue of usury. In the United States of America, we have to finally tell banks and credit card companies it is simply not acceptable to charge people 25, 30, 35 percent interest rates. We have to end that abominable practice, and I intend to be playing an active role in that.

I ask unanimous consent that the article to which I have been referring be printed in the RECORD.

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

(From the Huffington Post, May 18, 2009)

OBAMA CALLS FOR AN EXTREME MAKEOVER OF OUR CULTURE: ARE THE CREDIT CARD COMPANIES LISTENING?

(By Arianna Huffington)

In his masterful commencement speech at Notre Dame this weekend, President Obama took his campaign theme of Change to a whole new level, telling the graduates—and the rest of us—that we find ourselves at ''a rare inflection point in history where the size and scope of the challenges before us require that we remake our world to renew its promise.''

So, as we stand at this inflection point and gradually move from what Jonas Salk called Epoch A (our survival-focused past) to Epoch B (our meaning-focused future), we have to ask ourselves what this remade world will look like—and what steps we need to take to get there.

At Notre Dame, Obama offered a devastating teardown of Epoch A and its ''economy that left millions behind even before this crisis hit—an economy where greed and short-term thinking were too often rewarded at the expense of fairness, and diligence, and an honest day's work.''

The problem, according to the president: ''Too many of us view life only through the lens of immediate self-interest and crass materialism; in which the world is necessarily a zero-sum game. The strong too often dominate the weak, and too many of those with wealth and power find all manner of justification for their own privilege in the face of poverty and injustice.''

The president should email his speech to Wall Street. And while he's at it, he should also blast it out to the people running the giant pharmaceutical companies, the ones who knowingly allow deadly drugs to remain on the shelves; to the people running chemical plants releasing deadly toxins into the water and air; to the factory farmers filling our food with steroids and additives; to the dentists exposed for trading their Hippocratic oath for profit by performing unnecessary surgeries on children.

And he should definitely send it to the credit card companies, which, faced with customers choking on debt and forced to use their credits cards to pay for essentials like food and medical care, respond by jacking up interest rates and tacking on penalties and fees. Even as credit card defaults reached record levels in April.

As we move to Epoch B, we need to ask ourselves: do we want to continue living in a world where banks can gouge their customers with sky-high interest rates?

The Senate seems to think so. Last week it voted down a measure introduced by Bernie Sanders that would cap interest rates at 15 percent. And it wasn't even close. Sanders' amendment only got 33 votes, with 22 Democrats joining those who voted against the interests of their constituents (a shout out to Sen. Grassley, the lone Republican to vote for the amendment).

''When banks are charging 30 percent interest rates, they are not making credit available,'' said Senator Sanders. ''They are engaged in loan sharking.'' Also known as usury.

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According to Elizabeth Warren, credit card companies ''have switched from the notion of 'I'll lend you money because I think you'll be able to repay and we'll find a reasonable rate for doing that' over to a tricks and traps model . . . The job is to trick people and trap them and that' s how you boost profits.''

This profit-uber-alles mindset is why the banking industry, looking at the world through what Obama described as the ''lens of immediate self-interest and crass materialism,'' is fighting tooth and nail against the Senate's new credit card reform bill that is set to come up for a vote this week (the industry already having spent $42 million on lobbying this year alone). Although, to hear the bankers' lobbyists tell it, all they really want is what is best for the consumer.

''It is vitally important for policymakers to get the right balance of better consumer protection while not jeopardizing access to credit and the credit markets,'' said Ken Clayton of the American Bankers Association. ''We are very worried that the Senate bill fails to achieve this balance, to the detriment of American consumers.''

Yes, I'm sure they are losing a lot of sleep worrying about American consumers. But the problem for most consumers isn't getting access to credit cards (see the endless credit card come-ons clogging our mailboxes). It's being hammered with 36 per cent interest rates for missing a single payment or bombarded with a never-ending array of fees (lenders raked in over $18 billion on penalties and fees alone in 2007).

In any case, the Senate bill, while definitely a step in the right direction (and even tougher than the measure the House passed in April), will, with a few worthy differences, impose the same limits on the credit card industry as the new rules passed by the Fed in December. And, like the new Fed regulations, the Senate legislation won't take effect for close to a year.

Don't get me wrong: having the president sign the bill into law will send the right message to the banking industry (important after the cramdown debacle) and offer added protection against a future Fed chairman arbitrarily rolling back the new rules.

But if the new rules are important enough to consumers for Congress to enshrine them into law, why not make them effective immediately? As Obama said at last week's town hall meeting on credit cards, the predatory practices of the credit industry have ''only grown worse in the middle of this recession, when people can afford them least.'' Almost a year is too long to wait when people are struggling—and being bled dry.

''Both the politicians and the regulators are riding in like the cavalry, and the settlers are already dead,'' David Robertson, publisher of the Nilson Report, a newsletter that monitors the credit card industry, told the Washington Post.

As HuffPost's Ryan Grim reported, Obama has been much more involved with the credit card bill than he was with the anti-foreclosure legislation. But, given the impassioned case he made at Notre Dame and his call to ''align our deepest values and commitments to the demands of a new age,'' he should take it one step further and throw his weight behind Sanders' effort to limit usurious interest rates.

Just because it didn't pass doesn't mean it's dead. History is filled with causes that took many battles before they were victorious (women's suffrage, the Voting Rights Act, the Clean Air Act, the American with Disabilities Act, etc., etc., etc.).

Our deepest values and commitments are certainly being put to the test. Questions we thought had been settled for hundreds of years are suddenly back on the table. Are we a country that tortures or not? Are we a country that financially tricks and traps millions of vulnerable working families, binding them to the whims of bankers who have lost all sight of fairness?

Appearing on Real Time with Bill Maher, Elizabeth Warren put the question this way:

''This is really about whether we have a government that just recedes and says, in effect, 'Hey, the strong can take from everybody, they can write these [rules] however

they want . . .we can have a totally broken market that makes a few people very rich and robs the rest of them. Or you can write a set of rules that says, 'You know, it's just gotta be kind of level out there.' . . . Everything we have, your shoes, your clothes, the water you drink, the air you breathe, we have basic safety rules in the United States. . . . But we don't have them for consumer credit products.''

Heading into Epoch B, and seeing the devastation all around us here at the tail end Epoch A, can anyone—other than the banking lobby, that is—argue that we shouldn't?

The moment to act is now. Inflection points in history don't come along very often.

Mr. SANDERS. I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 627, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Pending:

Dodd/Shelby amendment No. 1058, in the nature of a substitute.

Landrieu modified amendment No. 1079 (to amendment No. 1058), to end abuse, promote disclosure, and provide protections to small businesses that rely on credit cards.

Collins/Lieberman modified amendment No. 1107 (to amendment No. 1058), to address stored value devices and cards.

Lincoln amendment No. 1126 (to amendment No. 1107), to amend the Federal Deposit Insurance Act with respect to the extension of certain limitations.

AMENDMENT NO. 1130 TO AMENDMENT NO. 1058

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I ask unanimous consent that the managers' amendment, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 1130) was agreed to.

Mr. DODD. Madam President, I ask that the previous order regarding the cloture vote commence.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dodd-Shelby substitute amendment No. 1058 to H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Harry Reid, Christopher J. Dodd, Bill Nelson, Richard Durbin, Debbie Stabenow, Patrick J. Leahy, Patty Murray, Amy Klobuchar, Russell D. Feingold, Mark R. Warner, Jon Tester, Mark Begich, Mark L. Pryor, Robert P. Casey, Jr., Benjamin L. Cardin, Jack Reed, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1058, the Dodd-Shelby substitute to H.R. 627, the Credit Cardholders' Bill of Rights, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—92

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bennett	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burris	Johanns	Sessions
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden
Durbin	McConnell	

NAYS—2

Kyl	Thune

NOT VOTING—5

Brown	Ensign	Rockefeller
Byrd	Kennedy	

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I ask unanimous consent that it be in order to make a point of order, en bloc, on the pending amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Madam President, I make a point of order, en bloc, that the pending amendments are not germane postcloture.

The PRESIDING OFFICER. The point of order is well taken, and the amendments fall.

DEFERRED INTEREST

Mr. SHELBY. Would the Senator from Connecticut yield to me for the purpose of engaging in a colloquy?

Mr. DODD. Yes, I would be happy to yield.

Mr. SHELBY. A the Senator knows, credit card issuers often offer so-called ''deferred interest'' programs for the benefit of cardholders. To my knowledge, the legislation would not affect the ability to offer these types of programs, is that the Senator's understanding?

Mr. DODD. That is my understanding.

Mr. SHELBY. I appreciate that. For purposes of clarifying the intent of this legislation, I would like to ask an additional question. The legislation includes provisions to prohibit a balance calculation method known as ''two-cycle'' billing. This provision would have the effect of prohibiting the card issuer from assessing interest on balances from the immediately preceding billing cycle as a result of a loss of a grace period. Is it the Senator's understanding that this provision would not affect a credit card issuer's ability to offer deferred interest programs?

Mr. DODD. That is my understanding. It is not the intent of this provision to eliminate deferred interest programs that help consumers. In fact, the payment allocation provisions in the legislation envision the continued availability of such programs.

Mr. SHELBY. I thank the Senator.

Mr. LEAHY. Madam President, it is a mark of the difference between the Senate's agenda last year and the new Senate's agenda this year that we finally are able to debate and move toward a vote on the Credit Card Accountability, Responsibility and Disclosure Act, which I strongly support.

I thank and commend both Senator DODD and Senator SHELBY for their

hard work on this important legislation. The Banking Committee has faced a number of extraordinary challenges this year—stabilizing our financial institutions, rescuing our housing market, rooting out bad actors in the financial system, and restoring consumer confidence in our economy—and I applaud Chairman DODD for the initiative he has taken in tackling these issues and helping ordinary Americans most affected by the current economic downturn.

Over the past 6 months, hundreds and hundreds of Vermonters have contacted my office voicing concerns about deceptive practices by the credit card industry. People have shared stories about credit card companies raising interest rates arbitrarily, charging usurious fees, and refusing to work cooperatively with their clients. Most troubling, the biggest offenders appear to be large, national banks that gladly accepted the mercy of taxpayer bailout money when they were in trouble yet show little compassion now when their customers are struggling.

In today's economy, Americans need credit that is accessible, affordable, and dependable. Unfortunately, our current credit card system disadvantages many Americans and makes it harder for them to pay off their debt. Credit card contracts have been growing increasingly complicated, deceptively worded, and unfairly stacked against consumers. The time is long overdue for more transparent and equitable credit card practices—which I why I was an early cosponsor of this bill and why I am very pleased that the Senate at last is able to move forward in considering and voting on it.

This bill puts fairness and common sense back into the credit card system by changing several unfair billing, marketing, and disclosure practices. Among its many important provisions, the bill prohibits interest charges on credit card debt that is paid on time; requires a 45-day notice of any fee or interest rate changes; prohibits interest charges on credit card transaction fees such as late fees; prohibits overlimit fees unless a consumer opts into the program; requires enhanced disclosure to consumers regarding the consequences of making only minimum payments; protects younger consumers from alluring and usurious credit card offers; and requires promotional rates to last at least 6 months.

I also am gratified that we now have a President who is taking consumers' needs to heart and who has supported our efforts to move this bill forward. These significant credit card reforms will protect consumers from excessive penalties, ever-changing interest rates, and complex contracts. So once again, I want to thank Chairman DODD and Ranking Member SHELBY for bringing forward this important, bipartisan legislation. I believe it will go a long way toward relieving Vermonters who, like Americans everywhere, have had to endure the dictates of credit card issuers when it comes to the onerous and unfair terms in these contracts.

Ms. MIKULSKI. Madam President, I strongly support the Credit Card Accountability, Responsibility, and Disclosure Act.

This legislation is about protecting American families. Credit card companies have been pushing schemes and scams for years. This legislation beefs up regulations and enforcement to help consumers avoid them. And it makes it easier for families to pay down their bills and get out of debt.

I support this legislation because heart and soul I am a regulator and a reformer. Over and over, I have voted for more teeth and better regulation because I believe government should be on the side of the people. I was one of nine Senators to vote against the deregulation that led to casino economics and caused the economic crisis we are fighting to get through today. From tainted dog food to toxic securities, we've seen the consequences of a lax regulatory culture and wimpy enforcement, which is why I have fought against it at every turn.

We need to get back to basics. For too long we have let credit card companies get away with schemes and scams. We relaxed the rules and allowed the whales and the sharks to grow bigger and fiercer. I am on the side of the minnows. We need to regulate the whales and the sharks. We need to stop the scamming and the scheming.

American families are worried about their jobs. They are worried about their health care. They are worried about their kids' school. They shouldn't have to worry about unfair credit card practices.

People who saved for their retirement, those who've been faithful in paying their mortgage, those who have worked hard to pay for college are wondering, ''What is going on? The cost of groceries and health care and energy are going up and my pay check, if I'm lucky enough to still have one, is going down. Where's my bailout?''

No wonder my constituents are mad as hell. They have watched Wall Street executives pay themselves lavish salaries. They have watched them engage in irresponsible lending practices. They have watched them do casino economics, gambling on risky investment mechanisms. And now those same banks who are asking my constituents for a bailout with one hand are raising interest rates for no reason, and charging exorbitant fees with the other hand.

Well, my constituents are mad as hell and so am I. I want them to know that I am on their side. I am fighting to get government back on the side of the people who need it. We need to look out for the public good, not private profits.

The banks on Wall Street have been busy in the past 10 years. At the same time they were inventing new ways to make risky loans and engage in casino economics, they were also figuring out how to get American consumers in debt traps, and keep them there by raising interest rates, charging fees, and marketing to consumers who didn't know any better.

They have been raising interest rates on consumers for no reason, and applying the higher interest rates retroactively.

They have been charging fees without any legitimate purpose—and then charging interest on top those unfair fees.

And they have been marketing their products to college students who they knew couldn't afford the credit they were providing.

This has led to a massive unsustainable debt increase for too many families. It has made it almost impossible for some to get out of debt even though they have acted responsibly, and it's led to too many students graduating college with thousands of dollars in credit card debt but no steady paycheck.

This legislation says no more.

No more raising interest rates for no reason and with no notification.

No more applying higher interest rates to balances that have already been paid off.

No more unfair sky-high fees with no recourse for the consumer.

And no more targeting college kids to weigh them down with debt before they even graduate.

These reforms will give families in debt the opportunity to get out, it will lower monthly credit card bills, and it will help consumers avoid the predatory debt traps that are the problem in the first place.

We need to fight for the middle class. We need to fight for the people who play by the rules.

And we need a major attitude adjustment.

Congress is trying to stand up for the middle class, for our constituents who are asking, ''Where is my bailout?''

But the banks and financial industry continue to stand in the way. We have given them hundreds of billions in bailouts. But there is no sense of gratitude. There is no sense of gratitude that the waitress, that the single mother, that the farmer, that the firefighter is willing to do their part. And there is no willingness to help out those who have stepped up.

There is no gratitude, no remorse, no promise to sin no more, no ''let's make amends.'' Instead, they pay themselves lavish salaries, bonuses and perks, like lavish spa retreats, and they fight tooth and nail against our efforts to help the very people who are now paying their salaries.

Wall Street is bankrupt—both on its balance sheets and in its attitude towards the American consumer. I am proud to stand with Chairman DODD and Senator SHELBY as we put government back on the side of the people who need it. These reforms have been a long time coming; I am proud to stand in support of this bill today and urge

my colleagues to vote in favor of it as well.

SENATOR LEVIN'S 11,000TH VOTE

Mr. REID. Madam President, in just a few minutes, one of our most distinguished colleagues has marked another milestone. The senior Senator from Michigan, CARL LEVIN, is going to shortly cast his 11,000th vote. How fitting that this landmark vote, like so many before it, will be cast in favor of protecting American families, hard-working American families.

We have all had the honor of serving with and getting to know CARL LEVIN. I personally have known him for a long time. I first met him in 1985. What stands out more than any other time in the dealings I have had with Senator LEVIN—and there have been lots of them—is the first time I met with him, in his office in the Russell Building. I was over there to talk about my running for the Senate. I had the good fortune of working for a number of years with his brother, Sandy, in the House. We came together to the House of Representatives.

At the beginning of the conversation, I said: CARL, I served with your brother, Sandy. We came together. He is a wonderful man.

CARL LEVIN, sitting at his desk, looked up at me and said: Yes, he is my brother, but he is also my best friend.

That is CARL LEVIN.

Before Senator LEVIN became one of our most brilliant legislators in the history of this country, he was a brilliant lawyer and a law professor. Senator LEVIN graduated from Detroit's public schools, Swarthmore College, and Harvard Law School before embarking on a remarkable career.

He has held many titles over the many years he has done public service, but each shares a common theme—serving his community and his country. He has been Michigan's assistant attorney general, the first general counsel for the Michigan Civil Rights Commission, a founder and leader in the Detroit Public Defender's Office, and president of the Detroit City Council.

His attention to detail is second to none, and we all know that. As I say, he is my Harvard nitpicker. He is such a great lawyer, has such a great legal mind. I can remember times when I have not been able to be here on the floor—Senator Daschle was the same way—and we had to call Senator LEVIN to make sure there was nothing we missed because anytime he puts his stamp of approval on something, it has been reviewed and reviewed in his great mind. His leadership is just as strong. He has been the top Democrat on the Senate Armed Services Committee since 1997. He has ably led that panel in both times of war and peace.

There are, of course, many important votes among those 11,000, but the one most recently in my mind is he voted aye for the Wounded Warrior Act, which he shepherded through the Senate in the face of veto threats, to make sure our troops and our veterans get the care they deserve on the battlefield and also when they come home. Off the Senate floor, CARL LEVIN led a groundbreaking investigation into the Enron collapse that opened America's eyes to the corporate abuses that hurt so many hard-working Americans.

More than many Americans, those across Michigan face significant struggles every day. If I lived in Detroit or Lansing or Grand Rapids, there is no one I would rather have looking out for me and helping me to get through this difficult time than CARL LEVIN. CARL LEVIN has served Michigan in the Senate longer than anyone in Michigan's history. Few would argue that anyone has done it with more passion and principle and precision than CARL LEVIN—as he approaches every issue.

I know Senator LEVIN's wife Barbara. She is a wonderful partner of Carl Levin. Also, for those Democrats, we know she can also sing.

Your wife Barbara is the best. We compliment you on raising such wonderful children—Kate, Laura, and Erica. They, your five grandchildren, and, of course, your best friend, Congressman SANDER LEVIN, join me in congratulating you on this latest accomplishment.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I join my friend, the majority leader, in recognizing our friend for his distinguished achievement. I would say to my friend from Michigan, only 20 Senators in history have cast more votes now than CARL LEVIN. But probably even fewer have been as unassuming as the senior Senator from Michigan.

Over the years, he has impressed all his colleagues by his dogged commitment to the people of Michigan, and in particular, to the manufacturers and laborers in his home State. For many of us, he has become the face of Michigan.

A product of the Detroit public school system, Senator LEVIN graduated from Central High School in Detroit, Swarthmore College, and Harvard Law School, before returning to Detroit to practice law.

He held a number of public offices in Detroit before becoming president of the Detroit City Council. In 1978, he was elected to the U.S. Senate in an upset victory over the incumbent Republican.

Four years later, Senator LEVIN was joined in Congress by his brother and his best friend, SANDER. Apparently, people still sometimes confuse the two of them . . . so it is probably a good thing they get along so well.

The people of Michigan have been happy with Senator LEVIN's work here in the Senate: they have sent him back five times, including this past November. His hometown paper calls him a principled leader and personally above reproach.

We have seen Senator LEVIN's commitment to his State in a vivid way over the past several months, as automakers have struggled to stay afloat. We have seen him work with Members on both sides to help automakers, and we've seen him outside the Capitol showing solidarity with workers. He is committed to his State, and he shows it.

Senator LEVIN has fought hard for environmental causes. In 1990, he authored the Great Lakes Critical Programs Act to create new standards of environmental protection for the Great Lakes. He also helped win passage of the Great Lakes Legacy Program to clean up contaminated sediments.

Outside Michigan, most people probably associate Senator LEVIN with his distinguished tenure on the Senate Armed Services Committee, where he has earned a reputation as a strong supporter of our Nation's service men and women. It was because of Senator LEVIN's work on this committee that he received the Navy's highest award for a civilian a few years ago for distinguished service to the Navy and Marine Corps.

(Applause.)

The PRESIDING OFFICER. The junior Senator form Michigan is recognized.

Ms. STABENOW. Madam President, I also have to rise and thank my friend and partner and senior Senator from Michigan on behalf of everyone in Michigan. We could not be more proud of his work every day: keeping us safe, supporting the troops, fighting for veterans, the work he has done on the credit card bill that is in front of us. The fact that he has been the champion for the auto industry and autoworkers and workers across America as well as our State is something of which we are very proud.

There is no one better. With a wonderful family—Barbara and the girls and the grandkids. I am very proud to have the honor of partnering with Senator CARL LEVIN.

Congratulations.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, first let me thank my dear friend, the majority leader, for his extraordinarily generous, warmhearted comments, and including my family. As he indicated, it is so important to me.

I also thank Senator MCCONNELL. Thank you so much for your gracious comments, Senator MCCONNELL, and to my dear colleague from Michigan, Senator STABENOW.

The only thing more important to me than the 11,000 votes—which seem to be just like 30 years ago when it began—is the friendships that have formed here, the hundreds of friendships that far surpassed the 11,000 votes. I thank all of my colleagues for their friendship.

I can't think of a better vote to cast for this 11,000th vote than a vote on the bill shepherded through by my friend CHRIS DODD. To me, this vote has tremendous meaning—not only for the

work that has gone into it in our subcommittee over the years, but to be connected with a Dodd-Shelby vote, and Senator DODD's incredible effort to get this passed, makes this a special treat.

Thank you all very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as amended, is agreed to.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. DODD. Madam President, I will reserve my remarks until after the vote. I know my colleagues want to vote. I thank my colleagues—Senator SHELBY, the leadership—for bringing us to this moment. This is a very important bill. We would not have gotten here without a tremendous amount of cooperation. This is a good moment for all the people in our country and a good moment for consumers.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote ''yea.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

The PRESIDING OFFICER (Mr. REED). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—90

Akaka	Dodd	Lincoln
Barrasso	Dorgan	Lugar
Baucus	Durbin	Martinez
Bayh	Enzi	McCain
Begich	Feingold	McCaskill
Bennet	Feinstein	McConnell
Bingaman	Gillibrand	Menendez
Bond	Graham	Merkley
Boxer	Grassley	Mikulski
Brown	Gregg	Murkowski
Brownback	Hagan	Murray
Bunning	Harkin	Nelson (NE)
Burr	Hatch	Nelson (FL)
Burris	Hutchison	Pryor
Cantwell	Inhofe	Reed
Cardin	Inouye	Reid
Carper	Isakson	Risch
Casey	Johanns	Roberts
Chambliss	Kaufman	Sanders
Coburn	Kerry	Schumer
Cochran	Klobuchar	Sessions
Collins	Kohl	Shaheen
Conrad	Landrieu	Shelby
Corker	Lautenberg	Snowe
Cornyn	Leahy	Specter
Crapo	Levin	Stabenow
DeMint	Lieberman	Tester
Udall (CO)	Voinovich	Whitehouse
Udall (NM)	Warner	Wicker
Vitter	Webb	Wyden

NAYS—5

Alexander	Johnson	Thune
Bennett	Kyl	

NOT VOTING—4

Byrd	Kennedy
Ensign	Rockefeller

The bill (H.R. 627), as amended, was passed, as follows:

H.R. 627

Resolved, That the bill from the House of Representatives (H.R. 627) entitled ''An Act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.'', do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Credit Card Accountability Responsibility and Disclosure Act of 2009'' or the ''Credit CARD Act of 2009''.

(b) TABLE OF CONTENTS.—

The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Regulatory authority.
Sec. 3. Effective date.

TITLE I—CONSUMER PROTECTION

Sec. 101. Protection of credit cardholders.
Sec. 102. Limits on fees and interest charges.
Sec. 103. Use of terms clarified.
Sec. 104. Application of card payments.
Sec. 105. Standards applicable to initial issuance of subprime or ''fee harvester'' cards.
Sec. 106. Rules regarding periodic statements.
Sec. 107. Enhanced penalties.
Sec. 108. Clerical amendments.
Sec. 109. Consideration of Ability to repay.

TITLE II—ENHANCED CONSUMER DISCLOSURES

Sec. 201. Payoff timing disclosures.
Sec. 202. Requirements relating to late payment deadlines and penalties.
Sec. 203. Renewal disclosures.
Sec. 204. Internet posting of credit card agreements.
Sec. 205. Prevention of deceptive marketing of credit reports.

TITLE III—PROTECTION OF YOUNG CONSUMERS

Sec. 301. Extensions of credit to underage consumers.
Sec. 302. Protection of young consumers from prescreened credit offers.
Sec. 303. Issuance of credit cards to certain college students.
Sec. 304. Privacy Protections for college students.
Sec. 305. College Credit Card Agreements.

TITLE IV—GIFT CARDS

Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
Sec. 402. Relation to State laws.
Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Study and report on interchange fees.
Sec. 502. Board review of consumer credit plans and regulations.
Sec. 503. Stored value.
Sec. 504 Procedure for timely settlement of estates of decedent obligors.
Sec. 505. Report to Congress on reductions of consumer credit card limits based on certain information as to experience or transactions of the consumer.
Sec. 506. Board review of small business credit plans and recommendations.
Sec. 507. Small business information security task force.
Sec. 508. Study and report on emergency pin technology.
Sec. 509. Study and report on the marketing of products with credit offers.
Sec. 510. Financial and economic literacy.
Sec. 511. Federal trade commission rulemaking on mortgage lending.
Sec. 512. Protecting Americans from violent crime.
Sec. 513. GAO study and report on fluency in the English language and financial literacy.

SEC. 2. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System (in this Act referred to as the ''Board'') may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 9 months after the date of enactment of this Act, except as otherwise specifically provided in this Act.

TITLE I—CONSUMER PROTECTION

SEC. 101. PROTECTION OF CREDIT CARDHOLDERS.

(a) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—

(1) AMENDMENT TO TILA.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(i) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—

''(1) ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of an increase in an annual percentage rate (except in the case of an increase described in paragraph (1), (2), or (3) of section 171(b)) not later than 45 days prior to the effective date of the increase.

''(2) ADVANCE NOTICE OF OTHER SIGNIFICANT CHANGES REQUIRED.—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of any significant change, as determined by rule of the Board, in the terms (including an increase in any fee or finance charge, other than as provided in paragraph (1)) of the cardholder agreement between the creditor and the obligor, not later than 45 days prior to the effective date of the change.

''(3) NOTICE OF RIGHT TO CANCEL.—Each notice required by paragraph (1) or (2) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account pursuant to rules established by the Board before the effective date of the subject rate increase or other change.

''(4) RULE OF CONSTRUCTION.—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full or through a method that is less beneficial to the obligor than one of the methods described in section 171(c)(2), or the imposition of any other penalty or fee.''.

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 127(i) of the Truth in Lending Act, as added by this subsection, shall become effective 90 days after the date of enactment of this Act.

(b) RETROACTIVE INCREASE AND UNIVERSAL DEFAULT PROHIBITED.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

''SEC. 171. LIMITS ON INTEREST RATE, FEE, AND FINANCE CHARGE INCREASES APPLICABLE TO OUTSTANDING BALANCES.

''(a) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection (b).

''(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to—

''(1) an increase in an annual percentage rate upon the expiration of a specified period of time, provided that—

''(A) prior to commencement of that period, the creditor disclosed to the consumer, in a clear and conspicuous manner, the length of the period and the annual percentage rate that would apply after expiration of the period;

''(B) the increased annual percentage rate does not exceed the rate disclosed pursuant to subparagraph (A); and

''(C) the increased annual percentage rate is not applied to transactions that occurred prior to commencement of the period;

''(2) an increase in a variable annual percentage rate in accordance with a credit card agreement that provides for changes in the rate according to operation of an index that is not under the control of the creditor and is available to the general public;

''(3) an increase due to the completion of a workout or temporary hardship arrangement by the obligor or the failure of the obligor to comply with the terms of a workout or temporary hardship arrangement, provided that—

''(A) the annual percentage rate, fee, or finance charge applicable to a category of transactions following any such increase does not exceed the rate, fee, or finance charge that applied to that category of transactions prior to commencement of the arrangement; and

''(B) the creditor has provided the obligor, prior to the commencement of such arrangement, with clear and conspicuous disclosure of the terms of the arrangement (including any increases due to such completion or failure); or

''(4) an increase due solely to the fact that a minimum payment by the obligor has not been received by the creditor within 60 days after the due date for such payment, provided that the creditor shall—

''(A) include, together with the notice of such increase required under section 127(i), a clear and conspicuous written statement of the reason for the increase and that the increase will terminate not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments on time from the obligor during that period; and

''(B) terminate such increase not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments on time during that period.

''(c) REPAYMENT OF OUTSTANDING BALANCE.—

''(1) IN GENERAL.—The creditor shall not change the terms governing the repayment of any outstanding balance, except that the creditor may provide the obligor with one of the methods described in paragraph (2) of repaying any outstanding balance, or a method that is no less beneficial to the obligor than one of those methods.

''(2) METHODS.—The methods described in this paragraph are—

''(A) an amortization period of not less than 5 years, beginning on the effective date of the increase set forth in the notice required under section 127(i); or

''(B) a required minimum periodic payment that includes a percentage of the outstanding balance that is equal to not more than twice the percentage required before the effective date of the increase set forth in the notice required under section 127(i).

''(d) OUTSTANDING BALANCE DEFINED.—For purposes of this section, the term 'outstanding balance' means the amount owed on a credit card account under an open end consumer credit plan as of the end of the 14th day after the date on which the creditor provides notice of an increase in the annual percentage rate, fee, or finance charge in accordance with section 127(i).''.

(c) INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended by adding at the end the following:

''SEC. 148. INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.

''(a) IN GENERAL.—If a creditor increases the annual percentage rate applicable to a credit card account under an open end consumer credit plan, based on factors including the credit risk of the obligor, market conditions, or other factors, the creditor shall consider changes in such factors in subsequently determining whether to reduce the annual percentage rate for such obligor.

''(b) REQUIREMENTS.—With respect to any credit card account under an open end consumer credit plan, the creditor shall—

''(1) maintain reasonable methodologies for assessing the factors described in subsection (a);

''(2) not less frequently than once every 6 months, review accounts as to which the annual percentage rate has been increased since January 1, 2009, to assess whether such factors have changed (including whether any risk has declined);

''(3) reduce the annual percentage rate previously increased when a reduction is indicated by the review; and

''(4) in the event of an increase in the annual percentage rate, provide in the written notice required under section 127(i) a statement of the reasons for the increase.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to require a reduction in any specific amount.

''(d) RULEMAKING.—The Board shall issue final rules not later than 9 months after the date of enactment of this section to implement the requirements of and evaluate compliance with this section, and subsections (a), (b), and (c) shall become effective 15 months after that date of enactment.''.

(d) INTRODUCTORY AND PROMOTIONAL RATES.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended by inserting after section 171, as amended by this Act, the following:

''SEC. 172. ADDITIONAL LIMITS ON INTEREST RATE INCREASES.

''(a) LIMITATION ON INCREASES WITHIN FIRST YEAR.—Except in the case of an increase described in paragraph (1), (2), (3), or (4) of section 171(b), no increase in any annual percentage rate, fee, or finance charge on any credit card account under an open end consumer credit plan shall be effective before the end of the 1-year period beginning on the date on which the account is opened.

''(b) PROMOTIONAL RATE MINIMUM TERM.—No increase in any annual percentage rate applicable to a credit card account under an open end consumer credit plan that is a promotional rate (as that term is defined by the Board) shall be effective before the end of the 6-month period beginning on the date on which the promotional rate takes effect, subject to such reasonable exceptions as the Board may establish, by rule.''.

(e) CLERICAL AMENDMENT.—The table of sections for chapter 4 of the Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

''171. Limits on interest rate, fee, and finance charge increases applicable to outstanding balances.
''172. Additional limits on interest rate increases.
''173. Applicability of State laws.''.

SEC. 102. LIMITS ON FEES AND INTEREST CHARGES.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(j) PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.—

''(1) PROHIBITION ON DOUBLE-CYCLE BILLING AND PENALTIES FOR ON-TIME PAYMENTS.—Except as provided in paragraph (2), a creditor may not impose any finance charge on a credit card account under an open end consumer credit plan as a result of the loss of any time period provided by the creditor within which the obligor may repay any portion of the credit extended without incurring a finance charge, with respect to—

''(A) any balances for days in billing cycles that precede the most recent billing cycle; or

''(B) any balances or portions thereof in the current billing cycle that were repaid within such time period.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) any adjustment to a finance charge as a result of the resolution of a dispute; or

''(B) any adjustment to a finance charge as a result of the return of a payment for insufficient funds.

''(k) OPT-IN REQUIRED FOR OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—

''(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, no such fee shall be charged, unless the consumer has expressly elected to permit the creditor, with respect to such account, to complete transactions involving the extension of credit under such account in excess of the amount of credit authorized.

''(2) DISCLOSURE BY CREDITOR.—No election by a consumer under paragraph (1) shall take effect unless the consumer, before making such election, received a notice from the creditor of any over-the-limit fee in the form and manner, and at the time, determined by the Board. If the consumer makes the election referred to in paragraph (1), the creditor shall provide notice to the consumer of the right to revoke the election, in the form prescribed by the Board, in any periodic statement that includes notice of the imposition of an over-the-limit fee during the period covered by the statement.

''(3) FORM OF ELECTION.—A consumer may make or revoke the election referred to in paragraph (1) orally, electronically, or in writing, pursuant to regulations prescribed by the Board. The Board shall prescribe regulations to ensure that the same options are available for both making and revoking such election.

''(4) TIME OF ELECTION.—A consumer may make the election referred to in paragraph (1) at any time, and such election shall be effective until the election is revoked in the manner prescribed under paragraph (3).

''(5) REGULATIONS.—The Board shall prescribe regulations—

''(A) governing disclosures under this subsection; and

''(B) that prevent unfair or deceptive acts or practices in connection with the manipulation of credit limits designed to increase over-the-limit fees or other penalty fees.

''(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a creditor from completing an over-the-limit transaction, provided that a consumer who has not made a valid election under paragraph (1) is not charged an over-the-limit fee for such transaction.

''(7) RESTRICTION ON FEES CHARGED FOR AN OVER-THE-LIMIT TRANSACTION.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit

in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.

''(l) LIMIT ON FEES RELATED TO METHOD OF PAYMENT.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means, unless such payment involves an expedited service by a service representative of the creditor.''.

(b) REASONABLE PENALTY FEES.—

(1) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 149. REASONABLE PENALTY FEES ON OPEN END CONSUMER CREDIT PLANS.

''(a) IN GENERAL.—The amount of any penalty fee or charge that a card issuer may impose with respect to a credit card account under an open end consumer credit plan in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over-the-limit fee, or any other penalty fee or charge, shall be reasonable and proportional to such omission or violation.

''(b) RULEMAKING REQUIRED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, shall issue final rules not later than 9 months after the date of enactment of this section, to establish standards for assessing whether the amount of any penalty fee or charge described under subsection (a) is reasonable and proportional to the omission or violation to which the fee or charge relates. Subsection (a) shall become effective 15 months after the date of enactment of this section.

''(c) CONSIDERATIONS.—In issuing rules required by this section, the Board shall consider—

''(1) the cost incurred by the creditor from such omission or violation;

''(2) the deterrence of such omission or violation by the cardholder;

''(3) the conduct of the cardholder; and

''(4) such other factors as the Board may deem necessary or appropriate.

''(d) DIFFERENTIATION PERMITTED.—In issuing rules required by this subsection, the Board may establish different standards for different types of fees and charges, as appropriate.

''(e) SAFE HARBOR RULE AUTHORIZED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, may issue rules to provide an amount for any penalty fee or charge described under subsection (a) that is presumed to be reasonable and proportional to the omission or violation to which the fee or charge relates.''.

(2) CLERICAL AMENDMENTS.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended—

(A) in the chapter heading, by inserting ''**AND LIMITS ON CREDIT CARD FEES**'' after ''**ADVERTISING**''; and

(B) in the table of sections for the chapter, by adding at the end the following:

''148. Interest rate reduction on open end consumer credit plans.
''149. Reasonable penalty fees on open end consumer credit plans.''.

SEC. 103. USE OF TERMS CLARIFIED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(m) USE OF TERM 'FIXED RATE'.—With respect to the terms of any credit card account under an open end consumer credit plan, the term 'fixed', when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period specified clearly and conspicuously in the terms of the account.''.

SEC. 104. APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through ''Payments'' and inserting the following:

''§ 164. Prompt and fair crediting of payments

''(a) IN GENERAL.—Payments'';

(2) by inserting '', by 5:00 p.m. on the date on which such payment is due,'' after ''in readily identifiable form'';

(3) by striking ''manner, location, and time'' and inserting ''manner, and location''; and

(4) by adding at the end the following:

''(b) APPLICATION OF PAYMENTS.—

''(1) IN GENERAL.—Upon receipt of a payment from a cardholder, the card issuer shall apply amounts in excess of the minimum payment amount first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted.

''(2) CLARIFICATION RELATING TO CERTAIN DEFERRED INTEREST ARRANGEMENTS.—A creditor shall allocate the entire amount paid by the consumer in excess of the minimum payment amount to a balance on which interest is deferred during the last 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.

''(c) CHANGES BY CARD ISSUER.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.''.

SEC. 105. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ''FEE HARVESTER'' CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as amended by this Act, is amended by adding at the end the following new subsection:

''(n) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR 'FEE HARVESTER' CARDS.—

''(1) IN GENERAL.—If the terms of a credit card account under an open end consumer credit plan require the payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) by the consumer in the first year during which the account is opened in an aggregate amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) may be made from the credit made available under the terms of the account.

''(2) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.''.

SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(o) DUE DATES FOR CREDIT CARD ACCOUNTS.—

''(1) IN GENERAL.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month.

''(2) WEEKEND OR HOLIDAY DUE DATES.—If the payment due date for a credit card account under an open end consumer credit plan is a day on which the creditor does not receive or accept payments by mail (including weekends and holidays), the creditor may not treat a payment received on the next business day as late for any purpose.''.

(b) LENGTH OF BILLING PERIOD.—

(1) IN GENERAL.—Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended to read as follows:

''SEC. 163. TIMING OF PAYMENTS.

''(a) TIME TO MAKE PAYMENTS.—A creditor may not treat a payment on an open end consumer credit plan as late for any purpose, unless the creditor has adopted reasonable procedures designed to ensure that each periodic statement including the information required by section 127(b) is mailed or delivered to the consumer not later than 21 days before the payment due date.

''(b) GRACE PERIOD.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.''.

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as amended by this subsection, shall become effective 90 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 4 of the Truth in Lending Act is amended—

(1) by striking the item relating to section 163 and inserting the following:

''163. Timing of payments.''; and

(2) by striking the item relating to section 171 and inserting the following:

''171. Universal defaults prohibited.
''172. Unilateral changes in credit card agreement prohibited.
''173. Applicability of State laws.''.

SEC. 107. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking ''or (iii) in the'' and inserting the following: ''(iii) in the case of an individual action relating to an open end consumer credit plan that is not secured by real property or a dwelling, twice the amount of any finance charge in connection with the transaction, with a minimum of $500 and a maximum of $5,000, or such higher amount as may be appropriate in the case of an established pattern or practice of such failures; or (iv) in the''.

SEC. 108. CLERICAL AMENDMENTS.

Section 103(i) of the Truth in Lending Act (15 U.S.C. 1602(i)) is amended—

(1) by striking ''term'' and all that follows through ''means'' and inserting the following: ''terms 'open end credit plan' and 'open end consumer credit plan' mean''; and

(2) in the second sentence, by inserting ''or open end consumer credit plan'' after ''credit plan'' each place that term appears.

SEC. 109. CONSIDERATION OF ABILITY TO REPAY.

(a) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1666 et seq.), as amended by this title, is amended by adding at the end the following:

''SEC. 150. CONSIDERATION OF ABILITY TO REPAY.

''A card issuer may not open any credit card account for any consumer under an open end

consumer credit plan, or increase any credit limit applicable to such account, unless the card issuer considers the ability of the consumer to make the required payments under the terms of such account.''.

(b) CLERICAL AMENDMENT.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended in the table of sections for the chapter, by adding at the end the following:

''150. Consideration of ability to repay.''.

TITLE II—ENHANCED CONSUMER DISCLOSURES

SEC. 201. PAYOFF TIMING DISCLOSURES.

(a) IN GENERAL.—Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

''(11)(A) A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the amount of interest you pay and the time it takes to repay your balance.', or such similar statement as is established by the Board pursuant to consumer testing.

''(B) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

''(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(ii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 36 months; and

''(iv) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

''(C)(i) Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

''(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

''(D) All of the information described in subparagraph (B) shall—

''(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

''(ii) be placed in a conspicuous and prominent location on the billing statement.

''(E) In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

''(i) contains clear and concise headings for each item of such information; and

''(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

''(F) In prescribing the form of the table under subparagraph (E), the Board shall require that—

''(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

''(ii) the items required to be included in the table shall be listed in the order in which such items are set forth in subparagraph (B).

''(G) In prescribing the form of the table under subparagraph (D), the Board shall employ terminology which is different than the terminology which is employed in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: ''In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or any of paragraphs (4) through (13) of section 127(b).''.

(c) GUIDELINES REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Board shall issue guidelines, by rule, in consultation with the Secretary of the Treasury, for the establishment and maintenance by creditors of a toll-free telephone number for purposes of providing information about accessing credit counseling and debt management services, as required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those nonprofit budget and credit counseling agencies approved by a United States bankruptcy trustee pursuant to section 111(a) of title 11, United States Code.

SEC. 202. REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended to read as follows:

''(12) REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.—

''(A) LATE PAYMENT DEADLINE REQUIRED TO BE DISCLOSED.—In the case of a credit card account under an open end consumer credit plan under which a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment, the periodic statement required under subsection (b) with respect to the account shall include, in a conspicuous location on the billing statement, the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the fee or charge to be imposed if payment is made after that date.

''(B) DISCLOSURE OF INCREASE IN INTEREST RATES FOR LATE PAYMENTS.—If 1 or more late payments under an open end consumer credit plan may result in an increase in the annual percentage rate applicable to the account, the statement required under subsection (b) with respect to the account shall include conspicuous notice of such fact, together with the applicable penalty annual percentage rate, in close proximity to the disclosure required under subparagraph (A) of the date on which payment is due under the terms of the account.

''(C) PAYMENTS AT LOCAL BRANCHES.—If the creditor, in the case of a credit card account referred to in subparagraph (A), is a financial institution which maintains branches or offices at which payments on any such account are accepted from the obligor in person, the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.''.

SEC. 203. RENEWAL DISCLOSURES.

Section 127(d) of the Truth in Lending Act (15 U.S.C. 1637(d)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (1), by striking ''Except as provided in paragraph (2), a card issuer'' and inserting the following: ''A card issuer that has changed or amended any term of the account since the last renewal that has not been previously disclosed or''.

SEC. 204. INTERNET POSTING OF CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 122 of the Truth and Lending Act (15 U.S.C. 1632) is amended by adding at the end the following new subsection:

''(d) ADDITIONAL ELECTRONIC DISCLOSURES.—

''(1) POSTING AGREEMENTS.—Each creditor shall establish and maintain an Internet site on which the creditor shall post the written agreement between the creditor and the consumer for each credit card account under an open-end consumer credit plan.

''(2) CREDITOR TO PROVIDE CONTRACTS TO THE BOARD.—Each creditor shall provide to the Board, in electronic format, the consumer credit card agreements that it publishes on its Internet site.

''(3) RECORD REPOSITORY.—The Board shall establish and maintain on its publicly available Internet site a central repository of the consumer credit card agreements received from creditors pursuant to this subsection, and such agreements shall be easily accessible and retrievable by the public.

''(4) EXCEPTION.—This subsection shall not apply to individually negotiated changes to contractual terms, such as individually modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

''(5) REGULATIONS.—The Board, in consultation with the other Federal banking agencies (as that term is defined in section 603) and the Federal Trade Commission, may promulgate regulations to implement this subsection, including specifying the format for posting the agreements on the Internet sites of creditors and establishing exceptions to paragraphs (1) and (2), in any case in which the administrative burden outweighs the benefit of increased transparency, such as where a credit card plan has a de minimis number of consumer account holders.''.

SEC. 205. PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.

(a) PREVENTING DECEPTIVE MARKETING.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following:

''(g) PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.—

''(1) IN GENERAL.—Subject to rulemaking pursuant to section 205(b) of the Credit CARD Act of 2009, any advertisement for a free credit report in any medium shall prominently disclose in such advertisement that free credit reports are available under Federal law at: 'AnnualCreditReport.com' (or such other source as may be authorized under Federal law).

''(2) TELEVISION AND RADIO ADVERTISEMENT.—In the case of an advertisement broadcast by television, the disclosures required under paragraph (1) shall be included in the audio and visual part of such advertisement. In the case of an advertisement broadcast by televison or radio, the disclosure required under paragraph (1) shall consist only of the following: 'This is not the free credit report provided for by Federal law'.''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall issue a final rule to carry out this section.

(2) CONTENT.—The rule required by this subsection—

(A) shall include specific wording to be used in advertisements in accordance with this section; and

(B) for advertisements on the Internet, shall include whether the disclosure required under section 612(g)(1) of the Fair Credit Reporting Act (as added by this section) shall appear on the advertisement or the website on which the free credit report is made available.

(3) INTERIM DISCLOSURES.—If an advertisement subject to section 612(g) of the Fair Credit Reporting Act, as added by this section, is made public after the 9-month deadline specified in paragraph (1), but before the rule required by paragraph (1) is finalized, such advertisement shall include the disclosure: ''Free credit reports are available under Federal law at: 'AnnualCreditReport.com'.''.

TITLE III—PROTECTION OF YOUNG CONSUMERS

SEC. 301. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(8) APPLICATIONS FROM UNDERAGE CONSUMERS.—

''(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

''(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by a consumer who has not attained the age of 21 as of the date of submission of the application shall require—

''(i) the signature of a cosigner, including the parent, legal guardian, spouse, or any other individual who has attained the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

''(ii) submission by the consumer of financial information, including through an application, indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

''(C) SAFE HARBOR.—The Board shall promulgate regulations providing standards that, if met, would satisfy the requirements of subparagraph (B)(ii).''.

SEC. 302. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

Section 604(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

(1) in clause (ii), by striking ''and'' at the end; and

(2) in clause (iii), by striking the period at the end and inserting the following: ''; and

''(iv) the consumer report does not contain a date of birth that shows that the consumer has not attained the age of 21, or, if the date of birth on the consumer report shows that the consumer has not attained the age of 21, such consumer consents to the consumer reporting agency to such furnishing.''.

SEC. 303. ISSUANCE OF CREDIT CARDS TO CERTAIN COLLEGE STUDENTS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following new subsection:

''(p) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—No increase may be made in the amount of credit authorized to be extended under a credit card account for which a parent, legal guardian, or spouse of the consumer, or any other individual has assumed joint liability for debts incurred by the consumer in connection with the account before the consumer attains the age of 21, unless that parent, guardian, or spouse approves in writing, and assumes joint liability for, such increase.''.

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

''(f) CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.—

''(1) DISCLOSURE REQUIRED.—An institution of higher education shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

''(2) INDUCEMENTS PROHIBITED.—No card issuer or creditor may offer to a student at an institution of higher education any tangible item to induce such student to apply for or participate in an open end consumer credit plan offered by such card issuer or creditor, if such offer is made—

''(A) on the campus of an institution of higher education;

''(B) near the campus of an institution of higher education, as determined by rule of the Board; or

''(C) at an event sponsored by or related to an institution of higher education.

''(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each institution of higher education should consider adopting the following policies relating to credit cards:

''(A) That any card issuer that markets a credit card on the campus of such institution notify the institution of the location at which such marketing will take place.

''(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

''(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.''.

SEC. 305. COLLEGE CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

''(r) COLLEGE CARD AGREEMENTS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COLLEGE AFFINITY CARD.—The term 'college affinity card' means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

''(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

''(ii) the creditor has agreed to offer discounted terms to the consumer; or

''(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols readily identified with such institution, organization, or foundation.

''(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

''(C) COLLEGE STUDENT.—The term 'college student' means an individual who is a full-time or a part-time student attending an institution of higher education.

''(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002).

''(2) REPORTS BY CREDITORS.—

''(A) IN GENERAL.—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

''(B) DETAILS OF REPORT.—The information required to be reported under subparagraph (A) includes—

''(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

''(ii) the amount of any payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

''(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report, and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

''(C) AGGREGATION BY INSTITUTION.—The information required to be reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

''(D) INITIAL REPORT.—The initial report required under subparagraph (A) shall be submitted to the Board before the end of the 9-month period beginning on the date of enactment of this subsection.

''(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.''.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall, from time to time, review the reports submitted by creditors under section 127(r) of the Truth in Lending Act, as added by this section, and the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt.

(2) REPORT.—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines to be appropriate.

TITLE IV—GIFT CARDS

SEC. 401. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 915 through 921 as sections 916 through 922, respectively; and

(2) by inserting after section 914 the following:

''SEC. 915. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) DORMANCY FEE; INACTIVITY CHARGE OR FEE.—The terms 'dormancy fee' and 'inactivity charge or fee' mean a fee, charge, or penalty for non-use or inactivity of a gift certificate, store gift card, or general-use prepaid card.

''(2) GENERAL USE PREPAID CARD, GIFT CERTIFICATE, AND STORE GIFT CARD.—

''(A) GENERAL-USE PREPAID CARD.—The term 'general-use prepaid card' means a card or other payment code or device issued by any person that is—

''(i) redeemable at multiple, unaffiliated merchants or service providers, or automated teller machines;

''(ii) issued in a requested amount, whether or not that amount may, at the option of the issuer, be increased in value or reloaded if requested by the holder;

''(iii) purchased or loaded on a prepaid basis; and

''(iv) honored, upon presentation, by merchants for goods or services, or at automated teller machines.

''(B) GIFT CERTIFICATE.—The term 'gift certificate' means an electronic promise that is—

''(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

''(ii) issued in a specified amount that may not be increased or reloaded;

''(iii) purchased on a prepaid basis in exchange for payment; and

''(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

''(C) STORE GIFT CARD.—The term 'store gift card' means an electronic promise, plastic card, or other payment code or device that is—

''(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

''(ii) issued in a specified amount, whether or not that amount may be increased in value or reloaded at the request of the holder;

''(iii) purchased on a prepaid basis in exchange for payment; and

''(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

''(D) EXCLUSIONS.—The terms 'general-use prepaid card', 'gift certificate', and 'store gift card' do not include an electronic promise, plastic card, or payment code or device that is—

''(i) used solely for telephone services;

''(ii) reloadable and not marketed or labeled as a gift card or gift certificate;

''(iii) a loyalty, award, or promotional gift card, as defined by the Board;

''(iv) not marketed to the general public;

''(v) issued in paper form only (including for tickets and events); or

''(vi) redeemable solely for admission to events or venues at a particular location or group of affiliated locations, which may also include services or goods obtainable—

''(I) at the event or venue after admission; or

''(II) in conjunction with admission to such events or venues, at specific locations affiliated with and in geographic proximity to the event or venue.

''(3) SERVICE FEE.—

''(A) IN GENERAL.—The term 'service fee' means a periodic fee, charge, or penalty for holding or use of a gift certificate, store gift card, or general-use prepaid card.

''(B) EXCLUSION.—With respect to a general-use prepaid card, the term 'service fee' does not include a one-time initial issuance fee.

''(b) PROHIBITION ON IMPOSITION OF FEES OR CHARGES.—

''(1) IN GENERAL.—Except as provided under paragraphs (2) through (4), it shall be unlawful for any person to impose a dormancy fee, an inactivity charge or fee, or a service fee with respect to a gift certificate, store gift card, or general-use prepaid card.

''(2) EXCEPTIONS.—A dormancy fee, inactivity charge or fee, or service fee may be charged with respect to a gift certificate, store gift card, or general-use prepaid card, if—

''(A) there has been no activity with respect to the certificate or card in the 12-month period ending on the date on which the charge or fee is imposed;

''(B) the disclosure requirements of paragraph (3) have been met;

''(C) not more than one fee may be charged in any given month; and

''(D) any additional requirements that the Board may establish through rulemaking under subsection (d) have been met.

''(3) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this paragraph are met if—

''(A) the gift certificate, store gift card, or general-use prepaid card clearly and conspicuously states—

''(i) that a dormancy fee, inactivity charge or fee, or service fee may be charged;

''(ii) the amount of such fee or charge;

''(iii) how often such fee or charge may be assessed; and

''(iv) that such fee or charge may be assessed for inactivity; and

''(B) the issuer or vendor of such certificate or card informs the purchaser of such charge or fee before such certificate or card is purchased, regardless of whether the certificate or card is purchased in person, over the Internet, or by telephone.

''(4) EXCLUSION.—The prohibition under paragraph (1) shall not apply to any gift certificate—

''(A) that is distributed pursuant to an award, loyalty, or promotional program, as defined by the Board; and

''(B) with respect to which, there is no money or other value exchanged.

''(c) PROHIBITION ON SALE OF GIFT CARDS WITH EXPIRATION DATES.—

''(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any person to sell or issue a gift certificate, store gift card, or general-use prepaid card that is subject to an expiration date.

''(2) EXCEPTIONS.—A gift certificate, store gift card, or general-use prepaid card may contain an expiration date if—

''(A) the expiration date is not earlier than 5 years after the date on which the gift certificate was issued, or the date on which card funds were last loaded to a store gift card or general-use prepaid card; and

''(B) the terms of expiration are clearly and conspicuously stated.

''(d) ADDITIONAL RULEMAKING.—

''(1) IN GENERAL.—The Board shall—

''(A) prescribe regulations to carry out this section, in addition to any other rules or regulations required by this title, including such additional requirements as appropriate relating to the amount of dormancy fees, inactivity charges or fees, or service fees that may be assessed and the amount of remaining value of a gift certificate, store gift card, or general-use prepaid card below which such charges or fees may be assessed; and

''(B) shall determine the extent to which the individual definitions and provisions of the Electronic Fund Transfer Act or Regulation E should apply to general-use prepaid cards, gift certificates, and store gift cards.

''(2) CONSULTATION.—In prescribing regulations under this subsection, the Board shall consult with the Federal Trade Commission.

''(3) TIMING; EFFECTIVE DATE.—The regulations required by this subsection shall be issued in final form not later than 9 months after the date of enactment of the Credit CARD Act of 2009.''.

SEC. 402. RELATION TO STATE LAWS.

Section 920 of the Electronic Fund Transfer Act (as redesignated by this title) is amended by inserting ''dormancy fees, inactivity charges or fees, service fees, or expiration dates of gift certificates, store gift cards, or general-use prepaid cards,'' after ''electronic fund transfers,''.

SEC. 403. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 15 months after the date of enactment of this Act.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. STUDY AND REPORT ON INTERCHANGE FEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') shall conduct a study on use of credit by consumers, interchange fees, and their effects on consumers and merchants.

(b) SUBJECTS FOR REVIEW.—In conducting the study required by this section, the Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, whether merchants are restricted from disclosing interchange or merchant discount fees, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards;

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services;

(5) how merchant discount fees compare to the credit losses and other costs that merchants incur to operate their own credit networks or store cards;

(6) the extent to which the rules of payment card networks and their policies regarding interchange fees are accessible to merchants;

(7) other jurisdictions where the central bank has regulated interchange fees and the impact on retail prices to consumers in such jurisdictions;

(8) whether and to what extent merchants are permitted to discount for cash; and

(9) the extent to which interchange fees allow smaller financial institutions and credit unions to offer payment cards and compete against larger financial institutions.

(c) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.

SEC. 502. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.

(a) REQUIRED REVIEW.—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review, within the limits of its existing resources available for reporting purposes, of the consumer credit card market, including—

(1) the terms of credit card agreements and the practices of credit card issuers;

(2) the effectiveness of disclosure of terms, fees, and other expenses of credit card plans;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans; and

(4) whether or not, and to what extent, the implementation of this Act and the amendments made by this Act has affected—

(A) cost and availability of credit, particularly with respect to non-prime borrowers;

(B) the safety and soundness of credit card issuers;

(C) the use of risk-based pricing; or

(D) credit card product innovation.

(b) SOLICITATION OF PUBLIC COMMENT.—In connection with conducting the review required

by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) REGULATIONS.—

(1) NOTICE.—Following the review required by subsection (a), the Board shall publish a notice in the Federal Register that—

(A) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research; and

(B) either—

(i) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards, as appropriate; or

(ii) states the reason for the determination of the Board that new or revised regulations are not necessary.

(2) REVISION OF REVIEW PERIOD FOLLOWING MATERIAL REVISION OF REGULATIONS.—In the event that the Board materially revises regulations on consumer credit card plans, a review need not be conducted until 2 years after the effective date of the revised regulations, which thereafter shall be treated as the new date for the biennial review required by subsection (a).

(d) BOARD REPORT TO THE CONGRESS.—The Board shall report to Congress not less frequently than every 2 years, except as provided in subsection (c)(2), on the status of its most recent review, its efforts to address any issues identified from the review, and any recommendations for legislation.

(e) ADDITIONAL REPORTING.—The Federal banking agencies (as that term is defined in section 3 of the Federal Deposit Insurance Act) and the Federal Trade Commission shall provide annually to the Board, and the Board shall include in its annual report to Congress under section 10 of the Federal Reserve Act, information about the supervisory and enforcement activities of the agencies with respect to compliance by credit card issuers with applicable Federal consumer protection statutes and regulations, including—

(1) this Act, the amendments made by this Act, and regulations prescribed under this Act and such amendments; and

(2) section 5 of the Federal Trade Commission Act, and regulations prescribed under the Federal Trade Commission Act, including part 227 of title 12 of the Code of Federal Regulations, as prescribed by the Board (referred to as ''Regulation AA'').

SEC. 503. STORED VALUE.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, shall issue regulations in final form implementing the Bank Secrecy Act, regarding the sale, issuance, redemption, or international transport of stored value, including stored value cards.

(b) CONSIDERATION OF INTERNATIONAL TRANSPORT.—Regulations under this section regarding international transport of stored value may include reporting requirements pursuant to section 5316 of title 31, United States Code.

(c) EMERGING METHODS FOR TRANSMITTAL AND STORAGE IN ELECTRONIC FORM.—Regulations under this section shall take into consideration current and future needs and methodologies for transmitting and storing value in electronic form.

SEC. 504. PROCEDURE FOR TIMELY SETTLEMENT OF ESTATES OF DECEDENT OBLIGORS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

''§ 140A Procedure for timely settlement of estates of decedent obligors

''The Board, in consultation with the Federal Trade Commission and each other agency referred to in section 108(a), shall prescribe regulations to require any creditor, with respect to any credit card account under an open end consumer credit plan, to establish procedures to ensure that any administrator of an estate of any deceased obligor with respect to such account can resolve outstanding credit balances in a timely manner.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 140 the following new item:

''140A. Procedure for timely settlement of estates of decedent obligors''.''.

SEC. 505. REPORT TO CONGRESS ON REDUCTIONS OF CONSUMER CREDIT CARD LIMITS BASED ON CERTAIN INFORMATION AS TO EXPERIENCE OR TRANSACTIONS OF THE CONSUMER.

(a) REPORT ON CREDITOR PRACTICES REQUIRED.—Before the end of the 1-year period beginning on the date of enactment of this Act, the Board, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the extent to which, during the 3-year period ending on such date of enactment, creditors have reduced credit limits or raised interest rates applicable to credit card accounts under open end consumer credit plans based on—

(1) the geographic location where a credit transaction with the consumer took place, or the identity of the merchant involved in the transaction;

(2) the credit transactions of the consumer, including the type of credit transaction, the type of items purchased in such transaction, the price of items purchased in such transaction, any change in the type or price of items purchased in such transactions, and other data pertaining to the use of such credit card account by the consumer; and

(3) the identity of the mortgage creditor which extended or holds the mortgage loan secured by the primary residence of the consumer.

(b) OTHER INFORMATION.—The report required under subsection (a) shall also include—

(1) the number of creditors that have engaged in the practices described in subsection (a);

(2) the extent to which the practices described in subsection (a) have an adverse impact on minority or low-income consumers;

(3) any other relevant information regarding such practices; and

(4) recommendations to the Congress on any regulatory or statutory changes that may be needed to restrict or prevent such practices.

SEC. 506. BOARD REVIEW OF SMALL BUSINESS CREDIT PLANS AND RECOMMENDATIONS.

(a) REQUIRED REVIEW.—Not later than 9 months after the date of enactment of this Act, the Board shall conduct a review of the use of credit cards by businesses with not more than 50 employees (in this section referred to as ''small businesses'') and the credit card market for small businesses, including—

(1) the terms of credit card agreements for small businesses and the practices of credit card issuers relating to small businesses;

(2) the adequacy of disclosures of terms, fees, and other expenses of credit card plans for small businesses;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans for small businesses;

(4) the cost and availability of credit for small businesses, particularly with respect to nonprime borrowers;

(5) the use of risk-based pricing for small businesses;

(6) credit card product innovation relating to small businesses; and

(7) the extent to which small business owners use personal credit cards to fund their business operations.

(b) RECOMMENDATIONS.—Following the review required by subsection (a), the Board shall, not later than 12 months after the date of enactment of this Act—

(1) provide a report to Congress that summarizes the review and other evidence gathered by the Board, such as through consumer testing or other research, and

(2) make recommendations for administrative or legislative initiatives to provide protections for credit card plans for small businesses, as appropriate.

SEC. 507. SMALL BUSINESS INFORMATION SECURITY TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term ''task force'' means the task force established under subsection (b).

(b) ESTABLISHMENT.—The Administrator shall, in conjunction with the Secretary of Homeland Security, establish a task force, to be known as the ''Small Business Information Security Task Force'', to address the information technology security needs of small business concerns and to help small business concerns prevent the loss of credit card data.

(c) DUTIES.—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(d) INTERNET WEBSITE RECOMMENDATIONS.—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations,

both public and private, to which the Internet website should link.

(e) EDUCATION PROGRAMS.—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (c)(1)(A).

(f) EXISTING MATERIALS.—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B).

(g) COORDINATION WITH PUBLIC AND PRIVATE SECTOR.—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and assistance as it determines appropriate from, public and private entities, including—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(h) APPOINTMENT OF MEMBERS.—

(1) CHAIRPERSON AND VICE-CHAIRPERSON.—The task force shall have—

(A) a Chairperson, appointed by the Administrator; and

(B) a Vice-Chairperson, appointed by the Administrator, in consultation with appropriate nongovernmental organizations, entities, or persons.

(2) MEMBERS.—

(A) CHAIRPERSON AND VICE-CHAIRPERSON.—The Chairperson and the Vice-Chairperson shall serve as members of the task force.

(B) ADDITIONAL MEMBERS.—

(i) IN GENERAL.—The task force shall have additional members, each of whom shall be appointed by the Chairperson, with the approval of the Administrator.

(ii) NUMBER OF MEMBERS.—The number of additional members shall be determined by the Chairperson, in consultation with the Administrator, except that—

(I) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(II) the number of additional members shall not exceed 13.

(3) GROUPS REPRESENTED.—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies, including the Department of Homeland Security, engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(4) POLITICAL AFFILIATION.—The appointments under this subsection shall be made without regard to political affiliation.

(i) MEETINGS.—

(1) FREQUENCY.—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) QUORUM.—A majority of the members of the task force shall constitute a quorum.

(3) LOCATION.—The Administrator shall designate, and make available to the task force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

(4) MINUTES.—

(A) IN GENERAL.—Not later than 30 days after the date of each meeting, the task force shall publish the minutes of the meeting in the Federal Register and shall submit to the Administrator any findings or recommendations approved at the meeting.

(B) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) FINDINGS.—

(A) IN GENERAL.—Not later than the date on which the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force shall serve without pay for their service on the task force.

(2) TRAVEL EXPENSES.—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) DETAIL OF SBA EMPLOYEES.—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out the duties of the task force. Such a detail shall be without interruption or loss of civil status or privilege.

(4) SBA SUPPORT OF THE TASK FORCE.—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chairperson jointly determine to be necessary for the task force to carry out its duties.

(k) NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(l) STARTUP DEADLINES.—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2013.

(2) EXCEPTION.—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving compliance with subsection (i)(4) with respect to those meetings.

(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000 for each of fiscal years 2010 through 2013.

SEC. 508. STUDY AND REPORT ON EMERGENCY PIN TECHNOLOGY.

(a) IN GENERAL.—The Federal Trade Commission, in consultation with the Attorney General of the United States and the United States Secret Service, shall conduct a study on the cost-effectiveness of making available at automated teller machines technology that enables a consumer that is under duress to electronically alert a local law enforcement agency that an incident is taking place at such automated teller machine, including—

(1) an emergency personal identification number that would summon a local law enforcement officer to an automated teller machine when entered into such automated teller machine; and

(2) a mechanism on the exterior of an automated teller machine that, when pressed, would summon a local law enforcement to such automated teller machine.

(b) CONTENTS OF STUDY.—The study required under subsection (a) shall include—

(1) an analysis of any technology described in subsection (a) that is currently available or under development;

(2) an estimate of the number and severity of any crimes that could be prevented by the availability of such technology;

(3) the estimated costs of implementing such technology; and

(4) a comparison of the costs and benefits of not fewer than 3 types of such technology.

(c) REPORT.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the findings of the study required under this section that includes such recommendations for legislative action as the Commission determines appropriate.

SEC. 509. STUDY AND REPORT ON THE MARKETING OF PRODUCTS WITH CREDIT OFFERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the terms, conditions, marketing, and value to consumers of products marketed in conjunction with credit card offers, including—

(1) debt suspension agreements;

(2) debt cancellation agreements; and

(3) credit insurance products.

(b) AREAS OF CONCERN.—The study conducted under this section shall evaluate—

(1) the suitability of the offer of products described in subsection (a) for target customers;

(2) the predatory nature of such offers; and

(3) specifically for debt cancellation or suspension agreements and credit insurance products, loss rates compared to more traditional insurance products.

(c) REPORT TO CONGRESS.—The Comptroller shall submit a report to Congress on the results of the study required by this section not later than December 31, 2010.

SEC. 510. FINANCIAL AND ECONOMIC LITERACY.

(a) REPORT ON FEDERAL FINANCIAL AND ECONOMIC LITERACY EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy—

(A) to evaluate and compile a comprehensive summary of all existing Federal financial and economic literacy education programs, as of the time of the report; and

(B) to prepare and submit a report to Congress on the findings of the evaluations.

(2) CONTENTS.—The report required by this subsection shall address, at a minimum—

(A) the 2008 recommendations of the President's Advisory Council on Financial Literacy;

(B) existing Federal financial and economic literacy education programs for grades kindergarten through grade 12, and annual funding to support these programs;

(C) existing Federal postsecondary financial and economic literacy education programs and annual funding to support these programs;

(D) the current financial and economic literacy education needs of adults, and in particular, low- and moderate-income adults;

(E) ways to incorporate and disseminate best practices and high quality curricula in financial and economic literacy education; and

(F) specific recommendations on sources of revenue to support financial and economic literacy education activities with a specific analysis of the potential use of credit card transaction fees.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy to develop a strategic plan to improve and expand financial and economic literacy education.

(2) CONTENTS.—The plan developed under this subsection shall—

(A) incorporate findings from the report and evaluations of existing Federal financial and economic literacy education programs under subsection (a); and

(B) include proposals to improve, expand, and support financial and economic literacy education based on the findings of the report and evaluations.

(3) PRESENTATION TO CONGRESS.—The plan developed under this subsection shall be presented to Congress not later than 6 months after the date on which the report under subsection (a) is submitted to Congress.

(c) EFFECTIVE DATE.—Notwithstanding section 3, this section shall become effective on the date of enactment of this Act.

SEC. 511. FEDERAL TRADE COMMISSION RULEMAKING ON MORTGAGE LENDING.

(a) IN GENERAL.—Section 626 of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended—

(1) in subsection (a)—

(A) by striking ''Within'' and inserting ''(1) Within'';

(B) in paragraph (1), as designated by subparagraph (A), by inserting after the first sentence the following: ''Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services.''; and

(C) by adding at the end the following:

''(2) Paragraph (1) shall not be construed to authorize the Federal Trade Commission to promulgate a rule with respect to an entity that is not subject to enforcement of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Commission.

''(3) Before issuing a final rule pursuant to the proceeding initiated under paragraph (1), the Federal Trade Commission shall consult with the Federal Reserve Board concerning any portion of the proposed rule applicable to acts or practices to which the provisions of the Truth in Lending Act (15 U.S.C. 1601 et seq.) may apply.

''(4) The Federal Trade Commission shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.''; and

(2) in subsection (b)—

(A) by striking so much as precedes paragraph (2) and inserting the following:

''(b)(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in a practice that violates such rule, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in an appropriate district court of the United States or other court of competent jurisdiction—

''(A) to enjoin that practice;

''(B) to enforce compliance with the rule;

''(C) to obtain damages, restitution, or other compensation on behalf of residents of the State; or

''(D) to obtain penalties and relief provided by the Federal Trade Commission Act and such other relief as the court considers appropriate.''; and

(B) in paragraphs (2), (3), and (6), by striking ''Commission'' each place it appears and inserting ''primary Federal regulator''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 12, 2009.

SEC. 512. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not ''possess, use, or transport firearms on national wildlife refuges'' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SEC. 513. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and

(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion upon the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—S. 896

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate receives a message from the House with respect to S. 896 the Senate concur in the amendment of the House, and the motion to reconsider be laid upon the table; that this order is only valid if the House amendment is identical to the text which is at the desk; that if the text is not identical, then this order is null and void.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DODD. As if in executive session, I ask unanimous consent that the order with respect to the Gensler nomination be modified to provide that the debate with respect to the nomination occur after the vote which is scheduled for 2:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I see my colleague from Washington is here. My intention is to come back at some point later this afternoon and talk about the credit card bill. We have talked about it a lot over the last number of weeks, but I know there are other matters other people want to bring up at this juncture. So I will reserve some time this afternoon to thank my colleagues from the Banking Committee, and also my colleagues, such as Senator LEVIN, who has been a champion of this issue for as long as I have, and others who have worked tirelessly to make this happen. So I will reserve.

The PRESIDING OFFICER. The Senator from Washington.

TO INCREASE FUNDING FOR THE SPECIAL RESERVE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 152, submitted earlier

today; that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 152) was agreed to, as follows:

S. RES. 152

Resolved,

SECTION 1. SPECIAL RESERVE FUNDING.

(a) IN GENERAL.—Section 20(a) of S. Res. 73 (111th Congress) is amended by striking ''$4,375,000'' and inserting ''$4,875,000''.

(b) AGGREGATES.—The additional funds provided by the amendment made by subsection (a) shall not be considered to be subject to the 89 percent limitation on Special Reserves found on page 2 of Committee Report 111–14, accompanying S. Res. 73.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15.

Thereupon, at 1:20 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

EXECUTIVE SESSION

NOMINATION OF GARY GENSLER TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gary Gensler, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Gary Gensler, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission?

Mr. INOUYE. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN) and the Senator from Ohio (Mr. VOINOVICH).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 6, as follows:

[Rollcall Vote No. 195 Ex.]

YEAS—88

Akaka	Enzi	McCaskill
Alexander	Feingold	McConnell
Barrasso	Feinstein	Menendez
Baucus	Gillibrand	Mikulski
Bayh	Graham	Murkowski
Begich	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bennett	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Risch
Brown	Inhofe	Roberts
Brownback	Inouye	Schumer
Bunning	Isakson	Sessions
Burr	Johanns	Shelby
Burris	Johnson	Snowe
Cardin	Kaufman	Specter
Carper	Kerry	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Udall (CO)
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	Leahy	Warner
Corker	Levin	Webb
Cornyn	Lieberman	Whitehouse
Crapo	Lincoln	Wicker
DeMint	Lugar	Wyden
Dodd	Martinez	
Durbin	McCain	

NAYS—6

Cantwell	Merkley	Sanders
Dorgan	Murray	Shaheen

NOT VOTING—5

Byrd	Kennedy	Voinovich
Ensign	Rockefeller	

The nomination was confirmed.

NOMINATION OF GARY GENSLER TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the nomination of Gary Gensler, of Maryland, to be Chairman of the Commodity Futures Trading Commission.

The nomination is confirmed, and the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

Under the previous order, there will now be 60 minutes of debate equally divided and controlled between the Senator from Iowa, Mr. HARKIN, and the Senator from Georgia, Mr. CHAMBLISS, or their designees.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, again, to recap what was said, we have voted twice, once to approve Mr. Gensler as a Commissioner of the Commodity Futures Trading Commission and another vote to approve him as the Chairman of the Commodity Futures Trading Commission. I voted yes on both measures. Let me share my reasoning on the nomination of Mr. Gensler.

Honestly, I have had some reservations about this nominee, though certainly not about him as a person. Based upon my meetings with him and our committee hearing, I believe Mr. Gensler is a good and decent man with a strong personal story, and he has certainly shown his intellectual capability and his knowledge of the subject.

I simply had concerns with elements of his background and philosophy, concerning the regulation of over-the-counter derivatives transactions and other financial transactions, and his views on regulations in general.

Mr. President, I chaired a nomination hearing that lasted some time. It was a hearing of substance. Mr. Gensler answered some very tough questions straightforwardly.

It is not possible to know how Mr. Gensler will decide any given question, but he has expressed support for much stronger, more effective reform in the oversight and regulation of derivatives. Of all the things we are doing around here, in terms of banking and bailouts and pronouncements coming from the Secretary of the Treasury, perhaps the construction of the whole thing is centered around how are we finally going to regulate derivatives and swaps. These are over the counter, hidden from view and, quite frankly, they have led to the debacle we have now.

Let me read some excerpts from Mr. Gensler's testimony before the Senate Agriculture Committee, which gives me, again, some positive feelings toward his future chairmanship of the CFTC.

Here is what he said:

I firmly believe that strong, intelligent regulation with aggressive enforcement benefits our economy and the public.

We must urgently move to enact a broad regulatory regime that covers the entire over-the-counter derivatives markets.

Right on target, Mr. Gensler. He also said:

The CFTC should be provided with authority to set position limits on all over-the-counter derivatives to prevent manipulation and excessive speculation.

A transparent and consistent playing field for all physical commodity futures should be the foundation of our regulations.

I agree with that.

Lastly, Mr. Gensler said this:

I believe that the CFTC must work with Congress, with other regulators, and with our global financial partners to ensure that the failures of our regulatory and financial systems, failures which have already taken a toll on every American, never happen again.

Those are all excerpts from the extensive testimony and question-and-answer period of Mr. Gensler before our committee. So now I am prepared to entrust momentous decisions to Mr. Gensler, and I am, of course, supporting the President's choice. Given the fragile state of the economy and financial markets, having a confirmed chairman at the CFTC is of critical importance.

As I said at Mr. Gensler's nomination hearing, these are challenging times, particularly for regulators like the CFTC. Since the Commodity Futures Trading Commission was established 35 years ago, it has never faced more daunting market challenges than those that exist now. The unprecedented price volatility of our markets for physical commodities, such as energy and grains, has hurt our economy. The lack of sufficient regulatory authority and oversight over the derivatives and financial markets has proven disastrous to the entire global economy.

Derivatives that were touted as managing or reducing risk turned out in practice to magnify risk—or certainly at least to allow banks, insurance companies, and investors to take on totally unsustainable and reckless levels of risk and leverage. If these financial markets and derivatives markets are not properly regulated, we won't have a strong economy. The CFTC plays a vital role in providing oversight in keeping these markets healthy and in keeping the players honest.

It is imperative that we pass strong financial regulatory reform in the Congress, and not just piecemeal, patchwork reform, but comprehensive and fundamental reform that brings full transparency and accountability back to the markets. Earlier this year, I introduced the Derivatives Trading Integrity Act. Our committee will be having a hearing on this early next month. That bill would require all derivatives and swaps to be traded on a regulated exchange. Exchange-traded contracts are subject to a level of transparency and oversight that is not possible in over-the-counter markets. For 60 years, futures contracts traded very efficiently on regulated exchanges.

I believe the burden of proof is on those who say there must be exceptions and loopholes to allow derivatives and futures trading off-exchange to continue. These are touted as customized swaps or customized derivatives. I have asked Mr. Gensler and others to please define for me what a custom swap is. No matter how you define it, it leaves a loophole big enough to drive a Mack truck through. Once there is a derivative that is off the trading boards, that no one knows about, that is shrouded in secrecy, what is to keep someone else from doing another custom derivative on that derivative, and then a derivative on that derivative? That is what got us into this mess in the first place—derivatives on derivatives on derivatives on derivatives, ad infinitum, with nobody knowing what was going on, without anybody knowing the value of each of those.

To this day, Treasury has never been able to tell us how they came up with the value of those derivatives. It is a kind of voodoo. It is some kind of mathematical calculation that they put into a computer somehow. Well, I am sorry; I just don't buy that. I believe they all ought to be on a regulated exchange, open and above board, so anybody can look and see who is trading what. If it is a custom derivative, fine; put it on a trading exchange, a regulated exchange. Let the market decide whether it is customized or not, and then if somebody wants to sell a derivative on that, put it right back on the exchange. To me, that is the only way we will ever get around this.

I keep hearing noises out of Treasury that they want to keep this loophole for some kinds of customized swaps. I know the swaps and futures industry would like to have that. I understand that. But that is what got us into this trouble in the first place. As I said, the burden of proof is on them, I believe, to show why we need this loophole and to somehow define a custom swap, what it really is, and why we don't need to put it on a regulated exchange.

Some suggest that reforming regulations of these markets, like I am suggesting, will limit flexibility and inhibit the incentives of market participants to develop and introduce new financial products, and thus harm the market. Again, I reject that notion. To the extent that financial innovation can be shown to benefit all participants in the market by providing some new hedging opportunities or risk management capabilities, without putting other parties at undue risk, then that is all to the good. However, if these new products are used to obscure risk in the market, or elude or evade accounting rules placed on market participants, then they clearly don't serve the public good and should be prohibited.

That is why I say no more of this behind-the-scenes, over-the-counter trading of derivatives. Put them on a regulated exchange. If it is custom, so what; put it on the exchange. Then a regulated exchange can put margin requirements on the buyers, clearing the floor every day. Other investors can look and see what is going on. It provides for the best transparency possible.

Some are talking about having some kind of a clearinghouse. Again, I don't know about clearinghouses. There are some functions for clearinghouses, I am aware of that. But, again, they just don't function like a regulated exchange, on which we have set regulations, an exchange that can provide for margin calls, and which is open and above board to everyone. Again, these financial innovations we hear about, like credit default swaps, collateralized mortgage obligations, collateralized debt obligations—I did a little history on this. None of those existed prior to 20 years ago. Most of them are within the last dozen years or so.

So I asked the question of a number of people at the Treasury Department, and others—I asked what was the demand for these financial instruments? They didn't exist before, especially credit default swaps. They literally didn't exist before about 10 years ago. What was the public demand or public need for these? There wasn't any. Someone described it to me. It is sort of like Honey Nut Cheerios. I have been eating Cheerios since I was a kid. Did I demand that they put a honey nut inside each of those Cheerios? General Mills had a new idea, and they came up with Honey Nut Cheerios and marketed them with good advertising, and they thought everybody would like Honey Nut Cheerios now.

Fine, but that is what they did with credit default swaps. Some brainiacs up there at MIT—the mathematicians who went to work for the investment houses—said we know how to slice and dice derivatives to the nth degree—these credit default swaps—and we can make a lot of money on that.

But there was no need for that. There was no outcry by banks or insurance companies saying they needed this kind of financial instrument. But they came up with it and marketed it and sold it as a way of better hedging risk when, in fact, it increased and magnified risk. Again, if someone comes up with a financial instrument—a new product, as they say—let's get it out there in the open. If you want it out there, put it in the open and get it on the regulated exchange and let everybody look at it and see what it is. That is why we need better regulation and openness and transparency.

I reject the idea that somehow this regulation of which I speak is somehow going to thwart financial instruments. If we thwart the development of other credit default swaps or collateralized mortgages or debt obligations, wonderful; we should. We should get back to sensible dealings in the marketplace.

Again, no more obscuring of the risk, eluding accounting rules—get them out in the public.

The free-wheeling derivatives markets contributed to a financial crisis from which our economy is only beginning to recover. We are at work in the Agriculture Committee on legislation that will ensure stronger regulation in order to bring transparency and integrity to the derivatives market.

I want to make it clear at the outset that I am not against all derivatives. Certain derivatives have a functional value in hedging and reducing risk. But, again, they should be in the open.

We are at work in the Agriculture Committee to do that—bring transparency and integrity to the derivatives markets. In the meanwhile, the CFTC must be at full capacity to keep watch over the markets. We are counting on Mr. Gensler to be a strong voice at the helm of this important agency.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I will speak a minute on Mr. Gensler. Before I do, I thank the chairman for making sure we got this nomination to the floor for confirmation. We have wrestled with this nomination for several months now, and I will talk about that.

CDC'S NEW EXPANDED CAMPUS

I thank Senator HARKIN also for coming to Atlanta last Friday. We had a great tour of the new campus—the fully expanded campus at the Centers for Disease Control, where we had the opportunity to talk with folks firsthand who are dealing with the H1N1 virus. We both were reinforced about the fact that issue is in the hands of highly skilled professional people at the Centers for Disease Control. Senator HARKIN has been very much a supporter of the CDC for years in his position on the Appropriations Committee. -

I thank him for taking time to come down on a day that is very important to his family and to visit with us and to also hold the nutrition hearing on the CDC campus. We had an excellent hearing, and we are going to be working together to get our nutrition reauthorization bill to the floor in the very near future.

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NOMINATION OF GARY GENSLER

Mr. President, I rise to support the nomination of Gary Gensler to be Chairman of the Commodity Futures Trading Commission. Mr. Gensler's nomination comes at a critical time. Our Nation is facing very challenging issues in trying to address this economic downturn. Many businesses, as well as the economy, depend upon the commodity markets—both physical and financial commodities—to help manage costs, to hedge against risk, to access liquidity, and to stay competitive. It is a time where we really need these markets to be performing at their best, to be functioning transparently and without manipulation.

The CFTC has been operating with an Acting Chairman for approximately 23 months now and a fully confirmed commission has not been in operation since 2006. This situation is largely due to the recurring politics surrounding the nomination process. While not all Senators will ever agree with everything that any nominee supports, I am very concerned with the need to have a fully seated Commodity Futures Trading Commission. The American people deserve no less, particularly in these difficult times.

As Congress seeks to deal with the current economic crisis and examines our financial system, it is absolutely essential that the CFTC and the Senate Committee on Agriculture, Nutrition and Forestry are engaged in the debate. Given our responsibility to ensure that the commodity markets function properly, the CFTC must be engaged in discussions occurring both within the administration and within Congress relative to restructuring our financial system and products that operate within it. The need for properly functioning commodity markets is of utmost importance to those utilizing products based on interest rates, exchange rates, debt, and credit risks.

Last year, we witnessed a major market disturbance and a subsequent myriad of theories as to the cause of the meltdown. Economists will study for years to theorize just exactly what caused the economy to buckle when it did. In the meantime, we owe it to the American public to ensure that the regulators who oversee these industries are properly vetted and seated with the backing of the Senate.

Frankly, this vote has been too long in coming. One of President Obama's first nominations for his new administration was that of Gary Gensler to be Commissioner and Chairman of the CFTC. His nomination was announced on December 18, 2008, and we officially received this nomination on President Obama's first day in office—January 20, 2009.

For the last few years, I have witnessed the troubling trend of stalled CFTC nominations. The process starts with the President sending Congress the nomination, the Senate Agriculture Committee holds a confirmation hearing, and that is as far as it goes. In the case of Gensler, two of my Senate colleagues placed a hold on his confirmation, which, in terms of Senate procedure, effectively stalls the nomination in its tracks. This has happened with almost every nominee to the Commission in recent years.

With Senate approval of this nomination, our job is still far from complete in ensuring that the CFTC has a full slate of Commissioners. We currently have two Commissioners with expired terms. I would encourage the President to quickly send us the nominations of the two remaining Commissioners so that we can act quickly on both of them. It is my understanding that the President, if he hasn't already sent one of those nominations over, will be sending one over today. I urge him to send the second one so that we can deal with both of them at the same time and for the first time in several years have a fully confirmed and seated Commodity Futures Trading Commission.

With respect to Mr. Gensler, I have had the opportunity to visit with him, to go through his hearing with him, and to observe him. He is qualified, he is capable, he knows the issues, and he is prepared for the job. I urge all of my Republican colleagues to vote in favor of this nomination because I think this is one time where we have the opportunity in a bipartisan way to say to the President: If you send us reasonable and qualified nominees, we are not going to stand in your way. We are not going to be obstructionists. We are going to help you put the right kinds of people in place.

I am very pleased to say—since we have had the vote today—that every single Republican who voted today voted to confirm Mr. Gensler.

Let me close by talking for 1 second about the comments my colleague from Iowa, Senator HARKIN, made with respect to the overall financial markets and our need to modify some of the regulatory process.

I agree with him that we need more transparency in the market. We don't know—and I don't know that we will ever know—what caused this meltdown last year, but the one thing I do know is that as policymakers we have an obligation to make sure that when someone buys a product on a commodities market, they should have the assurance that somebody from a regulatory standpoint is looking over the shoulder of the individuals who administer those markets, so that when they buy something, they know it is exactly what was sold to them. They should have the assurance that they are going to have the opportunity—with the risks they have in value or sometimes go lower in value but that it will be their decision that causes that and not some manipulation of the market that causes that. The chairman and I have some disagreements over the direction in which we go, but there is no disagreement with the fact that there needs to be more transparency in the market.

There are some customized products that are going to be very difficult to regulate, and we have to be careful that we don't stifle markets in this country. They have worked well for decades and decades, and they will continue to work well if we make sure that we have the right policies in place and that we don't let the Federal Government get too much engaged in the process, to the point where these individuals who make the decisions to trade on markets inside the United States get the feeling that the Government is becoming too engaged in the process and therefore they are going to take their business elsewhere, which they can do. Every product that is bought on the market in the United States can be bought in an overseas market. It can be bought from New York City or my hometown of Moultrie, GA, just as easily as it can be bought on the U.S. market. So we have to make sure we regulate those markets in the right way but that we don't overregulate them so that we drive those customers overseas to markets, because we want to continue to encourage a strong and viable commodities market in this country.

As we move through the process of seeking to change our regulatory process, I look forward to working with the chairman, as well as any number of other Members of this body who have a lot of information about this issue. And believe you me, it is an extremely complex issue, but it is one we need to address, and we need to make sure at the end of the day that we have done our work in the right way and in a way that will be complementary of the markets and not in a way that is going to be conflicting toward the markets.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Vermont.

Mr. SANDERS. Mr. President, for the past 5 months, I blocked consideration of the nomination of Gary Gensler to head the Commodity Futures Trading Commission, the CFTC. As a strong supporter of President Obama, I took no particular pleasure in doing that. But given Mr. Gensler's history as a senior executive of Goldman Sachs for 18 years and the role Mr. Gensler played in deregulating the financial services industry as a senior Treasury Department official from 1991 to 2001, I did not believe Mr. Gensler was the right person at the right time to help lead this country out of the financial crisis we find ourselves in today. In my view, we need a new vision of what Wall Street should be—one that is not

obsessed with quick profits, bubble economies, and huge compensation packages for top executives. We need financial institutions which will invest in a productive economy and which will help create millions of decent-paying jobs as we rebuild our Nation and rebuild the middle class.

I am happy to say that last week I had a productive meeting with Mr. Gensler, the second meeting I have had with him. While Mr. Gensler is clearly not the nominee I would have chosen for this position, nor were his answers all that I would have liked, there is no question in my mind that he is a stronger nominee today than he was 5 months ago when I first met him.

In preparation for the meeting last week, I outlined a number of issues I wanted Mr. Gensler to respond to, and let me highlight some of Mr. Gensler's written replies for my colleagues.

In terms of strongly regulating credit default swaps and other derivatives—something Mr. Gensler opposed in the Clinton administration—Mr. Gensler now says:

I believe we must urgently move to enact a broad regulatory regime that covers the entire over-the-counter- derivatives marketplace. As a key component of this reform, we should subject all derivatives dealers to: Conservative capital requirements; business conduct standards; recordkeeping requirements, including an audit trail; reporting requirements; and conservative margin requirements. I believe that the CFTC should be provided with authority to set position limits on all OTC derivatives to prevent manipulation and excessive speculation. Such position limit authority should clearly empower the CFTC to establish aggregate position limits.

Mr. Gensler also wrote to me saying:

I will work closely with Congress to pass legislation that will mandate registration of hedge fund advisers. In addition, I will work with agency staff to review all previously granted exemptions from registration.

Finally, Mr. Gensler told me in writing that he supports:

. . . actions to close the ''London loophole'' and ensure that foreign futures exchanges with permanent trading terminals in the U.S. comply with position limitations and reporting and transparency requirements that are applied to trades made on U.S. exchanges.

Mr. President, I ask unanimous consent to have printed in the RECORD all of Mr. Gensler's written responses to me dated May 14, 2009.

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

GARY GENSLER, NOMINEE FOR CFTC CHAIRMAN

(Response to Senator Sanders, May 14, 2009)

1. The CFTC should produce quarterly reports on its website describing the role derivatives trading activities have in influencing prices for each major energy commodity, including home heating oil and crude oil.

I believe that we must urgently move to enact a broad regulatory regime that covers the entire over-the-counter derivatives marketplace. This regime should consist of two main components. One component is the regulation of the derivatives dealers themselves. The other component is the regulation of the marketplace. I believe it is best that we implement both of these complimentary components to bring the needed transparency, accountability and safety to the trading of OTC derivatives.

Market efficiency and price transparency for OTC derivatives should be significantly enhanced by:

requiring the clearing of standardized products through regulated central counterparty clearinghouses;

moving the standardized part of these markets onto regulated exchanges and regulated, transparent electronic trade, executions systems;

requiring development of a system for timely reporting of trades and prompt dissemination of prices and other trade information;

requiring that all OTC transactions, both standardized and customized, be reported to a regulated trade repository; and

requiring clearinghouses and trade repositories to, among other things, make aggregate data on open positions and trading volumes available to the public and to make data on any individual counterparty's trades and positions available on a confidential basis to the CFTC and other regulators.

I also believe the CFTC should promote greater transparency by providing more useful and comprehensive data to the public. In my opinion, the rapid growth in commodity index funds was a contributing factor to a bubble in commodity prices—including home heating oil and crude oil—that peaked in mid-2008. The expanding number of hedge funds and other investors who increased asset allocations to commodities also put upward pressure on prices. Notably, though, no reliable data about the size or effect of these two influential groups has been readily accessible to market participants. I believe the CFTC should promote greater transparency and market integrity by regularly providing the public with better data regarding the role of non-commercial traders in energy and other markets.

If confirmed, I will work with the Congress to provide the CFTC with the additional authority it needs to improve the transparency of the OTC derivatives market. I will also work with the CFTC staff to use the tools at the agency's disposal to protect consumers, investors, and farmers by promoting transparency through more sophisticated data collection and dissemination.

2. Establish conflict of interest rules and firewalls limiting energy infrastructure affiliates from communicating with energy analysts and traders.

I believe we need to adopt a comprehensive plan for the regulation of over-the-counter derivatives markets. As a key component of this reform, we should subject all derivatives dealers to:

conservative capital requirements;

business conduct standards;

record keeping requirements (including an audit trail);

reporting requirements; and

conservative margin requirements.

The CFTC should have the authority to protect against fraud, manipulation, excessive speculation, and other market abuses within the OTC derivatives markets, including all energy derivatives, and by the derivatives dealers.

Working with the Congress, such authorities to subject dealers to business conduct standards and to protect against market abuses could include the establishment of rules relating to conflicts of interest. If confirmed, I look forward to working with other Federal agencies and the Congress to achieve these objectives.

3. (a) Work with the Federal Reserve to prohibit bank holding companies from trading in energy commodity derivatives markets and owning energy infrastructure assets.

Given the recent changes in the structure and composition of the financial and energy industries this is an important issue. Generally, I believe the CFTC must be ever vigilant in its oversight to protect the public against fraud, manipulation, excessive speculation, and other market abuses in the energy, agricultural and financial commodity markets. As described in my answers above, we need to adopt a comprehensive plan for the regulation of over-the-counter derivatives—including those trading energy derivatives. This should subject all dealers, including those held by bank holding companies, to a robust regime of prudential supervision and regulation. More specifically, I believe that derivatives dealers, including those held by bank holding companies, should be subject to business conduct standards as described in Question 2, and speculative position limits as described below in Question 3(b).

If confirmed, I look forward to working with the Federal Reserve, other regulators, the Administration, and the Congress on this important issue.

(b) The CFTC should promulgate rules to make sure that all bank holding companies that engage in derivatives trading are subject to speculation limits.

A transparent and consistent playing field for all physical commodity futures should be the foundation of the CFTC's regulations. Position limits must be applied consistently across all markets, across all trading platforms, and exemptions to them must be limited and well defined.

As part of the comprehensive plan described above, the CFTC should be provided with authority to set position limits on all OTC derivatives to prevent manipulation and excessive speculation. Such position limit authority should clearly empower the CFTC to establish aggregate position limits across markets in order to ensure that traders are not able to avoid position limits in a market by moving to a related exchange or market.

If confirmed by the Senate, I will ask the CFTC staff to undertake a review of all outstanding hedge exemptions, to consider the appropriateness of these exemptions, and to evaluate potential practices for instituting regular review and increased reporting by exemption-holders.

4. Mr. Gensler should work to promulgate regulations within 3 months to require hedge funds that are engaged in derivatives trading to register with the CFTC.

The Administration has proposed that all advisers to hedge funds (and other private pools of capital, including private equity funds and venture capital funds) whose assets under management exceed a certain threshold should be required to register. If confirmed, I will work closely with the Congress to pass legislation that will mandate registration of hedge fund advisers as part of a comprehensive package of regulatory reform. In addition, if confirmed, I will work with the agency staff to review all previously granted exemptions from registration as commodity pool operators.

Furthermore, as part of the comprehensive reform of the derivatives market, the CFTC should have the authority to police all activities in the OTC derivatives markets—including transactions entered into by hedge funds. If confirmed, I look forward to working with other Federal agencies and the Congress to achieve these objectives.

6. Mr. Gensler should support revoking all ''no-action'' letters for Foreign Boards of Trade that solicit or accept business from the U.S.

I support actions to close the ''London Loophole'' and ensure that foreign futures

exchanges with permanent trading terminals in the U.S. comply with the position limitations and reporting and transparency requirements that are applied to trades made on U.S. exchanges. Furthermore, I believe any foreign futures exchanges that have terminals in the United States to which our investors have access and whose contracts are based on the same underlying commodities should have consistent regulation applied, including position limits.

If confirmed by the Senate, I look forward to working with the Congress to give the CFTC unambiguous authority to promulgate rules and standards to achieve these goals. Such rules and standards governing treatment of Foreign Boards of Trade should replace the issuance of ''no-action'' letters in this regard.

Mr. SANDERS. Mr. President, needless to say, I am encouraged by the commitments Mr. Gensler made to me to regulate hedge funds, to make sure banks are not allowed to manipulate the price of heating oil and crude oil, and to prevent the enormous conflicts of interest that exist with respect to our energy markets, among many other things.

In addition, last week the Obama administration introduced a comprehensive plan to—for the very first time—significantly regulate credit default swaps and other over-the-counter derivatives. Exempting these investments from regulation was a huge mistake that led to the $180 billion taxpayer bailout of AIG, the collapse of Lehman Brothers, and greatly contributed to the worst financial crisis since the Great Depression.

Last March, I and a number of other Senators asked the President to support strong regulations on these risky investment schemes. The President's proposal accomplishes many—not all but many—of the goals we have been advocating. While this plan is not as strong as I would have written and may have loopholes in it that need to be closed, I believe we are headed in the right direction to make sure a financial crisis of this magnitude never occurs again.

As a result of the greed, the recklessness, and the illegal behavior of Wall Street, our country has been thrown into a deep recession which has caused intense suffering for millions of our people. We need to end the current era of financial deregulation which largely caused this crisis and move to a new Wall Street which understands the need for long-term productive investment and job creation rather than short-term profits, outrageous salaries, and a bubble economy. We need to break up financial institutions that are too big to fail. If a company is too big to fail, that company is too big to exist. We should do the same thing to the banking industry that Teddy Roosevelt did to break up the oil companies. And we should stand up today, on behalf of the American people, to our modern-day robber barons. Most importantly, we need to end the era of deregulation that has led to the worst financial crisis since the Great Depression.

While I am still not convinced that Mr. Gensler is the independent leader we need at this time to head the CFTC, the strong commitments he has made recently in support of serious regulations of the financial industry lead me to believe he now understands the direction we as a nation have to go. Mr. Gensler certainly is a knowledgeable person and he has the ability to do a very fine job if he is willing, in fact, to stand up for the American people and assume the courage, the great deal of courage, he will need to stand up to the very powerful financial institutions which have so much control over what goes on here in Congress. In fact, this may be Mr. Gensler's ''Nixon in China'' moment.

I hope this turns out to be the case, and I look forward to working with Mr. Gensler as he assumes the Chair of the CFTC.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise today to discuss the administration's truly historic announcement last week that in writing they supported bringing unregulated ''dark'' over-the-counter derivative markets under full regulation for the very first time.

For months I have been urging the Obama administration to move quickly and propose strong regulatory controls on these markets, to require transparency in derivatives trading, and to restrict market manipulation.

With the announcement last week by Secretary Geithner of these new regulations, the administration has come down decisively against dangerously unrestricted trading. They have come down on the side of imposing order on a marketplace whose collapse made the current recession much deeper and more painful for average Americans than it needed to be.

The administration's commitment to bringing a ''dark'' market into light is very important. Congress has received a written commitment from the administration that they will bring the unregulated over-the-counter derivatives market under full regulation for the very first time.

This means they have correctly identified three goals of regulatory reform of the over-the-counter derivatives markets. First, if Congress and the administration push through, we will finally gain transparency in the ''dark'' markets. All derivatives transactions and dealers will be brought under prudent regulation and supervision. That means even those that are customized derivatives, not just the OTC market; so prudent regulation and supervision, including capital adequacy requirements, antifraud and antimanipulation authority, very clear transparency and reporting requirements.

Second, standardized trading of physical commodities and derivatives will finally be required to trade on fully regulated exchanges.

Third, the administration is also committed to opposing position limits on regulated markets to prevent any market player from amassing large positions that can harm markets. I have received assurances from the White House that the administration believes these position limits should be applied in the aggregate across all markets.

I still remain concerned about Mr. Gensler's nomination to chair the Commodities Futures Trading Commission. Mr. Gensler was at the Department of the Treasury a decade ago and helped push through a bill, passed by Congress, that provided an ironclad protection against the regulation of financial products such as credit default swaps and derivatives at the heart of this financial crisis. The unfettered speculation that resulted helped bring about not only the energy crisis in my region but decades of other problems that contributed to the demise of AIG, Lehman Brothers, and Bear Sterns.

I believe we need new blood at the CFTC and all regulatory agencies. We need people who will move us from a world of unregulated toxic assets to a world of transparency and aggressive oversight. For nearly three decades the financial industry has had its way in Washington, successfully pushing deregulation in the name of innovation. Time-tested regulatory policies that protected investors and consumers since the Depression were systematically eroded. Many factors led to the present economic meltdown, but we know that chief among them was the policy advocated by Mr. Gensler of not fully regulating the derivatives market.

A decade ago, at the end of the 106th Congress, in the dark of night, Congress passed a law known as the Commodities Futures Modernization Act. But instead of modernizing commodities trading, it took us back in time to the day when securities trading was subject to wild speculation. This law, backed by Mr. Gensler, provided ironclad protection against regulation and oversight of derivatives and has caused many problems. One courageous regulator at the time, then CFTC chairwoman Brooksley Born, warned Congress and the financial community that unregulated derivatives would expose the economy to serious dangers. But some in Washington blocked her efforts, including many on Wall Street. One high-ranking Treasury official charged with pushing these deregulation bills through Congress was Gary Gensler, a former high-ranking executive at Goldman Sachs. As Under Secretary of the Treasury, Mr. Gensler testified before Congress that he opposed regulating the derivatives market. Mr. Gensler, as we know, was wrong. Just yesterday Brooksley Born received recognition for her courage in standing up to the powerful financial interests in proposing tough rules. She was presented with the Profile in Courage award by the John F. Kennedy Foundation.

Remarkably, the Senate is now considering confirming Mr. Gensler to

serve as chair of the CFTC, the same agency Brooksley Born chaired and the same agency Mr. Gensler worked so hard to defang in his previous tenure as Under Secretary of the Treasury. That is why I oppose his confirmation to run the CFTC at a critically important time when we need more financial regulation in these agencies. In the months ahead I will be looking forward to working with the CFTC and the President's working group on financial markets and the Department of the Treasury to actively engage Congress on the reforms that need to be passed into law.

I will be looking to the CFTC to do its job, to prevent excessive speculation from stopping the Nation's economic recovery.

I will be looking to Mr. Gensler to earn the trust of Congress and provide oversight over the commodities and derivatives markets.

Mr. DURBIN. I rise to support the nomination of Gary Gensler for Chairman of the Commodity Futures Trading Commission.

I have a keen interest in the leadership of the CFTC, based on my chairmanship of the appropriations subcommittee that funds the agency and because the state of Illinois is home to some of the most important futures exchanges in the world. During this crisis of confidence in our economic system, the CFTC needs a Senate-confirmed chairman at the helm to oversee this complex and growing industry.

Mr. Gensler's experience includes stints on Wall Street, in the Clinton Treasury Department, and with the Senate Banking Committee. He knows how the world of futures trading works, and he understands how to get things done at both ends of Pennsylvania Avenue.

He is going to need that expertise. Last week, Treasury Secretary Geithner announced the administration's proposal for reregulating the over-the-counter derivatives markets. If confirmed, Mr. Gensler will be charged with implementing much of that vision. The proposal will require far more transparency and responsibility from derivatives traders that have long operated in the shadows. The massive derivatives exposures taken on by AIG and other largely unregulated financial firms can't continue. Mr. Gensler will be responsible for seeing to that.

Mr. Gensler will also be charged with eliminating the excessive speculation in the oil and agriculture markets that helped lead to $140 barrels of oil last summer. I worked with many of my colleagues to attempt to address that issue last year, and many regulatory improvements were included in last year's farm bill. But the CFTC can do more.

I met with Mr. Gensler in my office several months ago after President Obama nominated him for this position. I asked him about his role during the Clinton administration in which he advocated weakening CFTC oversight over futures trading. Mr. Gensler admitted that those reforms had gone too far, that he had learned from those mistakes, and that more sensible regulation by the CFTC is needed. I expect him to stick to that sentiment and to aggressively monitor trading under the CFTC's jurisdiction.

I look forward to working with Mr. Gensler to ensure that the CFTC is adequately funded and that the agency provides strong and sensible regulation under his leadership. The future stability of our economy depends on it.

Ms. MIKULSKI. Mr. President, I rise today in support of Gary Gensler's nomination to be Chairman of the Commodity Futures Trading Commission.

I have known Gary for many years—when he worked in the Senate during the Clinton administration, and as a community leader in Maryland. I know him to be a man of principle and great intelligence with a deep understanding of all areas of domestic finance and how to turn ideas into workable policy. During this time of great financial turmoil and uncertainty, we need someone with these skills to lead the Commodity Futures Trading Commission.

I enthusiastically support Gary Gensler's nomination for this important position on President Obama's economic team, and I applaud the administration for working to address my colleagues' concerns so Gary can finally be confirmed.

I have three criteria for considering nominees: competence, dedication to the mission of the department, and integrity. Gary Gensler clearly meets these criteria. His experience in all areas of domestic finance is stellar. He has worked in the executive branch, the Congress and on Wall Street. He was a top economic adviser to Senator Paul Sarbanes on the Senate Banking Committee. And he worked under Larry Summers during the Clinton administration as Under Secretary of Treasury.

The Commodity Futures Trading Commission is an essential part of the financial regulatory system. Its decisions affect everyone who purchases food or commodities including consumers and small businesses. I have always stood for strong regulation with teeth. I applaud President Obama for choosing an economic team that is committed to this kind of reform. And I am convinced Gary will be a great asset in carrying it out.

We faced similar challenges in 2003. Enron had just exposed giant cracks in our regulations, flushed the savings of hundreds of thousands of people, and put our broader economy at risk. Congress needed to act boldly to set up new regulations, just as we do now. Those new regulations were called Sarbanes-Oxley. They were championed by Senator Sarbanes and his top economic advisor at the time—Gary Gensler. They rewrote the rules of corporate America. They made business more accountable, shined light where others were afraid to look and stood up to big business.

Gary has integrity and a strong family. I have gotten to know Gary and his family as his wife Franchesca struggled and succumbed to breast cancer. I saw the strength of Gary and his three wonderful daughters: Anna, Lee and Isabel. He has tried to help others whose loved ones have cancer, and he was honored for his work on behalf of the American Cancer Society.

President Obama has inherited a mess. Our economy is teetering and people have lost faith in the institutions that are supposed to protect them. We need a Chairman of the CFTC who will enforce our laws, reform our regulatory system and guard us against fraud and abuse. I have full confidence that Gary Gensler is up to this challenge. He will be a strong, effective and reform minded Chairman of the Commodity Futures Trading Commission. I urge my colleagues to support his nomination.

Mr. DODD. Mr. Chairman, I rise in support of the President's nomination of Gary Gensler to be the Chairman of the Commodity Futures Trading Commission. I have known Gary for some time and believe he is a dedicated and thoughtful public servant who has emerged over the years as a leader within his field and a person of real integrity.

Mr. Gensler's previous career with the investment banking firm of Goldman Sachs and in the Treasury Department, as well as his new work assisting this administration, along with his intelligence, experience and personal skills, will enable him to be an effective Chairman of the CFTC.

I am aware of his work in connection with the Commodity Futures Modernization Act of 2000, a bill that contributed to deregulation of derivatives markets. With the benefit of hindsight, we can see the harms that an absence of regulation over credit default swaps, for example, can cause and the need for regulation in the derivatives markets. I have talked with him about these regulatory issues, and I know he recognizes the importance of an energetic, assertive regulatory approach.

I fully expect Mr. Gensler to use his talents and skills to effectively regulate the markets, learn from the past and exercise his clear and independent judgment to protect and promote the integrity of the futures markets, and to protect taxpayers. I expect the Senate will continue to exercise oversight of decisions made by the CFTC that may impact the broader financial markets.

Mr. DORGAN. Mr. President, I wish to address today's vote to confirm Mr. Gary Gensler as a Commissioner and Chairman of the Commodities Futures Trading Commission, CFTC. I have serious reservations about this nomination and am voting against it. Let me explain why.

Mr. Gensler was a key proponent of deregulation in the late 1990s and he

specifically advocated that swaps and other derivatives not be regulated. I had the opposite view. I argued at the time that such deregulation would result in banks making very risky bets which would ultimately lead to massive taxpayer bailouts to save the financial system.

I regret that I was right. We now know the disastrous consequences of the push to deregulate. We will long regret repealing the protections put in place after the Great Depression of the 1930s and the view that the market knows best and regulation was the enemy.

The costs for these views and actions have been monumental. Taxpayers and American families have paid the price. Our government has spent, lent or guaranteed more than $13 trillion responding to the financial meltdown. In addition, U.S. household wealth has decreased by almost $13 trillion as home values plummet and stock markets crash.

But, that is not all. As our gross domestic product goes down, our unemployment rate goes up, getting close to 10 percent, and, when combined with those working part time who want to work full time, is actually higher than 15 percent.

However, we must not forget that the real cost of these disastrous policies is much more than dollars and statistics. The real costs are lifetime savings vanished, jobs lost, careers shattered, homes foreclosed, neighborhoods destroyed, retirements deferred, colleges unaffordable and the American dream for too many of our neighbors devastated.

Now that all this wreckage has happened and now that he has been nominated for the CFTC, Mr. Gensler has stated that he has changed his views on the need for and importance of regulation. I welcome those new views and look forward to him putting his words into action. If he does, I will be one of the first to come to the floor to applaud him.

I met with him privately and Mr. Gensler was candid and forthright about changing his views. In our meeting and in his testimony before the Senate Agriculture Committee, Mr. Gensler made clear that he now understands how important the CFTC is as one of the key regulatory agencies charged with protecting the integrity of our markets.

I stressed to him that America can no longer afford a do-nothing CFTC. The CFTC has to be a cop on the beat. It has to vigilantly monitor the commodities markets and aggressively act to ensure that they are not being manipulated or distorted by speculators or anyone else. It has to act quickly in an unbiased and nonideological manner to protect those markets and consumers.

In my view, Mr. Gensler does not have to wait to put his words into action. Last year, the CFTC acted like the three monkeys: see nothing, hear nothing, and do nothing, as oil prices skyrocketed from $50 to almost $150 and a gallon of gas approached $5. Like a parrot, the CFTC said over and over this was caused by the fundamentals of supply and demand, ignoring all facts to the contrary, including massive speculation from Wall Street pouring investment cash into the commodities markets.

The CFTC must investigate whether or not speculators were able to manipulate and distort the commodities markets. I believe they did and they will do it again unless they are thoroughly investigated by an agency that takes its mission to protect markets and consumers seriously.

While I am prepared to be surprised by Mr. Gensler and I hope I am, I simply cannot vote for someone to lead such an important agency after he had such a critical role in ensuring that derivates were not regulated, which caused so much devastation across our country. I look forward to Mr. Gensler proving my concerns unwarranted.

Mr. CARDIN. Mr. President, I have known Gary Gensler for many years in both a personal and professional capacity and I believe he is an ideal choice to chair the Commodity Futures Trading Commission, CFTC. He will draw on his many years of experience to help the President create a 21st century regulatory framework to ensure that an economic crisis like the one we are experiencing will not happen again. Today, we face a crucial time for the commodities markets, for our financial system, and for our entire Nation. The failure of the regulatory framework that governs our financial markets helped create the current economic crisis.

As we look forward to fixing the systemic problems in our Nation's economy, the CFTC Chairman will play a crucial role. We need someone with the tremendous depth and breadth of experience that Gary Gensler possesses. Gary served in the Department of Treasury from 1997 to 2001, first as Assistant Secretary for Financial Markets and later as Under Secretary for Domestic Finance. As Under Secretary of the Treasury, Gary was the senior adviser to Treasury Secretary Robert Rubin and later to Secretary Lawrence Summers on all aspects of domestic finance. The office was responsible for formulating policy and legislation in the areas of U.S. financial markets, public debt management, the banking system, financial services, fiscal affairs, Federal lending, and government-sponsored enterprises. In recognition for this service, Gary was awarded Treasury's highest honor, the Alexander Hamilton Award. He subsequently acted as a senior adviser to Senator Sarbanes, who chaired the Senate Banking Committee, on the Sarbanes-Oxley Act, which reformed corporate responsibility, accounting, and securities laws. More recently, Gary led the Securities & Exchange Commission Agency Review Team for the Obama-Biden Presidential Transition Team.

Before Gary joined Treasury, he worked on Wall Street for 18 years at Goldman Sachs. He became a partner at the age of 30—at that time, one of the youngest partners in the firm's history. He joined the firm in the mergers and acquisitions department in 1979 and assumed responsibility for the firm's efforts in advising media companies in 1984. He subsequently joined the fixed income division in the mortgage department and then directed Goldman's fixed income and currency trading efforts in Tokyo during two record years. His last role was cohead of finance, responsible for worldwide controllers and treasury for Goldman Sachs.

Gary graduated summa cum laude from the University of Pennsylvania's Wharton School in 1978, with a bachelor of science in economics. He received a master's of business administration from the Wharton School's graduate division in 1979 and passed the Certified Public Accountancy exam. Gary is a member of the board of Enterprise Community Partners, the Park School, the RFK Memorial Foundation, and the Washington Hospital Center. He also serves as audit committee chair of Strayer Education, Inc., and WageWorks, Inc., and he serves on advisory boards for Johns Hopkins University Center for Talented Youth and New Mountain Capital. He previously was treasurer of the Baltimore Museum of Art and The Bryn Mawr School, as well as a board member of East Baltimore Development, Inc., and the University of Maryland Baltimore County.

We all know that we face a grave time for our economy. But we also face a time of tremendous opportunity to learn from past mistakes and make certain they are not repeated. I know that Gary Gensler will draw on his many years of experience in the public and private sectors to help the new administration guide our economy through these troubled times to a stronger future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate concurs

in the amendment of the House to S. 896, and the motion to reconsider is considered made and laid upon the table.

SUPPLEMENTAL APPROPRIATIONS ACT, 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 63, H.R. 2346, the Supplemental Appropriations Act, and that once the bill is reported, Senator INOUYE be recognized to call up the substitute amendment which is at the desk and is the text of the Senate committee-reported bill, S. 1054; that the substitute amendment be considered and agreed to; the bill, as amended, be considered as original text for purpose of further amendments; and that no points of order be waived by virtue of this agreement.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. REID. Before Senator INOUYE is recognized, let me say to the Senate, this is one of the most crucial pieces of legislation we will deal with this entire Congress. It involves funding of the troops in Iraq and Afghanistan. We wish to make sure everyone who has any concern about any provision of this bill has the opportunity to try to change it any way they want. We want to get this done as quickly as possible. We want to make sure everyone has the opportunity to do what they believe is appropriate. Finally, what I wish to say is, we are very fortunate, as a Senate and a country, to have the two managers of this bill. I have stated many times my affection and admiration for Senator INOUYE. He is a person whom the history books have already written about. Not only is he a heroic person in the fields of war but also in the fields of legislation. His colleague, Senator COCHRAN, is a person who has wide respect on both sides of the aisle. He is someone I have traveled parts of the world with. I have been working with him for a quarter of a century. He has been here longer than I have, but that doesn't take away from the fact that I recognize what a good Senator he is and how fortunate are the people in Mississippi to have him working on this legislation and all other matters. He is someone I can go to and there is no flimflam with COCHRAN. He tells you: I can't help you, here is what I want you to do. I think we will be well served during this debate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I say to my good friend the majority leader, I understand he has laid down an amendment to be offered by the chairman of the Appropriations Committee, our good friend from Hawaii, and Senator INHOFE related to Guantanamo. I am pleased the majority has recognized that the President's policy of putting an arbitrary deadline on the closing of Guantanamo is a mistake. A first step toward moving us in the direction of getting a new policy is to prevent funding in this bill or any other bill from being used for the purpose of closing Guantanamo. What we need to remember is that Guantanamo is a $200 million state-of-the-art facility. It has appropriate courtrooms for the military commissions we established a couple years ago at the direction of the Supreme Court. No one has ever escaped from Guantanamo.

We need to think, once again, about the rightness of the policy of closing this facility. It presents an immediate dilemma. Among the 250 or so people who are left there now are some of the most hardened terrorists in the world, people who planned the 9/11 attacks on this country. We know how the Senate feels about bringing them to the United States. We had that vote 2 years ago. It was 94 to 3 against bringing these terrorists to the United States. What we need is to rethink the policy of closing this facility. If our rationale for closing it is to be more popular with the Europeans, I must say we don't represent the Europeans. We represent the people of the United States. We have a pretty clear sense of how the people in this country feel about bringing these terrorists to the United States.

I congratulate our good friends in the majority. They are heading in the right direction. We know the President on national security issues has shown some flexibility in the past. For example, he changed his position on releasing photographs of things that occurred at Abu Ghraib. He changed his position on the using of military commissions and has now rethought that and opened the possibility that maybe military commissions established by the previous administration and this Congress are a good way to try these terrorists. He rethought his position on Iraq and moved away from an arbitrary timeline for withdrawal. We know he has now ordered a surge in Afghanistan led by the same people who orchestrated and led the surge in Iraq which was so successful. So the President has demonstrated his ability to rethink these national security issues.

I am confident and hopeful he will now, getting this clear message from both the House and the Senate on the appropriations bill, begin to rethink the appropriateness of an arbitrary timeline for the closing of Guantanamo.

I fully intend to support this amendment. I hope all Members of the Senate will. I thank Senator INOUYE and Senator COCHRAN, who is here, for their leadership on this bill. I particularly thank Senator INHOFE, who has been one of our leaders on this subject for a long time and reminded everyone today that he was down at Guantanamo not too long after 9/11 and has been there a number of times. I have been there myself. We all know it is a state-of-the-art facility in which the detainees are appropriately and humanely treated.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have never known JOHN MCCAIN or certainly President Bush to base their foreign policy on how the Europeans felt. Certainly, President Obama also bases his not strictly on how the Europeans feel about anything he does. I agree with President Bush and JOHN MCCAIN that Guantanamo should be closed. And we Democrats believe that President Obama is following the direction of others who have laid out the fact that it should be closed.

The decision to close Guantanamo was the right one. Guantanamo makes us less safe. However, this is neither the time nor the bill to deal with this. Both Democrats and Republicans agree. The Democrats, under no circumstances, will move forward without a comprehensive, responsible plan from the President. I believe that is bipartisan in nature. I think the Republicans agree with that. And we will never allow terrorists to be released into the United States. That is what this is all about.

I think this is the best way to approach this. I think the President will come up with a plan. Once that plan is given to us, then we will have the opportunity to debate his plan. Now is not the time to do it.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I will add that both President Bush and Senator MCCAIN indicated they would like to close Guantanamo but never suggested a specific time for doing it. The reason for that is they were confronted with the realities of this decision. If there were a specific timeline, it was difficult to figure out what to do with the detainees.

In addition to that, this administration—at least the Attorney General—has indicated there is a possibility they are going to allow some of the Chinese terrorists, the Uighars, to be released in the United States not in a prison. In other words, presumably they would be walking around in our country. So this issue is not totally behind us.

Again, I congratulate our friends on the other side for their movement on this issue. All these problems have not yet been solved. We all want to protect the homeland from future attacks. We know incarceration at Guantanamo has worked. No one has ever escaped from Guantanamo.

We know what happened when you had a terrorist trial in Alexandria, VA. Ask the mayor of Alexandria. The Moussaoui trial—it made their community a target for attacks. When they moved Moussaoui to and from the courtroom, they had to shut down large sections of the community.

It raises all kinds of problems if you bring a terrorist to U.S. soil, about whether they are going to be granted, in effect, more rights by having the

Bill of Rights apply to them in a Federal court system than a U.S. soldier tried in a military court. There are lots of very complicated issues, which led both Senator MCCAIN, who is fully able to speak for himself on this issue, and President Bush to never put a specific timetable for closure. That is the difference between their position and the position of the President.

Having said that, the President has demonstrated, as I said earlier, a lot of flexibility on these national security issues. I am hopeful he will continue to work his way in the direction of a policy that will keep America safe.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2346, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to thank both leaders of the Senate for their gracious remarks.

Today, the Senate will begin to consider the request for supplemental appropriations for fiscal year 2009. As we all know, the President has requested $84.9 billion in new budget authority, first, to cover the costs of ongoing operations in Iraq and Afghanistan, and it includes funds for the supporting costs to those operations, and to prepare for natural disasters, including wildfires and the swine flu. In addition, last Tuesday, the administration requested proposals to increase the borrowing power of the International Monetary Fund. This proposal would cost $5 billion under the scoring of the Congressional Budget Office.

After reviewing the President's request, the proposals made by the committee and included in the recommendation before you total $91.3 billion, $1.3 billion above the President's estimate. This amount is $5.4 billion below the measure just passed by the House. I would point out that the House did not consider the $5 billion request for the IMF by the administration.

The President requested funding in four basic areas: national defense, international affairs, protection against swine flu, and funding in response to natural disasters, all of which I will briefly discuss.

The President's request included $73.7 billion for items under the jurisdiction of the Defense Subcommittee. The committee has provided $73 billion for this purpose. The remaining $700 million was requested for programs that more appropriately are funded by other subcommittees, such as Military Construction; Commerce, Justice, State; and Homeland Security. So in this mark, we recommend transferring these funds to the relevant subcommittees.

I would note there are several differences between the specific items requested and the amounts recommended by the committee. For example, the committee recommended $1.9 billion to cover the costs of higher military personnel retention and other necessary personnel bills.

We provide an additional $1.55 billion for the purchase of the all-terrain MRAP vehicle and $500 million for equipment for our National Guard and Reserve forces. The committee also addressed the readiness needs of the Navy and provides for an increase in the enhancement of our intelligence surveillance and reconnaissance capabilities.

For the Department of State and other international affairs funding, including the IMF, the committee recommends $11.9 billion, nearly the same as the amount requested. The committee recommendation is similar to that requested, but I would note that additional funding has been allocated for Jordan and for the Global AIDS Program within the overall total.

For military construction, the committee is recommending $2.3 billion, about the same as that sought by the administration.

The committee has recommended $1.5 billion, as requested, for the swine flu, and has worked with the administration to identify the best allocation of these resources among the relevant Federal agencies.

Funding of $250 million is recommended for fighting wildfires, and $700 million is provided for international food assistance under PL–480.

The committee has responded to damage caused by natural disasters by adding nearly $900 million to the amount requested for damage from flooding in the Midwest and in response to Hurricane Katrina.

Each subcommittee was tasked with reviewing the President's request in their jurisdiction and recommending funding both for items in the request and other items necessary to meet legitimate emergency needs.

The vice chairman, Senator COCHRAN, and I also offered each subcommittee the opportunity to recommend earmarks or other nonemergency increases so long as the costs were offset within existing funding.

As the Senate considers this bill, I would point out that under the budget resolution, any item which seeks to add funding to the bill will be subject to a Budget Act point of order unless it is offset.

This is an important bill which responds to the requirements of our men and women in uniform and to members of our population who have been ravaged by natural disasters. It also seeks to protect our people and our country with funding to deter wildfires and the swine flu, in addition to terrorists.

This is a good bill. It is necessary to deal with a myriad of problems. We should act expeditiously to pass it, get it to conference, and on to the President for his signature. Therefore, I join my leaders in urging my colleagues to help us attain quick passage of this very important measure.

Mr. President, I yield to the vice chairman of the committee.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished chairman of the Committee on Appropriations in presenting to the Senate the fiscal year 2009 supplemental appropriations bill. This bill includes funding to combat violent extremism in Iraq and Afghanistan, and supports other emergency requirements both at home and abroad.

This bill includes funding for the men and women in the Armed Forces and our diplomatic corps, and gives them the resources necessary to carry out the missions assigned to them by our Government.

I commend the distinguished chairman for moving this bill in a timely manner to ensure that our service men and women have the resources they need while still allowing time for the Senate to carefully consider the bill.

I hope this year we can complete action on the supplemental in time to avoid putting the Secretary of Defense in a position where he is compelled to postpone acquisitions or transfer funding between accounts, and take other inefficient steps to maintain the flow of resources to our troops in the field.

This bill contains several important initiatives that will strengthen our military's ability to prosecute its mission and improve the overall readiness of our forces. Several of these priorities were identified by the Department of Defense but were not included in the President's request. We were able to fund these additional needs while staying within the overall spending level requested by the President for Defense programs.

The bill contains more than $18 billion for military pay and benefits, including $1.9 billion to cover shortfalls not requested by the administration. The bill also includes funding for continued operations, equipment repair and replacement, and enhanced support to wounded warriors and military families.

The bill contains $4.2 billion for mine resistant ambush protected vehicles. This recommendation is $1.5 billion more than the administration's request and will help speed the delivery of an ''All Terrain'' version of the vehicle to Afghanistan where harsh terrain challenges the mobility of our forces.

The committee also recommends $332 million above the President's request to fund urgent requirements identified by the Secretary of Defense's Intelligence, Surveillance, and Reconnaissance Task Force. These funds will be used to procure additional sensors, platforms, and communication systems that are critical for finding and neutralizing al-Qaida and insurgent forces.

To maintain the readiness of our forces, the bill includes an additional $246 million above the President's request for the Navy's P–3 surveillance aircraft. These planes are not only used

for maritime patrol, but also to support Army and Marine ground forces in Iraq and Afghanistan. The funds will allow the Navy to procure wing kits needed to address structural fatigue issues that have led to the grounding of many of these aircraft.

The committee also recommends $190 million above the President's request for ship depot maintenance to address damage done to three Navy vessels during recent mishaps. These repairs are truly unforeseen emergencies, and the funds in this bill will help ensure these ships return to the operational fleet as soon as possible.

Although the President's request did not include funding in the National Guard and Reserve equipment account, the committee recommends $500 million. Currently there are over 140,000 National Guard and Reserve personnel activated. This funding will help ensure those personnel have the resources necessary to perform their duties. These funds will be used to procure equipment for National Guard and Reserve units to be used to support combat missions and taskings from State Governors.

The Defense title also contains $400 million for the Pakistan Counterinsurgency Capability Fund. This new initiative proposed by the President is intended to bolster efforts to eliminate terrorist safe havens in the rugged border region of Pakistan and Afghanistan. I understand the legitimate concern raised by Senators who believe that such a program should be administered by the Department of State, but I believe the needs of the commanders on the ground warrant short-term funding for the Defense Department until this program can be effectively transferred to the State Department.

While this supplemental is predominantly focused on American efforts abroad, I am pleased that the bill also responds to emergencies here at home. The bill includes several provisions to aid in my State's ongoing recovery from Hurricane Katrina, including funding to restore the federally owned barrier islands that serve as the first line of protection for the Mississippi coastline. These islands were significantly diminished by Katrina, and according to a Corps of Engineers' study their restoration will go a long way toward mitigating future damage.

I greatly appreciate the bipartisan manner in which the chairman worked with me and other members on our side in crafting this bill. He and his staff have been very open to requests, even while producing a bill that adds very little to the top-line amount requested by the President.

In this bill, Chairman INOUYE made a sincere effort to respond to security concerns at Guantanamo Bay without denying outright the resources requested by the President to analyze and implement closure of the facility. I understand, however, that the funding and language relating to Guantanamo remain controversial. I anticipate these matters will be thoroughly discussed and that several Senators are likely to propose amendments.

Senators may also have amendments relating to the International Monetary Fund. The bill reported by the committee includes language sought by the President to expand the United States commitment to the IMF. This request was submitted only a week ago, and there was very little time prior to the committee markup in which to consult with the relevant authorizing committees and other experts. I am not aware that there have been Senate hearings on this request. I look forward to further discussion of this important subject, but wish to express my concern that the manner in which this request has been presented could endanger the timely enactment of this supplemental. I hope that is not the case.

I would like once again to thank the Senator from Hawaii for the manner in which he has put this bill together. I look forward to working with him to get the bill to the President in a timely fashion, and to beginning work in earnest on the regular fiscal year 2010 appropriations bills. We have a busy summer ahead of us.

I urge my colleagues on the Republican side who may have amendments to the supplemental to contact us so that we can make efficient use of the Senate's time.

Mr. President, I know the Senator from Oklahoma wants to make a comment. I will yield first, though, to the distinguished chairman.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 1131

(Purpose: In the nature of a substitute)

Mr. INOUYE. Mr. President, I send an amendment to the desk on behalf of Senator COCHRAN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself and Mr. COCHRAN, proposes an amendment numbered 1131.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. Under the previous order, this amendment is adopted and is considered as original text, with no points of order being waived.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. INOUYE. Mr. President, I am pleased to yield.

AMENDMENT NO. 1133

Mr. INHOFE. Mr. President, I am a little confused as to where we are. I have an amendment I do want filed. It is amendment No. 1132 at the desk right now. I say to the senior Senator from Hawaii that it is essentially the same thing as the wording of an amendment he will be bringing up.

My request of the Senator—and I cleared this with the Senator from Mississippi—is that I be the first cosponsor on his amendment so that it would be the Inouye-Inhofe amendment.

Mr. INOUYE. No question about that. Is it the pending amendment at this moment, the Inouye-Inhofe amendment?

Mr. INHOFE. Mr. President, I can clarify this. I had sent my amendment to the desk, which we don't plan to take up, but I wanted it filed because we have a number of cosponsors who, I am sure, will want to join me in cosponsoring the Inouye amendment, since it is the same amendment.

AMENDMENT NO. 1133

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself and Mr. INHOFE, proposes an amendment numbered 1133.

The amendment is as follows:

(Purpose: To prohibit funding to transfer, release, or incarcerate detainees detained at Guantanamo Bay, Cuba, to or within the United States)

Strike section 202 and insert the following:

SEC. 202. (a)(1) None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to transfer, release, or incarcerate any individual who was detained as of May 19, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States.

(2) In this subsection, the term ''United States'' means the several States and the District of Columbia.

(b) The amount appropriated or otherwise made available by title II for the Department of Justice for general administration under the heading ''SALARIES AND EXPENSES'' is hereby reduced by $30,000,000.

(c) The amount appropriated or otherwise made available by title III under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' under paragraph (3) is hereby reduced by $50,000,000.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, this amendment has been discussed rather fully by our two leaders.

I now yield to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator for yielding.

First of all, I heard the dialogue going back and forth on the amendment and the positions taken several times in statements made, and there are several people in this Chamber who want to close Guantanamo Bay.

Let me make it very clear: I have never had any intentions of wanting to close it. I keep asking: What would be the reason someone would want to close an asset that we have that can't be replaced anywhere else? My feeling was since there was no answer to that, and since this is one of the few good deals, I say to both the distinguished chairman and ranking member of the Appropriations Committee: Have you ever had a better deal than this?

It costs us $4,000 a month, the same price it cost us back in 1903, and it is a great $200 million facility. It has facilities to try these cases. They have the expeditionary legal complex there,

which they don't have anyplace else. So if you close that down, you couldn't have the tribunals. Somehow they might end up being—I am talking about the terrorists—in our court system, in which case the rules of evidence are different.

So for any number of reasons, and because everyone who goes down there—and I am talking about even Al-Jazeera the media goes down and comes back and shakes their heads and wonders why we would want to close it.

So I want to go on record that I want to go further than just not funding Guantanamo, but also what we are going to be doing with some 245 detainees. Hopefully, we can end this discussion about closing an asset that has served us very well for a number of years.

So I wholeheartedly support the Inouye amendment, which is the same language I had in my amendment. I think that will pretty much accomplish what I wish to accomplish.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senator from Alabama, Mr. SHELBY, be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me do this, if it is all right with the Senator from Hawaii. There are apparently several people wanting to come down and speak on this bill, and I think Senator DURBIN is going to be coming down. So while we are waiting, instead of sitting in a quorum call, let me mention that on my bill we had Senators BARRASSO, BROWNBACK, DEMINT, JOHANNS, ROBERTS, THUNE, VITTER, SESSIONS, CORNYN, COBURN, HUTCHISON, and BENNETT, I believe, who all wanted to be or were cosponsors of my amendment.

Since this is the same amendment, they also requested that—some of them wanted to come down and speak on behalf of this amendment. So if it is acceptable, we could wait until they get down here. Until they do, I wish to perhaps elaborate a little bit more about what is existing there right now in terms of any problems.

A lot of times people are talking about maybe this is perceived by Europeans, or somebody else, to be an institution that sometimes is perhaps guilty of or accused of torturing detainees. Let me assure my colleagues that has never happened. There has never been a case of waterboarding.

Most of the people who have come back—including Eric Holder, the Attorney General—came back with a report that the conditions and the circumstances under which these detainees exist are probably better than any of our Federal courts. Right now, there is one doctor for every two detainees, and they are giving them treatments they never had before. I have been down there numerous times only to find out that their treatment—the food they are eating and all of that—is actually better than they had at any other time during their lifetimes.

So it is very difficult to look at a suggestion such as this. Seeing where this, to me, is the only place in the world where they actually are set up to handle these types of detainees, the suggestion was made that perhaps they wanted to—they were looking for 17 places in the continental United States to put these detainees. My view at that time was that we would end up having 17 targets for terrorism.

One of those places they suggested was in my State of Oklahoma at Fort Sill. So I went down to Fort Sill to look at the detainee facility there. Sergeant Major Carter, who is in charge of it, said to me: Senator, why in the world would they close down Guantanamo?

She said: I have been there on two different tours and there is no place that can handle detainees better. Besides that, there is a court system there where they can actually conduct tribunals, and there certainly is not in Fort Sill, OK.

So in support of what we are doing with this amendment, some 27 States now have expressed themselves that they don't want to have these detainees, any of them, in their States. We are talking about State legislatures. So that is over half of the State legislatures that are saying they wouldn't want to do that.

So I think if we have an asset, if we have something that is working, we are in a position to keep detainees there. Some of them have to be there for a long period of time. The only choice would be to keep them there or to try them. If you try them and there is no way of disposing of them after the trial, they would have to go back.

Right now, of the 245 detainees, there are 170 of them whose countries would not take them back. So you have to ask the question: What would we do with them?

So the bottom line is this: It is a state-of-the-art prison. People are treated right. They have proper medical care. They have better food than most of them have ever had before. Besides that, some of these are the Khalid Sheikh Mohammed-type of individuals whom we want to be sure don't get in the wrong court system where something could happen to them.

So of the 240 detainees now, 27 are members of al-Qaida's leadership cadre, 95 lower level al-Qaida operatives, 9 members of Taliban's leadership cadre, 92 foreign fighters—that is 38 percent of all of them—and 12 Taliban fighters and operatives. These people are tough guys. We are going to have to do something with them. So I do support the Inouye-Inhofe amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to speak to the pending amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Mr. President, I want to commend the chairman of the Appropriations Committee, Senator INOUYE, for this amendment he has offered. President Obama is formulating a plan in terms of the future of the Guantanamo Bay detention facility and any appropriation at this moment would be premature. We should wait until the administration submits that plan and then try to work to implement that plan on a bipartisan basis.

What I find incredible are the Members of the Senate who are coming to the floor and basically suggesting that the Guantanamo detention facility should stay open indefinitely; that there is no reason to close Guantanamo. I don't understand that thinking. Wasn't it President Bush of the Republican Party who called for closing Guantanamo? I thought he did. In fact, he did. I don't recall the Republican Senators standing up at that point and objecting when President Bush said that was his goal, to close Guantanamo.

Mr. INHOFE. Will the Senator yield?

Mr. DURBIN. No, I will yield when I am finished.

When President Obama was elected, he made it clear that we were going to have a clean break from some of the policies of the past and we were going to try to reestablish America's position in the world—a position of leadership and respect. I think that is a goal Americans heartily endorse, both political parties and Independents as well. The results of the November 4 election last year indicate that.

When President Obama took office and said that the Guantanamo Bay detention facility would be phased out over a 1-year period of time, when he said we were going to do away with some of the interrogation techniques that had become so controversial, I felt it was a statement of principle and it was, practically speaking, important for our Nation to do.

Arthur Schlesinger, Jr., a historian who died a couple of years ago, wrote histories of the United States beginning with the age of Jackson through F.D.R. and John F. Kennedy. Before he died, he said:

> No position taken has done more damage to the American reputation in the world—ever.

The tragic images that emerged from Abu Ghraib and the stories that came out afterwards, unfortunately, left an impression in the minds of people around the world that was mistaken—an impression that we were not a caring, principled people.

I think President Obama's decision to move forward toward the closing of the Guantanamo Bay detention facility was the right decision, but it wasn't just President Obama who came to that conclusion. Closing the Guantanamo Bay detention facility is an important national security priority for our Nation. Many national security and military leaders agree that closing Guantanamo will make us safer.

Let me give a few examples: General Colin L. Powell, the former Chairman of the Joint Chiefs of Staff and former Secretary of State under President Bush, Republican Senators JOHN MCCAIN and LINDSEY GRAHAM, and former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice.

The two most vocal supporters of keeping Guantanamo open are former Vice President Dick Cheney and talk show host Rush Limbaugh. With all due respect, when it comes to the national security of the United States of America, I will side with Colin Powell and JOHN MCCAIN over Vice President Cheney and Rush Limbaugh.

According to experts, Guantanamo Bay, unfortunately, has become a recruiting tool for al-Qaida that is hurting America's security.

Let me give one example. Retired Air Force MAJ Matthew Alexander led the interrogation team that tracked down Abu Musab al-Zarqawi, the leader of the al-Qaida operation in Iraq, and this is what he said:

> I listened time and again to foreign fighters, and Sunni Iraqis, state that the number one reason they decided to pick up arms and join al-Qaida was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay. . . .It's no exaggeration to say that at least half of our losses and casualties in that country have come at the hands of foreigners who joined the fray because of our program of detainee abuse.

This is not a statement that comes out of some leftwing publication. It is a statement by a retired Air Force major, Matthew Alexander.

I visited Guantanamo Bay in 2006. I left proud of the good job our soldiers and sailors were doing there. They are being asked to carry a heavy burden of the previous administration's policies.

For many years, President Bush announced publicly that he wanted to close the Guantanamo detention facility, and there were no complaints from the Republican side of the aisle when President Bush made that suggestion. But President Bush didn't follow through.

Now President Obama has taken on the challenge of solving this problem that he inherited from the Bush administration.

I listened here as the previous speaker talked about the dangerous people at Guantanamo. There is no doubt that some of them are dangerous and have to be regarded as such, and releasing them would not be in the best interest of the security of the United States. But having said that, since Guantanamo was opened initially, the Bush administration released literally hundreds of detainees who were brought there, many of whom were later determined by the Bush administration not to be any threat or guilty of any wrongdoing. They were sent back to their countries of origin or to other countries that would receive them.

One particular case I am aware of involves a young man who was from Gaza. He was turned over as a suspected terrorist and sent to Guantanamo. He was sent there at the age of 19. He languished in Guantanamo for 6 years, never being charged with any wrongdoing. Just last year, his attorney was given a communication by our Government that said: We have found no evidence of wrongdoing by this man who is your client, and he is free to leave as soon as we can determine which country will accept him. A year and 3 months have passed since then. He still sits in Guantanamo. He came there at the age of 19; he is now 26. Is that justice in America? Is that an outcome we applaud? Do we want to keep Guantanamo open so he can continue sitting there year after year? Of course not. We want to detain those who are dangerous and bring to trial those who can be charged with criminal wrongdoing. We want to release those who are innocent and of no harm to the United States.

The President is taking the time to carefully plan for the closure of Guantanamo in a way that will protect our national security. One thing is eminently clear, and it is almost painful for me to have to say the words on the Senate floor, and if anybody suggests otherwise, I cannot imagine they would do it in good faith, but I will say them anyway. This President of the United States will never allow terrorists to be released in America.

This President has set up three task forces to review interrogation and detention policies and conduct an individualized review of each detainee who is currently held at Guantanamo. These task forces are staffed by career professionals with extensive experience in intelligence and counterterrorism. They will make recommendations on how to close Guantanamo and what our interrogation and detention policies should be. We should give these national security experts the time to conduct a careful review and make their recommendations.

The Obama administration's approach is in stark contrast to the previous administration, where policies were made by political appointees with no background in counterterrorism. They ignored concerns expressed by FBI agents and military personnel with years of experience in dealing with al-Qaida.

When the President issued his Executive order, Republican Senators JOHN MCCAIN and LINDSEY GRAHAM said:

> We support President Obama's decision to close the prison at Guantanamo, reaffirm America's adherence to the Geneva Conventions, and begin a process that will, we hope, lead to the resolution of all cases of Guantanamo detainees.

That is a responsible statement. I applaud my Republican colleagues for stepping up and acknowledging that this President is trying to do the right thing. It doesn't benefit the debate for people to come here and create a specter of fear, that somehow this President—or any President—would be party to releasing dangerous people into the United States.

Last week, Senator LINDSEY GRAHAM said:

> I do believe we need to close Guantanamo Bay. I do believe we can handle 100 or 250 prisoners and protect our national security interests, because we had 450,000 German and Japanese prisoners in the United States. So this idea that they cannot be housed somewhere safely, I disagree.

But some Republicans have decided to turn Guantanamo into a political issue on the floor. Some have even gone so far as to claim the President wants to release terrorists into the United States. This is an absurd, offensive, and baseless claim.

Our colleagues on the other side of the aisle are criticizing the President, but the sad reality is that they have no plan to deal with the Guantanamo problem.

Richard Clarke, President George W. Bush's first counterterrorism chief, said the following last week:

> Recent Republican attacks on Guantanamo are more desperate attempts from a demoralized party to politicize national security and the safety of the American people.

Let me address one specific claim—that transferring Guantanamo detainees to U.S. prisons will put Americans at risk.

Last week, Philip Zelikow, who was the Executive Director of the 9/11 Commission and counselor to Secretary of State Condoleezza Rice, testified before the Judiciary Committee. Mr. Zelikow told me that it would be safe to transfer Guantanamo detainees to U.S. facilities and that we are already holding some of the world's most dangerous terrorists in the United States.

Here are a few examples of those currently being held in American prisons: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; 9/11 conspirator Zacarias Moussaoui; Richard Reid, the so-called shoe bomber; and numerous al-Qaida terrorists responsible for bombing the U.S. Embassies in Kenya and Tanzania.

If we can safely hold these individuals, I believe we can also safely hold Guantanamo detainees. I don't know if this will be part of the President's recommendation or plan. We are still waiting for that.

I should make it clear in this debate that no prisoner has ever escaped from a U.S. Federal super-maximum security facility.

President Obama inherited this Guantanamo problem from the previous administration. Solving it will require leadership and difficult choices, and it will take some time.

I think the decision by Senator INOUYE to remove this money from the supplemental is the right decision. The supplemental covers the next 4 months. During that period of time, the President will come out with his plan, and we can work forward from there.

The President is showing that he is willing to lead and make hard decisions. I urge my Republican colleagues to pay close attention to their colleagues, Senators MCCAIN and GRAHAM, who I think have been reasonable in discussing this issue. We should not play politics with national security.

Give the Obama administration a chance to present their plan for closing Guantanamo. As Colin Powell, JOHN MCCAIN, and many others have said, closing Guantanamo is an important step toward restoring American values and actually making America a safer country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, I rise today to commend President Obama on his recent decision to continue military commissions at Guantanamo Bay. I think the decision shows the President's realistic assessment of the value of the commissions. Resuming them will also ensure that justice will be brought to the suspected terrorists currently awaiting the commission. The President has also shown an invigorating commitment to winning the war in Afghanistan, and he has resisted brash decisions to exit Iraq before the security situation has been fully stabilized.

However, today, I must temper my comments with an admonition. The President needs to reverse his order to close Guantanamo Bay. We are all familiar with the President's Executive order. It was signed in the first hours of his Presidency. It announced the closure of the prison within 1 year. To say the Executive order is short on detail is an understatement. We have learned that the Justice Department is reviewing the cases of the individual detainees and that the President would like to move the detainees somewhere else. That is really all the Executive order tells us.

About 240 detainees are now being held at Guantanamo Bay. The administration claims that not every detainee is a terrorist and that a few are kept at Guantanamo simply because other countries are very slow to accept them. Well, let me tell you, in my judgment, that speaks volumes about the character and the fitness for society of these detainees. Other countries are literally dragging their feet in accepting them. In April, the President of France famously agreed to accept one detainee. A number of countries, such as Germany and Lithuania, have only said they will consider accepting detainees, despite the Attorney General's round-the-world tour to ask our allies to accept more.

Let's assume the administration's projection that only half of the detainees there would be considered terrorists. Well, that is 120 terrorists who would be brought to facilities on our soil; 120 terrorists who would entice their brothers in arms worldwide to make every effort to break them out or at least wreak havoc on places where they are jailed; 120 terrorists whose trials and hearings will cause a community to virtually lock down every time they have to be transported from point A to point B.

Last Friday, I had the opportunity to actually go to Guantanamo and visit the prison. Having seen the facilities, I am more confident than ever that we should keep Guantanamo operating.

On my visit, I saw firsthand the treatment detainees receive there. The facilities there rival any Federal penitentiary. Detainees receive three meals per day that adhere to cultural dietary requirements.

They stay in climate-controlled housing with beds. It was a warm day when we were there. Their housing is air-conditioned. They have flushing toilets and had all of the hygiene items we would use, such as toothbrushes, toothpaste, soap, and shampoo. They have the opportunity to worship uninterrupted. They are provided prayer beads, rugs, and copies of the Koran. The Muslim call to prayer is observed in the camps five times a day, followed by 20 minutes of uninterrupted time to practice their faith. In fact, we happened to be there during the call of the prayer, and the camp literally shuts down to allow them to have that time. They have access to satellite TV and a library with more than 12,000 items in 19 languages, including magazines, DVDs, and Arabic newspapers. I will bet their big-screen television—really state-of-the-art television—is bigger than most in the average home in America.

Most remarkable, though, is the medical care provided to detainees at Guantanamo. Most people don't realize this, but detainees receive the same quality of medical care as the U.S. servicemembers who guard them. They have access to medical care anytime they need it, and there is a two-to-one detainee-to-medical-staff ratio. They get preventive care, such as vaccinations and cancer screenings. In addition to routine medical care, detainees have been treated for preexisting medical conditions, even to the extent of receiving cancer treatment or prosthetic limbs. This is likely better treatment than they would receive in their home countries.

The courtroom constructed at Guantanamo was designed specifically to deal with military commissions. I am a lawyer myself, and I have to tell you that I have never seen anything like this. To say that it is state of the art is to understate the quality of that courtroom. I will tell you that I am convinced there is not another courtroom anywhere in the world with better equipment than what we have installed at Guantanamo.

To top it all off, earlier this year, the Vice Chief of Naval Operations reviewed conditions at Guantanamo and issued a report that the detainees' confinement conformed to the Geneva Conventions. Despite public perception, no detainee has ever been waterboarded at Guantanamo.

Why would we throw away a $200 million, state-of-the-art facility just to meet an artificial deadline in 2010 that I think really originated from an uninformed campaign promise?

These are very dangerous people being held at Guantanamo. These are not a couple of teenagers who robbed a corner convenience store. There are 27 members of al-Qaida's leadership cadre currently housed at the prison, plus 95 lower level al-Qaida operatives, which combined is about half the prison population at Guantanamo. There are also scores of Taliban members and foreign fighters.

There was a survey that was done awhile back—it was released in April—and it indicated that 75 percent of Americans oppose releasing Guantanamo detainees in the United States, while only 13 percent support that. I am willing to bet the numbers opposing the transfer of prisoners to the United States would skyrocket even higher, although that is hard to imagine, if you told people that the terrorist detainees would be held in a prison near their town. But if moved to the United States, they have to be near some town.

The President submitted an $80 million funding request for the detainees to be transferred, despite having no plan outlining their destination. Fifty million dollars of the President's funding request would go to the Department of Defense to actually transfer the detainees from the prison. But we don't know where. This lack of a plan and lack of transparency deeply disturbs me.

Alarmingly, two of the sites on U.S. soil that some speculate would house transferred detainees are at Fort Leavenworth, KS, or the supermax facility in Colorado. Both facilities are within 250 miles of the Nebraska border. That alarms me and my constituents. That is why I sent a letter to Attorney General Holder on April 23 requesting a personal briefing before any decision is made to move current Guantanamo detainees within 400 miles of Nebraska's borders.

But simply being notified that detainees are about to be transferred won't suffice. That amounts to telling the passengers to hold on before the bus crashes. It is for these reasons that I believe we should deny funding to transfer detainees and in fact not close the prison at Guantanamo. It is for these reasons that I support S. 370, the Guantanamo Bay Detention Facility Safe Closure Act of 2009, introduced by the senior Senator from Oklahoma.

The bill prohibits Federal funds from being used to transfer any detainees out of Guantanamo to any facility in

the United States or its territories. It also prohibits any Federal funds from being used for the construction or enhancement of any facility in the United States in order to house any detainee. Finally, it prohibits any Federal funds from being used to house or otherwise incarcerate any detainee in the United States or its territories. It will keep our communities safe by preventing terrorists from being thrust into our cities and towns.

I will close by reminding Senators that in 2007, the Senate voted 94 to 3 to express its opposition to moving Guantanamo detainees to U.S. soil or releasing them into American society. President Obama's Executive order to close the prison at Guantanamo demonstrates his intention to ignore the will of the Senate and the American people. Despite an overwhelming vote, the administration apparently still plans to bring terrorist detainees from Guantanamo near our communities.

I hope we have the opportunity to once again address this issue. There is a pending amendment which I support. But I also urge the President to reconsider his decision to close the prison. I encourage my colleagues to support the amendment that is before this body to deny funding for closing the prison.

I look forward to a robust debate on this issue as we delve into this very important matter. Amendments will be offered. I think this is the most important issue we are going to face in a long time. Action to close the prison and move these people here is unacceptable. It is unthinkable to the American public. We must yield to their collective wisdom and hear their call. Anything else would be a grave mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 1136

Mr. MCCONNELL. Mr. President, I wish to say a few words about an amendment I am about to offer that relates to the President's Executive order of January 22 on the disposition of detainees at Guantanamo.

As part of that Executive order, a so-called detainee task force was created for the purpose of reviewing the records of detainees to determine whether they should be released. It is my view that any information obtained by this task force should be made readily available to the appropriate chairman and ranking members of the committees of jurisdiction. So the amendment I am about to send to the desk establishes a reporting requirement that would require the administration to provide a threat assessment of every detainee held at Guantanamo. This threat assessment, which could be shared with Congress in a classified report—remember, this would be in a classified report only—would indicate the likelihood of detainees returning to acts of terrorism. It would also report on and evaluate any threat that al-Qaida might be making to recruit detainees once they are released from U.S. custody.

Many of the remaining 240 detainees at Guantanamo are from Yemen, which has no rehabilitation program to speak of, and Saudi Arabia, which has a rehab program, but which, frankly, hasn't been very successful at keeping released detainees from rejoining the fight even after they go through this rehabilitation program. The recidivism among released detainees is of great concern to those of us who have oversight responsibilities here in Congress. So according to my amendment, the President would have to report to Congress before—I repeat, before—releasing any of the detainees at Guantanamo. More specifically, the administration would have to certify that any detainee it wishes to release prior to submitting this report poses no risk—no risk—to American military personnel stationed around the world.

This is a simple amendment that reflects the concerns of Americans about the dangers of releasing terrorists either here or in their home countries where they could then return to the fight. Until now, the administration has offered vague assurances it will not do anything to make Americans less safe. This amendment says that Americans expect more than that. Americans want the assurance that the President's arbitrary deadline to close Guantanamo by next January will pose no risk to our military servicemembers overseas.

I know there is an amendment pending at the desk, so I ask unanimous consent that it be set aside and that my amendment be sent to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1136.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the release of detainees at Guantanamo Bay, Cuba, pending a report on the prisoner population at the detention facility at Guantanamo Bay)

On page 31, between lines 3 and 4, insert the following:

SEC. 315. (a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter, the President shall submit to the members and committees of Congress specified in subsection (b) a report on the prisoner population at the detention facility at Guantanamo Bay, Cuba.

(b) SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress specified in this subsection are the following:

(1) The majority leader and minority leader of the Senate.

(2) The Chairman and Ranking Member on the Committee on Armed Services of the Senate.

(3) The Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

(4) The Speaker of the House of Representatives.

(5) The minority leader of the House of Representatives.

(6) The Chairman and Ranking Member on the Committee on Armed Services of the House of Representatives.

(7) The Chairman and Vice Chairman of the Permanent Select Committee on Intelligence of the House of Representatives

(c) MATTERS TO BE INCLUDED.—Each report required by subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Guantanamo Bay, Cuba, as of the date of such report.

(2) A current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Guantanamo Bay.

(3) A current accounting of all the measures taken to transfer each detainee listed under paragraph (1) to the individual's country of citizenship or another country.

(4) A current description of the number of individuals released or transferred from detention at Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Guantanamo Bay.

(6) For each detainee listed under paragraph (1), a threat assessment that includes—

(A) an assessment of the likelihood that such detainee may return to terrorist activity after release or transfer from Guantanamo Bay;

(B) an evaluation of the status of any rehabilitation program in such detainee's country of origin, or in the country such detainee is anticipated to be transferred to; and

(C) an assessment of the risk posed to the American people by the release or transfer of such detainee from Guantanamo Bay.

(d) FORM.—The report required under subsection (a), or parts thereof, may be submitted in classified form.

(e) LIMITATION ON RELEASE OR TRANSFER.—No detainee detained at the detention facility at Guantanamo Bay, Cuba, as of the date of the enactment of this Act may be released or transferred to another country until the President—

(1) submits to Congress the first report required by subsection (a); or

(2) certifies to the members and committees of Congress specified in subsection (b) that such action poses no threat to the members of the United States Armed Forces.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 1137

Mr. INOUYE. Mr. President, I ask unanimous consent that the pending amendment be set aside to allow me to call up a technical amendment, which I send to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 1137.

The amendment is as follows:

(a) IN GENERAL.—Unless otherwise designated, each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to the amount rescinded in section 308 for ''Operation and Maintenance, Air Force''.

Mr. INOUYE. Mr. President, this technical amendment clarifies the treatment of a rescission proposal included in the bill, and has been cleared by both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. MARTINEZ. The issue before the Senate includes the question of Guantanamo, and I know there has been some recent activity on this legislation.

Addressing this issue, the Federal Government has no higher responsibility than ensuring the safety and security of every American. Since 9/11, our Nation has taken a number of steps to safeguard us from the threat of terrorism, including the development of a facility to detain enemy combatants at U.S. Naval Station Guantanamo Bay.

Over the course of our campaign against terrorism, that detention facility came under harsh scrutiny; doing great harm to our stature around the world.

In June of 2005, I told a group of newspaper editors that the detention facility at U.S. Naval Station Guantanamo Bay had become a lightning rod for global criticism, and at some point a country has to reexamine the cost-benefit ratio of operating a facility that has such a poor public face.

As a lawyer, I noted that it wasn't very American to be holding people indefinitely with no system in place to process and grant review of the detention and some form of due process.

Suspected enemy combatants had essentially become akin to POWs; but because of the unique nature of the ongoing war on terror, they could not be released.

What I knew then, and what I know now is that though many wanted to close Guantanamo—a view that would eventually be shared publicly by President Bush and both candidates for President Senators JOHN MCCAIN and Barack Obama—we did not have a good plan for how to legally advance beyond that wish.

So we had an idea—to close Guantanamo—but no good path to achieve that without endangering Americans.

The world has changed since 2005.

Since then, a military commission system was established, prisoners were processed; the trying of unlawful enemy combatants began; trials concluded; and in some cases former Guantanamo Bay detainees were convicted of their charges, while others were acquitted and released.

But now, we have gone from the rhetoric of the campaign to the very real pronouncement by the President that Guantanamo shall be closed down by January 2010.

I agree, we need to close Guantanamo, but not before we have a concrete plan in place that holds captured enemy combatants accountable for their actions, while also not endangering the American public.

President Obama's Director of National Intelligence, Admiral Dennis Blair clearly laid out that:

> The guiding principles for closing the center should be protecting our national security, respecting the Geneva Conventions and the rule of law, and respecting the existing institutions of justice in this country.
>
> I also believe we should revitalize efforts to transfer detainees to their countries of origin or other countries whenever that would be consistent with these principles.
>
> Closing this center and satisfying these principles will take time, and is the work of many departments and agencies.

So again, we have the idea that we can all agree on, but in practice there is no plan; there is no clear path to achieving these goals.

When choosing a path, we need to act very carefully and consider this decision in the context of our ability to continue processing prisoners under the Military Commissions Act; we need to consider whether and how habeas corpus would apply to detainees transferred to U.S. facilities; and we need to know the implications of trying Gitmo detainees in Federal Court.

Today, some 240 individuals are held at Gitmo's detention center.

Of these, eighty detainees potentially face prosecution for war crimes before Military Commissions at Guantanamo and two individuals have already been convicted of war crimes before the Commissions.

These Commissions were created by Congress under the Detainee Treatment Act and the Military Commissions Act as a means for prosecuting the unique type of enemy we confront in this new type of warfare.

But then came the Supreme Court's opinion in Boumediene v. Bush.

In that opinion, authored by Justice Kennedy on behalf of the five-member majority, the Court did something that has never been done in the history of our Nation.

The Court extended the constitutional writ of habeas corpus to foreigners detained in foreign lands.

That means the Court extended to foreign terror suspects detained at Guantanamo Bay the same constitutional rights and privileges that U.S. citizens enjoy in U.S. courts.

Seizing on this unprecedented constitutional interpretation, the lawyers of several Gitmo detainees quickly filed motions in Federal district courts seeking to have their clients brought into the U.S., and in some cases, asked that their clients be released or ''paroled'' onto the streets of American cities and communities.

This is the world we live in given the Court's decision in Boumediene—a world in which foreigners, who have been trained at terrorist camps in Afghanistan, have been granted the right to be released onto the streets of American cities.

It was against this backdrop that President Obama decided on his first day in office to halt further Military Commission trials and to mandate the closing of Gitmo by January of next year.

Let's be clear about what we are dealing with here.

These detainees are not accused of shoplifting; they are not accused of robbing a bank; they are not accused of organizing a single or double homicide.

They are accused of working as unlawful enemy combatants with the aim of killing as many Americans as they can kill, most of them completely committed to their goal, they are ''irreconcilables.''

We are still in the midst of a global war on terror against an enemy bent on attacking Americans wherever and whenever it can. There is no question that this war is unprecedented. There is no question we face unique and difficult choices. But one thing is very clear: We should never allow alleged enemy combatants to enter or be released in the United States. No court, civilian or military, should ever be asked to decide whether the foreign terrorist trainee before it is ''safe enough'' to be brought into the United States and released into our streets. The American people deserve greater protections from us than that would warrant them, and we must remember that their personal safety and our national security is our No. 1 priority.

Guantanamo is a world-class facility that is well-suited for the unique circumstances of the global war on terror. Even Attorney General Holder has declared the facility to be ''well run'' and noted that Gitmo personnel conduct themselves in an appropriate way. I myself have visited there, and I understand what he is saying, because it is a good example of a fine detention facility. It is good that the military commissions were working and were achieving fair results and may be coming back.

For example, Salim Hamdan, Osama bin Laden's personal driver and body man, was convicted of providing material support to al-Qaida and sentenced to a mere 5½ years by a jury of military officers. This result demonstrates the effectiveness and the type of justice provided by the military commissions. This is why they should resume immediately at the only venue in the world that has been built to facilitate them, and that is the facility at Gitmo.

One thing I do want to make clear as we continue to have debate over the facility's future, I remind my colleagues that when we talk about Gitmo's future, we are referencing the detention center, not the U.S. Naval Station at Guantanamo Bay. That naval base is

the landlord to the detention center, but it also serves as a vital base for our Navy and is a key strategic place.

The overall facility is the U.S. Naval Station providing fleet support, ship replenishment, and refueling for the U.S. Navy and also for the Coast Guard as well as allied and friendly nations. It is a key processing center for Haitians and Cubans seeking asylum. The U.S. Naval Station at Guantanamo Bay is home to more than 8,500 active-duty servicemembers and their families and civilian support contractors.

We cannot lose sight of the important role the base plays in our national security, and the continued need for infrastructure improvements and enhancements, all that have absolutely nothing to do with the detention facility. As we continue to debate the facility's future, I want to underscore the importance of making a thoughtful and careful decision rather than one that may be what is expedient, for the moment.

We need a plan on how to move forward given the considerations I have discussed today. So I hope as the discussion goes forward, we will put the interests and the safety of the American people first. I know the portion of this bill before us which dealt with the Guantanamo facility and the allocation of $80 million to close down the facility may be removed from the bill or considered in a different form. I would be encouraged if we are not at the moment funding the closing of this facility until we have a game plan in mind of what we are going to do with the facility and the detainees who are there.

We still have not addressed what we are going to do between now and January of 2010. There still is no plan. There still is no future for what will happen to the 240 detainees who currently reside at the detention facility at the United States Naval Station in Guantanamo, Cuba.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH.) The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to support and thank the distinguished chairman of the Appropriations Committee, the Senator from Hawaii, for his amendment to strike the Guantanamo Bay funding in the supplemental bill before us.

Last week in the Appropriations Committee which he chairs, I raised this issue at the markup with the intent to strike the funding for the Department of Justice. At the behest of the chairman and ranking member, I did not offer the amendment which I intended to offer today.

This supplemental, as reported out of the Appropriations Committee, fulfilled the Department of Justice request originally for $30 million to fund the President's reckless campaign promise to shut down the Guantanamo Bay detention facility and determine the fate of the 241 terrorists being held there.

I also believe that funding for the Department of Justice to carry out the President's Executive order is just the beginning of efforts to begin the investigations of U.S. officials who interrogated terrorists who killed or attempted to kill American citizens.

In a Department of Justice hearing before the Appropriations Subcommittee on May 7, I asked the Attorney General if he knew about or sanctioned any of the renditions that occurred when he served as the Deputy Attorney General during the Clinton administration. He said he did, but could not provide specifics and would get back to the committee with a response. We are still waiting for that response. Yesterday, in following up with that, I sent a letter to the Attorney General following up on many of the unanswered questions left after the hearing.

Mr. President, I ask unanimous consent that the letter be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, DC, May 18, 2009.

Hon. ERIC HOLDER,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: I am writing to follow up on some of the issues raised during your hearing before the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies on May 7, 2009. Below are a number of questions posed during the hearing, as well as some additional questions I have relating to a potential criminal investigation of U.S. officials who drafted the legal opinions upon which the CIA based its interrogation program, and who actually participated in the interrogation of detainees. Also included are questions relating to the disposition of Guantanamo Bay detainees. Your immediate response would be greatly appreciated.

1. During your tenure as the Deputy Attorney General of the United States, 1997 to 2001, did you know that President Clinton approved of and actively engaged in the practice known as rendition? Did you or anyone in the Department of Justice express a legal opinion on, participate in, or approve any rendition? What actions did you take to ensure any such rendition complied with United States or international law? What actions did you take to ensure that any interrogations of any such individuals rendered by the United States were conducted by the receiving country in a manner consistent with United States or international law? Did you or anyone on your behalf ever determine whether any useful intelligence was obtained from any such individuals rendered by or on behalf of the United States? Did you or anyone on your behalf ever attempt to determine how that information was obtained and whether any such individuals rendered by or on behalf the United States was subjected to any treatment that would violate United States or international laws?

2. In an exchange with Senator Alexander during the hearing you mentioned an Office of Professional Responsibility (OPR) inquiry into the work of the attorneys who prepared the Office of Legal Counsel (OLC) memoranda regarding interrogation. It has been reported that the OPR report criticizes the competence of the authors of the memoranda.

a. Has the OPR. prior to this review. ever reviewed legal opinions drafted by the OLC? If so, please explain in detail, including whether any such review involved intelligence matters or the President's war powers?

b. Presuming the OPR reviewed the legal opinions of the OLC regarding the CIA's interrogation program, please describe, in detail, the standards of review applicable to any such OPR review. Also, provide a copy of any standards of conduct or any other Department of Justice policy guidance regarding the conduct of attorneys used by the OPR in its reviews. What conclusions did OPR reach in any such review?

c. How many attorneys currently work in the Office of Professional Responsibility? Do any of them have expertise in constitutional law, intelligence matters, treaty compliance, and/or separation of powers? If so, please provide detailed information regarding each attorney's individual expertise in these areas. Is the OPR seeking outside guidance in any of these areas? If so, please provide specific information on these individuals or sources.

d. Did any of the personnel in the OPR work on cases or policies arising from our government's response to the 9/11 attacks? If so, please provide the names of these individuals.

3. Attorney General Mukasey and Deputy Attorney General Filip were presented with a draft of an OPR report near the end of the Bush Administration. This was after more than four years of investigation and thousands of dollars in taxpayer funds being expended. Press reports have suggested that Mukasey and Filip rejected the idea that OLC attorneys should be subject to sanctions.

a. Please explain why you have decided to overrule Attorney General Mukasey's decision. Also, please provide the Committee with all instances, if any, where an incoming Attorney General has reversed the decision of his or her predecessor regarding a recommendation by the OPR.

b. News reports suggest that the OPR will criticize the Bybee memorandum that argues that the anti-torture statute cannot interfere with the President's constitutional authorities. Did the OPR ever investigate the opinions of the Clinton Justice Department to determine if it claimed that the President's constitutional authorities would allow him to act in violation of Acts of Congress? If not, why not? If so, please provide those opinions.

c. Does the OPR report address whether the interrogation methods used actually produced useful intelligence? If not, why not? If so, please list all U.S. Government personnel interviewed by the OPR to make such a determination.

4. The provision of accurate legal advice regarding the conduct of intelligence operations will necessarily entail the consideration of not only many types of activities, but also very difficult legal issues. On many occasions, reasonable attorneys may disagree on whether such activities are consistent with or violate United States or international law. The investigation, and possible sanctioning, of attorneys for the provision of legal advice in areas of law that are less than clear will absolutely have a chilling effect on their ability to provide accurate legal opinions. Faced with sanctions, attorneys will undoubtedly choose to stay well within the law. Intelligence operations will then he unnecessarily limited falling well short of what the Congress and the President may be prepared to sanction. With this in mind, won't risk aversion driven by chilled legal advice recreate the bureaucratic attitude that contributed to our inability to detect and stop the 9/11 attacks?

5. Do you believe the President has the legal authority to bring terrorists, former

terrorists or anyone who has received terrorist training into the United States and release them into our communities? If so, please provide a copy of that authority?

6. In your testimony before the Committee you stated that with ''regard to the release decisions that we will make, we will look at these cases on an individualized basis and make determinations as to where they can appropriately be placed.'' What are the criteria on which you will base a decision to place an individual currently being held in Guantanamo in the United States? Please be more specific than the general guidance given in the President's Executive Order.

Thank you for your immediate attention to these matters.

Sincerely,

RICHARD SHELBY.

Mr. SHELBY. Mr. President, renditions and interrogations were carried out on Attorney General Holder's watch, when he was the Deputy Attorney General. I have serious concerns that the Attorney General could eventually be leading investigations and prosecutions against U.S. officials who carried out the very same actions he approved during his time as Deputy Attorney General.

Yet the Executive orders failed to include any investigation of his role in approving renditions of detainees and terrorists that occurred during his previous tenure at the Justice Department.

To go back in time, the first terrorist attack on the World Trade Center occurred on February 26, 1993. We later saw the bombings of the USS Cole, the embassies in Africa, and Khobar Towers take place before the second attack on the World Trade Center.

Many of the terrorists who committed these acts were trained in the very same camps as the terrorists held at Guantanamo Bay. When I asked the Attorney General if the Government had the legal authority to admit someone who had received terrorist training into the United States, he would not answer the question directly. He indicated he would not release anyone who he thought was a terrorist in the United States—who he thought.

All of the detainees being held at Guantanamo Bay, I believe, are terrorists. Does anyone but the administration and the Attorney General believe anything to the contrary? I think it is misguided to close a facility housing terrorists when there is no plan. All of the prisoners housed at Guantanamo Bay are terrorists. Terrorists attacked our Nation and killed our citizens and pose a threat still today to our national security.

We should not, I believe, let this Attorney General or anyone else brand these terrorists as victims worthy of living in the United States of America, nor should we follow the plans of the Director of National Intelligence, Dennis Blair, who suggested that terrorists be provided with a taxpayer-funded subsidy to establish a new life here in America.

Until we are clear about Attorney General Holder's role in renditions and interrogations prior to 9/11, and what this administration is proposing to do with these terrorists once Guantanamo is closed, I believe it is premature to provide this funding.

I again commend the chairman for his actions today and I believe the Senate is on the right track. I hope we stay there.

I yield the floor.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1139

Mr. CORNYN. Mr. President, I have conferred with the bill managers, the distinguished chairman of the Appropriations Committee and the distinguished ranking member. I have an amendment I would like to call up. I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. INOUYE. I object momentarily.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii.

Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 1139.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the interrogators, attorneys, and lawmakers who tried in good faith to protect the United States and abide by the law should not be prosecuted or otherwise sanctioned)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds the following:

(1) In the aftermath of the September 11, 2001 attacks, there was bipartisan consensus that preventing further terrorist attacks on the United States was the most urgent responsibility of the United States Government.

(2) A bipartisan joint investigation by the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives concluded that the September 11, 2001 attacks demonstrated that the intelligence community had not shown ''sufficient initiative in coming to grips with the new transnational threats''.

(3) By mid-2002, the Central Intelligence Agency had several top al Qaeda leaders in custody.

(4) The Central Intelligence Agency believed that some of these al Qaeda leaders knew the details of imminent plans for follow-on attacks against the United States.

(5) The Central Intelligence Agency believed that certain enhanced interrogation techniques might produce the intelligence necessary to prevent another terrorist attack against the United States.

(6) The Central Intelligence Agency sought legal guidance from the Office of Legal Counsel of the Department of Justice as to whether such enhanced interrogation techniques, including one that the United States military uses to train its own members in survival, evasion, resistance, and escape training, would comply with United States and international law if used against al Qaeda leaders reasonably believed to be planning imminent attacks against the United States.

(7) The Office of Legal Counsel is the proper authority within the executive branch for addressing difficult and novel legal questions, and providing legal advice to the executive branch in carrying out official duties.

(8) Before mid-2002, no court in the United States had interpreted the phrases ''severe physical or mental pain or suffering'' and ''prolonged mental harm'' as used in sections 2340 and 2340A of title 18, United States Code.

(9) The legal questions posed by the Central Intelligence Agency and other executive branch officials were a matter of first impression, and in the words of the Office of Legal Counsel, ''substantial and difficult''.

(10) The Office of Legal Counsel approved the use by the Central Intelligence Agency of certain enhanced interrogation techniques, with specific limitations, in seeking actionable intelligence from al Qaeda leaders.

(11) The legal advice of the Office of Legal Counsel regarding interrogation policy was reviewed by a host of executive branch officials, including the Attorney General, the Counsel to the President, the Deputy Counsel to the President, the General Counsel of the Central Intelligence Agency, the General Counsel of the National Security Council, the legal advisor of the Attorney General, the head of the Criminal Division of the Department of Justice, and the Counsel to the Vice President.

(12) The majority and minority leaders in both Houses of Congress, the Speaker of the House of Representatives, and the chairmen and vice chairmen of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives received classified briefings on the legal analysis by the Office of Legal Counsel and the proposed interrogation program of the Central Intelligence Agency as early as September 4, 2002.

(13) Porter Goss, then-chairman of the Permanent Select Committee on Intelligence of the House of Representatives, recalls that he and then-ranking member Nancy Pelosi ''understood what the CIA was doing'', ''gave the CIA our bipartisan support'', ''gave the CIA funding to carry out its activities'', and ''On a bipartisan basis . . . asked if the CIA needed more support from Congress to carry out its mission against al-Qaeda''.

(14) No member of Congress briefed on the legal analysis of the Office of Legal Counsel and the proposed interrogation program of the Central Intelligence Agency in 2002 objected to the legality of the enhanced interrogation techniques, including ''waterboarding'', approved in legal opinions of the Office of Legal Counsel.

(15) Using all lawful means to secure actionable intelligence based on the legal guidance of the Office of Legal Counsel provides national leaders a means to detect, deter, and defeat further terrorist acts against the United States.

(16) The enhanced interrogation techniques approved by the Office of Legal Counsel

have, in fact, accomplished the goal of providing intelligence necessary to defeating additional terrorist attacks against the United States.

(17) Congress has previously established a defense for persons who engaged in operational practices in the war on terror in good faith reliance on advice of counsel that the practices were lawful.

(18) The Senate stands ready to work with the Obama Administration to ensure that leaders of the Armed Forces of the United States and the intelligence community continue to have the resources and tools required to prevent additional terrorist attacks on the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate that no person who provided input into the legal opinions by the Office of Legal Counsel of the Department of Justice analyzing the legality of the enhanced interrogation program, nor any person who relied in good faith on those opinions, nor any member of Congress who was briefed on the enhanced interrogation program and did not object to the program going forward should be prosecuted or otherwise sanctioned.

Mr. CORNYN. May I inquire, my amendment is currently the pending amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. CORNYN. I thank the Chair.

Mr. President, my amendment calls for an end to the poisonous environment of recriminations and second-guessing and even threats of prosecution that have overtaken the debate about detention and interrogation policy in the aftermath of September 11, 2001. This amendment expresses the sense of the Senate that neither the lawyers who offered good-faith legal advice regarding the legality of interrogation techniques, nor any person who relied in good faith on that legal advice, nor any Member of Congress who was briefed beforehand on these enhanced interrogation techniques and who did not object should be prosecuted or otherwise sanctioned. This is, obviously, a sense of the Senate, but I think it is important that the Senate's will be determined and recognized on such a sensitive and important topic.

I know it is hard for us to remember now what it was like in the days following 9/11. Believe it or not, there was a broad bipartisan consensus that America and all Americans, including Congress, should work aggressively within the law to detect, deter, and indeed to defeat further terrorist attacks. Responding to this consensus, patriotic Americans in our intelligence service; namely, the Central Intelligence Agency, the administration, and Congress did everything within our legal power to protect the country from a follow-on terrorist attack.

We recall the horrible day when we saw two airplanes fly into the World Trade Center in New York. But it is not beyond the realm of concern that, indeed, the same terrorists who effected those horrible attacks, killing 3,000 Americans, roughly, on that day, would use some more effective weapon of perhaps a nuclear, biological, or chemical nature. So we know our intelligence officials and the administration and Congress were acutely aware of the environment in which they were acting.

Our intelligence officials believed they could produce actionable intelligence by using some enhanced interrogation techniques, including one that is performed as part of training on some of our own U.S. military personnel; that if the Office of Legal Counsel at the Department of Justice determined this was a legal way for them to gain actual intelligence, perhaps, just perhaps, it could generate intelligence which would allow the Central Intelligence Agency and our military forces to defeat any follow-on terrorist attacks.

It is worthwhile to remember, as my sense-of-the-Senate resolution does, that after the Central Intelligence Agency asked whether these enhanced interrogation techniques were, in fact, lawful, the Office of Legal Counsel, which is the authoritative branch that provides legal advice to the executive branch and the U.S. Government, was asked to render an opinion on whether use of these enhanced techniques, including waterboarding, was, in fact, legal. In fact, after much input and consultation within the executive branch and the lawyers for various parts of the executive branch discussed and interpreted what the constraints of the law were under both international as well as domestic laws, they concluded that under specific guidelines and limitations, it would be lawful for the Central Intelligence Agency, in questioning known al-Qaida leaders, to use this technique in order to gain intelligence that would perhaps save many more lives in the future.

We know how controversial this turned out to be, but it is important to remember that at the time, it did not prove to be so controversial. In fact, after the CIA asked for permission to use these enhanced techniques, we know the Office of Legal Counsel rendered legal opinions authorizing the use of these techniques under certain limitations. And then, in fact, leadership here in Congress was briefed on those techniques. Specifically, under these circumstances, as the sense-of-the-Senate resolution points out, not only would the Speaker of the House of Representatives be briefed but also the majority and the minority leaders in both Houses of Congress, as well as the chairman and ranking member of both the House Intelligence Committee and the Senate Select Committee on Intelligence. That would have been back in 2002—of course, much closer in proximity to the horrible events of 2001—when, no doubt, Members of Congress and members of the executive branch were thinking: What can we do to prevent further terrorist attacks against the United States?

One of the things that we have heard in the days since these opinions out of the Office of Legal Counsel have been controversial is that some lawyers have different opinions from those rendered by the lawyers at the Office of Legal Counsel. I can tell my colleagues, as a lawyer myself for 30 years, what lawyers do best is disagree with one another. There is nothing unexpected about that. But we should not turn disagreements between lawyers into witch hunts and into pursuing good-faith rendition of legal opinions as well as intelligence officials relying on those opinions in order to try to protect our country.

One distinguished law professor testified to the Judiciary Committee last week:

> To ratchet-up simple disagreement with the legal analysis of a prior administration into the claim that such analysis was beyond the pale of legitimate legal analysis, and therefore should be investigated and punished, is to be engaged in a mild form of legal neo-McCarthyism.

Mr. President, I was not in Washington, DC, on September 11, 2001. I was in my home in Austin, TX, when I saw these terrible images of these planes flying into the World Trade Center. But one of the images I remember in the aftermath of those attacks was of the Members of Congress, of both parties, joined together on the Capitol steps singing ''God Bless America.''

In the aftermath of that day, Americans, at least for a time, were united in our determination that it would not happen again. That is why it is particularly sad to see the bitter political divisions of the present being invoked to condemn the good-faith actions of the past and to hear calls to prosecute not only the intelligence officials in the CIA but also prior administration officials and, indeed, the Congress who answered the call when the American people demanded with one voice that we keep them safe.

If we want to be able to look back at our detention and interrogation policies, and learn what worked and what did not, we need to try to maintain our sense of perspective and objectivity and fairness and be respectful of both the circumstances under which these officials reached these opinions and the reliance the intelligence officials and other high Government officials had upon those legal opinions in deciding what they could and could not do. Indeed, who would question their use of all legitimate means to gain actual intelligence that may indeed have saved American lives? We cannot learn together from our past successes or failures while recklessly accusing one another of crimes while criminalizing policy differences.

In the end, this sense-of-the-Senate resolution is an appeal to a sense of decency. We should be united in our commitment to liberty, justice, and security under the law.

The American people want unity and not partisan prosecutions or sanctions imposed against those officials who were simply trying, to the very best of their ability, to do their job and to keep the American people safe. This amendment says, in the end, that the Senate agrees with that proposition. I

would ask for the support of all my colleagues.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, today, those of us who have strongly insisted that no terrorist currently in Guantanamo Bay should or will be transferred to the United States, I think, have won a big victory.

I am going to be very frank about it. Faced with an embarrassing defeat, and listening to the American people, the Democratic leadership has accepted an amendment offered by Senator JIM INHOFE of Oklahoma, myself, and many others that prohibits the use of Federal funds to transfer or locate any Gitmo terrorist to the United States.

This is an important, commonsense victory for the security of our country and more especially for Fort Leavenworth, KS. Following President Obama's decision to close Gitmo at the end of this year, there has been much speculation about moving terrorists to Leavenworth, especially in the press, and even on the Senate floor. I responded with remarks several weeks ago: ''Not on my watch.''

The problem is that while we have prohibited the use of funds to transfer terrorists to the United States, the Obama administration still has proposed no plan to meet their own January deadline. That does remain a challenge, and it means that while we won a victory today—no funds—it seems to me we must remain vigilant to make sure future plans do not include locations in the United States, including Leavenworth.

There are simply too many security risks and the possibility of negative impacts on our Kansas citizens and the Intellectual Center of the Army at Fort Leavenworth to even consider moving terrorists to Kansas.

I hope President Obama and his team designated to come up with a plan can come to the realization that closing Gitmo actually poses new problems in terms of security and logistics and legal issues.

Now that we are all on the same page, let's find a better answer and one that does not endanger Leavenworth, KS, or any other community in the United States.

I also wish to associate myself with the remarks of the distinguished Senator from Nebraska, MIKE JOHANNS, who I think summarized the whole situation very well. I wish to thank Senator INHOFE for persevering. I wish to thank my dear friend and colleague, the distinguished Senator from Hawaii, Mr. INOUYE, for his leadership in this regard.

But during this debate, and for some time, it seems to me we have seen a change in how those who are incarcerated at Gitmo are now being defined and described in the media, in the administration and, as a consequence, by some Americans.

I understand there is a poor perception of Guantanamo Bay. I think that is a fact we all realize. We heard another Senator from the other side of the aisle describe that in detail—as a matter of fact, ascribed all the problems to the Bush administration. But I do not think that is relevant. To say there are no terrorists there, to say there are not even enemy combatants there, is doing a disservice to us all by trivializing the crimes committed by the men at Guantanamo Bay.

I ask you, when did we start making terror politically correct? This same question was asked by Daniel Pearl's father, Judea Pearl, in an article that ran in the Wall Street Journal this past February. It is called: ''Daniel Pearl and the Normalization of Evil.'' I think every Senator and every American should read it, more especially in regard to this debate on where we locate these terrorists.

As you may know, and we should all remember, Daniel Pearl was the American journalist who was captured and beheaded—beheaded—on a video by the ''nonterrorist, nonenemy combatant'' Khalid Shaikh Mohammed in 2002—beheaded by Khalid Shaikh Mohammed, who is actually sitting at Guantanamo Bay right now.

Listen to what Judea Pearl, a respected professor at UCLA, has to say about that act of terror on his son:

> Those around the world who mourned for Danny in 2002 genuinely hoped that Danny's murder would be a turning point in the history of man's inhumanity to man, and that the targeting of innocents to transmit political messages would quickly become, like slavery and human sacrifice, an embarrassing relic of a bygone era.
>
> But somehow, barbarism, often cloaked in the language of resistance, has gained acceptance in the most elite circles of our society. The words ''war on terror'' cannot be uttered today without fear of offense. Civilized society, so it seems, is so numbed by violence that it has lost its gift to be disgusted by evil.

Well, this Senator remains disgusted by evil. I am disgusted by those who target innocent civilians as they spew their hatred. I refuse to adopt what Danny's father calls ''the mentality of surrender.'' And that is weaved throughout this debate in regard to what happens to these terrorists.

It is not too late. We can all refuse to surrender to the idea that terrorism is somehow a tactic, to refuse to believe it is an acceptable tool of resistance.

There is still time for Americans to remember that there are men at Guantanamo who cannot be released and most certainly should not be on American soil.

Mr. President, I yield back.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Connecticut.

CREDIT CARD REFORM

Mr. DODD. Madam President, I wish to speak off the bill. I know my colleagues are talking about the supplemental appropriations bill. But I wish to take a few minutes, if I could, with the permission of the managers of the legislation, to talk about the credit card legislation that passed this morning. I did not have the opportunity, given the time constraints, to express some brief thoughts about the passage of that legislation.

So I rise to thank my colleagues. By an overwhelming vote of 90 to 5, this body voted earlier today to adopt the credit card reform legislation. I am very grateful to my colleagues. I am grateful to Senator SHELBY, my cochair, if you will, the former chairman of the Banking Committee, for his work.

Obviously, this was a bipartisan effort, with a vote of 90 to 5. The final conclusion was one that was embraced by an overwhelming majority of our colleagues. I thank them for that.

Twenty years ago, many of my colleagues who are still in this Chamber will recall how we stood to try to get the credit card industry to respond to some of the activities that began then. In those days, they were not quite as pernicious as they have become. But, nonetheless, you could see the handwriting on the wall as to where these issuers were headed. We did not engage as effectively then as we probably should have. We said then that too many of these companies were starting to cross a line, starting to engage in abusive, deceptive, and misleading practices that were trapping their customers into far more debt than certainly they, the customers, ever agreed to.

But that was more than two decades ago, and since that time, we have all seen what has happened across our Nation: penalty fees that are increasingly common, for infractions that are increasingly ridiculous—for paying by phone or by e-mail or by check, which are ways you get penalized today; anytime, any reason under contracts, where interest rates could be raised that can turn a few hundred dollars of obligation into a lifetime of debt; disclosures that you need a microscope to read and a lawyer's degree to understand.

For too long, credit card companies have resorted to tactics that drive families deeper and deeper and deeper into debt.

Well, today the Senate let them know that those days are coming to an end. I am grateful to my colleagues for their votes.

I wish to take a few minutes to thank fellow Senators and staff who have worked diligently to help me improve this legislation.

As I mentioned earlier, Senator SHELBY of Alabama played an important role, and I am grateful to him for agreeing to work on this bill. It came out of the committee on an 11-to-12 vote—the narrowest of margins. It was after that time that we worked to develop a bipartisan bill.

In all, I believe this was an inclusive process—striking a very good balance that ensures we provide tough protections for consumers while making sure to maintain the flow of credit into our economy that is so essential to our long-term economic recovery.

I wish to thank Senators CARL LEVIN of Michigan and CLAIRE MCCASKILL of Missouri, who led the charge to restrict overlimit fees and deceptive marketing of free credit reports.

Senator BOB MENENDEZ of New Jersey has been a champion from the very beginning on issues impacting young people—requiring credit card companies to consider consumers' ability to pay when issuing credit cards, increasing protections for students against aggressive credit card marketing, and more transparency in affinity arrangements between credit card companies and universities.

With respect to affinity cards and protection of students, I also wish to thank Senator CASEY of Pennsylvania, Senator FEINSTEIN of California, Senator CORKER of Tennessee, and Senator GRASSLEY of Iowa for their leadership as well.

Let me also thank several of our colleagues with whom we worked to include protections regarding small business—Senator BEN CARDIN of Maryland, Senator JOHANNS of Nebraska, and Senator MARY LANDRIEU of Louisiana. They strove mightily to include a study and report on the use of credit cards by small businesses.

Senator OLYMPIA SNOWE of Maine worked with our Senate colleague from Louisiana to include the establishment of a Small Business Information Security Task Force in this legislation.

Several additional measures were included at the behest of my colleagues that I think strengthen the legislation.

Senator CHARLES SCHUMER of New York authored the provision to scale back abuses on prepaid gift cards, and that provision is now included in the bill that passed. Senator DAN AKAKA of Hawaii wisely suggested we seek a clarification of the certification process for credit counselors—something I believe will prove extremely valuable given the clear need for greater financial literacy among consumers.

Senator SUSAN COLLINS of Maine, with my colleague, Senator LIEBERMAN of Connecticut, asked that we include provisions to prevent money laundering through the use of what they call stored value cards which are being increasingly used by drug cartels to smuggle money across our borders. I am happy we were able to include those provisions in the bill as well.

My colleagues from California and New Hampshire, Senator FEINSTEIN and Senator GREGG, worked with us to include a study and report on emergency PIN technology that would allow banking customers to signal for help when forced to withdraw cash from ATMs.

Another study and report on which we worked with Senator KOHL of Wisconsin to include is on the marketing of products such as debt cancellation agreements, which some have long argued are of questionable benefit to consumers.

Finally, I wish to thank the President of the United States, President Obama, for stepping up and stepping in, and for using the bully pulpit of his Presidency to help us gain public awareness of these issues as well.

As we cross the finish line today and the House considers what we have sent them, I believe the victory will not be, of course, for our President or for the Congress or for the authors of this legislation or even for the Members I have mentioned in these remarks. Truly the victory will be for people such as Don and Samantha Moore of Guilford, CT, and their three daughters; or Kristina Jorgenson of Southbury CT; and Phil Sherwood, a member of the city council, of New Britain, CT. All of these constituents of mine came to me with stories about how they had seen abuses by the credit card industry.

In the case of Don and Samantha Moore: 40 years of credit card allegiance, one 3-day-late payment resulted in an increase from 12 to 27 percent in interest rates and reducing their credit limit from $32,000 to $4,000. They run a small business. It probably put them out of business—just for being 3 days late for the first time in 40 years.

In the case of Kristina Jorgenson in Southbury: She watched her rates go from 5 percent to 24 percent for being 3 days late—the first time ever—in a credit card payment. One of those days was a Sunday, by the way. She had taken out the credit card debt to pay off her student loans. They charged her because of the retroactive fees, the 24 percent, making it almost impossible for her to ever meet those obligations. To meet that criteria, she dipped into her individual retirement account which she had saved. She was in retirement and she has now cut that retirement down to 45 percent of its value in order to pay off the credit card debt. Three days late, one time, 5 percent to 24 percent. Phil Sherwood didn't do anything at all. He paid his bills every month, never a day late, and watched his rates skyrocket, he and his wife.

These stories I tell could be repeated over and over all across the country. More than 70 million accounts in one 11-month period, affecting one out of four families, saw interest rates skyrocket. For the life of me, I don't quite understand what the industry was thinking of, having just overreached time and time again. But as a result of the bill we passed today by the vote I mentioned, we have made significant inroads into the kind of practices the people I mentioned here were afflicted with.

Unfortunately, it doesn't happen overnight. The bill has a period of time before the new restrictions go into effect. I would have liked to have had a much shorter period, but these bills require compromise, and they don't become the fulfillment of the wishes of any one Member of this body. It requires working with each other and, as a result of that effort, we ended up with a longer period of time than I liked but, nonetheless, less than the official period of the Federal Reserve Board's regulations, which would be a year and a half from now.

So American consumers have a responsibility. That needs to be said over and over. But they also have rights, and those rights ought to be that they can count on a contract they enter into. I know of no other contractual relationship, whether it is purchasing a home, buying an automobile or an appliance, where the one party can virtually unilaterally change the terms of the contract. Yet that goes on every day with credit card issuers.

Madam President, 20 to 25 percent of students now have over $7,000 in credit card debt—25 percent of our student body at the university and collegiate level. The average college graduate owes over $4,000, a major factor of some students dropping out of school.

The average family in our country, with credit cards, now has what they call revolving debt—the bulk of which is credit card debt—well in excess of $10,000 per family. So, clearly, with those kinds of obligations and debts, something needed to be done. That is what we have done with this legislation.

So the industry has obligations. Consumers have the right not to be taken to the cleaners, and they have a right to expect that they will be treated fairly when they enter into a contractual agreement; that they won't be the only ones required to uphold their end of the bargain. Certainly, consumers have a right not to live in fear that a clause buried in the fine print of their credit card contracts might someday be their financial undoing, and they should have a right to trust that their child won't be saddled with debt before they have turned 21.

Standing up for those families and their children and forcing those rights is what this legislation was designed to do, and we accomplished that goal.

So I wish to thank my colleagues again for their efforts, their diligence, their commitment to ensuring that we pass a strong bill that will benefit consumers across the country.

I wish to thank majority leader HARRY REID, and I wish to thank the minority leader, the Republican leader. HARRY REID provided the time and space for the consideration of this bill which would not have happened if the leadership didn't decide to make that time available for something as complicated as this, with many different ideas that were brought to the table. I wish to thank the floor staff that is here for their work, both the majority and minority side as well. They were very patient. It has been over 2 weeks now.

We dealt with the housing bill last week, and now the credit card bill this

week, and they had to put up with me for 2 straight weeks on the floor of this Chamber. I am very grateful to them. I wish to thank my staff as well.

LINSEY GRAHAM, who is on the Banking Committee staff, has done a magnificent job over the years and in working on this legislation. Amy Friend, Charles Yi, Colin McGinnis, along with other members of the staff, but they were the principal ones who spent long hours and nights over the weekends over the past several weeks to pull this legislation together.

Bill Duhnke and Mark Oesterle of Senator SHELBY's staff as well worked very hard, and I am very grateful to them.

I wish to thank the staff here as well. Certainly, the majority leader's staff, Gary Myrick and Randy Devalk, who did a great job, and I thank them. I can't say enough about Lula Davis and about Tim Mitchell. Trish Engle and Jacques Purvis did a wonderful job. I thank them. I thank David, as well, on the minority staff. They were just wonderful.

I tried their patience, I know, on more occasions than I care to remember, but without their involvement over these past several days we would not have been able to achieve this accomplishment today. That also includes Joe Lapia and Brandon Durflinger, Meredith Mellody and Esteban Galvan as well from the cloakroom staff who worked so hard.

I am sure I have left some people out, and I apologize if I have done so in thanking them for their work. But all of these people in their own way contribute to what happens here. They don't often get mentioned. Those of us who have the right to speak in this Chamber are the ones who are seen and heard, but I want my constituents and people in this country to know there are people every day whose names you will never know, whose faces you will never see, who contribute mightily to the products that get produced in this body. It takes cooperation on the part of all of us, regardless of where we come from, what party affiliation we are, what ideological leanings we may have. They are wonderful, remarkable people who give their time and their professional careers to this institution and who make these kinds of events and these kinds of results achievable.

So I thank them all, and I thank all of my colleagues again.

I look forward to a day in the hopefully not too distant future when President Obama will sign this legislation into law.

I yield the floor.

Mr. INOUYE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1140

Mr. BROWNBACK. Madam President, I have an amendment that I wish to call up at the desk. I wish to note that the chairman of the committee has been very good to work with me on getting this called up.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1140.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on consultation with State and local governments in the transfer to the United States of detainees at Naval Station Guantanamo Bay, Cuba)

At the end of title III, add the following:

SEC. 315. (a) FINDINGS.—The Senate makes the following findings:

(1) In response to written questions from the April 30, 2009, hearing of the Committee on Appropriations of the Senate, the Secretary of Defense stated that—

(A) in order to implement the Executive Order of the President to close the detention facility at Naval Station Guantanamo Bay, Cuba, ''it is likely that we will need a facility or facilities in the United States in which to house'' detainees; and

(B) ''[p]ending the final decision on the disposition of those detainees, the Department has not contacted state and local officials about the possibility of transferring detainees to their locations''.

(2) The Senate specifically recognized the concerns of local communities in a 2007 resolution, adopted by the Senate on a 94–3 vote, stating that ''detainees housed at Guantanamo should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods''.

(3) To date, members of the congressional delegations of sixteen States have sponsored legislation seeking to prohibit the transfer to their respective States and congressional districts, or other locations in the United States, of detainees at Naval Station Guantanamo Bay

(4) Legislatures and local governments in several States have adopted measures announcing their opposition to housing detainees at Naval Station Guantanamo Bay in their respective States and localities.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should consult with State and local government officials before making any decision about where detainees at Naval Station Guantanamo Bay, Cuba, might be transferred, housed, or otherwise incarcerated as a result of the implementation of the Executive Order of the President to close the detention facilities at Naval Station Guantanamo Bay.

Mr. BROWNBACK. Madam President, I wish to thank my colleague, the chairman of the committee, for allowing this to be brought up. Obviously, people can object to different things, but he is allowing this to be brought up.

It is a very simple amendment. It is germane as far as the Guantanamo Bay issue. Basically, what it says is, the Department of Defense needs to consult with local communities and States before they locate these detainees in a State or locale in the United States. I think that is something all of us would basically agree to—that this is something that should be done. This is a very contentious issue. It is obviously a very contentious issue in my State, having been mentioned a number of times as a possible site for detainees.

People in the community of Leavenworth, KS, and people across the State of Kansas, including former Governor Sebelius, now Cabinet Secretary, sent a letter to the Department of Defense saying we can't handle the detainees at Leavenworth, the military disciplinary barracks that are there.

So what I hope is that at some point in time we could vote on this amendment and send that clear message to the administration and the Department of Defense that before any of these things are considered, State and local officials are consulted because, obviously, on security issues, we are going to have to do a lot of cooperation. If these detainees are moved anywhere into the continental United States—anywhere into the United States—they are going to have to be dealt with.

Further, I wish to speak about the Inouye-Inhofe amendment. Last week, on Friday, I led a congressional delegation of four Members to view the facility at Guantanamo Bay. I would urge all of my colleagues to go and look at the facility. It is really an extraordinary piece of real estate which the Navy has used for many years, but it is also an extraordinary facility where we have invested several hundred million dollars into this mission. They built it up over a period of time. They have security that is being provided.

The conclusion I came away with is that Guantanamo Bay is a highly specialized detention system for hundreds of terrorists, and replicating it would be enormously difficult, expensive, and unnecessary. I think my view represents the views of the colleagues of mine who went on the trip with me. I would urge people to go.

Attorney General Holder has gone and said it is a well-run facility. I would urge President Obama to go and to look at the facility firsthand. What they have put in there is a very specialized facility to handle a very difficult situation.

I know it has an image issue around much of the world. But an image issue is one thing. The practicality of dealing with the prisoners we have there, the detainees, is another. This is a specialized facility for handling them. I found they were able to handle dangerous detainees. I found that how they were being handled was quite fair.

I think we should treat detainees fairly, humanely, according to the conventions, and they are being treated as such. But to transfer the detainees to the United States, we don't have a facility that could handle this. I question whether we could get a locale that

wants to handle the detainees in the United States. It would also delay the justice of the military commissions operating. We have constructed a courtroom at Guantanamo, at the cost of several million dollars, which is completely secure, which is ready to start the military commission trials. It has a video streaming system in it that is completely secure, so that witnesses can be interviewed around the world into this courtroom setting. It is set up and ready to go.

Now that the President has gone forward with some adjustments in the military commission process, it would delay the process further if you required this military commission facility to be constructed somewhere else in the United States or around the world. It would delay it in the setup and in the movement of these detainees to other places around the world.

There is a second key point I want to make, which is that when you look at the situation at Guantanamo Bay and meet with the military personnel who are handling it—who I think are doing an excellent job—they point out clearly that the members of al-Qaida who are there continue the battlefield in the prison. They talk about various things that are being done, a number of which—I will not mention some here—are quite difficult to deal with among our military personnel. Our people look at the detainees as continuing the battlefield in the prison.

Do we want to bring that into the prison system in the United States—a continuation of the battlefield into the prison system here? I don't think so. We are not set up to handle that. We need to consider that issue. The practical issue here is what we do with the detainees, which is a difficult problem for us. They are not in the criminal system in the United States, nor should they be. They are not enemy combatants, as far as representing a foreign country.

We are going to have to figure out our way through it. I invite the administration to talk with Members in opposition to closing it. We shouldn't have an artificially specific date to close Guantanamo Bay, when we don't have an alternative set up. We don't have a system set up for how we are going to handle the detainees we are going to try. It makes better sense to not have this arbitrary timeline set and for us to work together on how we are going to work our way through this, and we should work together in a bipartisan fashion. I think we can do it. I support the Inouye-Inhofe amendment. It is appropriate and I think it represents where most U.S. citizens are.

I close by congratulating and thanking our military personnel who work at Guantanamo Bay. I think they are doing an outstanding job under very difficult circumstances. It is a tough setting they are working in. It is a tough issue we are dealing with. I think they are doing a good job. I think we are going to have to detain these people for some time because too many are answering the battlefield again. They even continue it in incarceration. There is no reason to think they wouldn't continue it if they are allowed to get back onto the battlefield. I look forward to votes on my amendment and others.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I will make a few remarks about what is perhaps the most contentious issue in this supplemental funding bill, and that is the issue we have been discussing throughout the day, and that is how to handle the United States detention facility at Guantanamo Bay, Cuba.

In the last few days, we have seen a flurry of amendments relating to this issue, some Republican and others from Democrats. Indeed, it seems that this issue has overshadowed the necessary focus on the ongoing wars in Iraq and Afghanistan and the way forward in each. I am afraid this bipartisan expression of concern and surge of legislative activity has a single cause: the decision by President Obama in one of his first acts after his inauguration to announce that he would close Guantanamo Bay 1 year after taking office, without presenting a plan for the disposition of the prisoners there. By announcing Guantanamo's closure without first conducting an in-depth review of the difficult issues posed by the Guantanamo detainees, we are left today arguing over the wisdom of shuttering the prison in the absence of any plan for what comes next.

With the administration unable to propose and seek support for a comprehensive plan that encompasses all aspects of detainee policy, the Congress has been understandably reluctant to fund the closure of Guantanamo as the President requested in this supplemental. In fact, the Democratic chairmen of the Appropriations Committee in both the House and Senate have now stripped funding for closing Guantanamo from their respective supplemental funding bills. The Senate majority leader now says his party will not proceed in the absence of a comprehensive plan for Guantanamo's closure.

It didn't have to be this way. During the past election, I too supported closing Guantanamo and pledged to do so. I continue to believe it is in the interest of the United States of America to close Guantanamo. But all policymakers must understand how essential it is to gain the trust of the American people on this sensitive national security issue. We cannot simply proceed without explaining to the American people what the plan is for how these prisoners will be handled in a way that is consistent with American values and protective of our national security. The American people deserve a detailed explanation of what will take place the day after Guantanamo is closed, and they must be certain their Government will execute its most fundamental duty, which is to keep America and its citizens safe.

When the President announced his decision last Friday to restart military commissions to try Guantanamo detainees for war crimes, I applauded that decision. I have long believed that military commissions should be the chief venue for trying alleged war crimes violations committed by Guantanamo detainees. There is no doubt that the coordination, complexity, and massive scale of the 9/11 attacks that left over 3,000 innocent people dead constitute war crimes. There is also no doubt that al-Qaida and its supporters were then, and continue to be today, committed to the destruction of our values and our way of life and our values in a fashion that bears no resemblance to the acts of common criminals.

But while I applauded the President for restarting military commissions, I also pointed out that the President's overall decisionmaking on detainee policy has left more questions than it has provided answers. The numerous unresolved questions include: where the Guantanamo inmates will be held and tried; how we will handle those who cannot be tried but are too dangerous to release; how we will deal with the prisoners held at Bagram Air Base in Afghanistan, some of whom were captured off the Afghan battlefield.

I point out to my colleagues—and most of them know, and many Americans know—that we have already had the experience of around 10 percent of those detainees who were released return to the battlefield. One of them is a high-ranking al-Qaida operative in southern Afghanistan and another in Pakistan. So this is a real threat.

The lack of a comprehensive, well-thought-out plan led to a predictable political backlash to any movement on Guantanamo. Instead of unifying Americans behind a plan that keeps us safe and honors our values, the administration's course of action has unified the opposition to moving forward—and move forward we must. National security issues of this dimension require more than announcements and future promises. They require full detailed explanations of a proposed course in order to gain the support of the American people and their elected leadership in Congress. That is what will be required for success in closing the prison at Guantanamo Bay.

I know we will hear arguments during this debate that we should deny funding to close Guantanamo until we see a plan on what to do with the detainees, and we will also probably see amendments to deny detainees any sort of entry or asylum into the United States, whether it is for trial, post-trial incarceration, long-term preventive detention, or administrative detention pending deportation. We will

do the best we can to deal with these issues, with the information from the administration that is available to us.

I look forward to working with my colleagues on both sides of the aisle on this issue. But most important, I again say to the President that I will work with him to forge a bipartisan solution to this very difficult problem that faces all of us. I urge again that we address all the detainee policy issues in a comprehensive fashion and lay out a plan that will keep us safe and honor our values. I strongly believe a comprehensive plan will lead to success, while a piecemeal approach, without addressing the legitimate concerns of the American public and Congress, will continue to divide us.

I yield the floor.

Mr. INOUYE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Madam President, I rise to thank the chairman of the full committee, along with the ranking member, for their wisdom with respect to the money allocated for Guantanamo Bay and the prison there. I want to make a few comments with respect to the prison at Guantanamo Bay.

I have visited the prison at Guantanamo Bay. I led a CODEL—for those watching on television, that means a congressional delegation—of myself, members of the House, and, on this occasion, I took some members of the European Parliament. That is interesting, because when we came back and held a press conference to report what we had found, members of the European Parliament on the CODEL said, ''We cannot participate in this press conference.'' I said, ''Why?'' They said, ''If we told the truth about what we saw at Guantanamo, we could not go home to Europe. The animosity toward Guantanamo in Europe is so strong that if we told the truth about how good things are down there, we would be attacked politically in Europe and we would lose our seat in the European Parliament.''

I said: Well, I don't want you to lose your seats in the European Parliament. I won't ask you to participate. But we did hold a press conference, and one of those who did participate said: I wish the prisons in my district back home were as good as the prison in Guantanamo.

Let me describe what we found in Guantanamo, not with respect to how well the prison was designed or how well the prison was administered but who the prisoners are, or, as they are appropriately called, the detainees.

If you talk to the detainees, every one of them is a goat herder picked up by accident by the American troops when they were in Afghanistan or in Iraq or wherever it was. None of them had any connection with al-Qaida at all. This was all a huge mistake.

I have been in the storeroom where they keep all of the items that were taken from these detainees when they were picked up. The question arises: What is a goat herder doing with hundreds of dollars of American money in $100 bills? What is a goat herder doing with sophisticated explosive equipment in his back sack? What is a goat herder doing with forged passports and other information and documentation? Maybe these people are not all goat herders. Maybe these people really are connected with al-Qaida, just based on what they found.

I have watched an interrogation take place at Guantanamo by closed-circuit television. The interrogation room is one which has stuffed furniture, pleasant surroundings. The detainee, to be sure, has irons on his legs so that he cannot leave his chair where he is sitting. They are not tying him directly to the chair, but he couldn't get up and walk out. But he is sitting on the chair, and the interrogator is sitting across the room in another chair, and they are having a pleasant conversation.

You say: What kind of an interrogation is this? The interrogation is a conversation, and it goes on for an hour, an hour and a half. Then next week there is another conversation that goes on for an hour, an hour and a half, 2 hours, whatever it might be. Out of those conversations, little items begin to slip from the mouth of the detainee. The interrogator is able to take those items and piece them together, and pretty soon, after a few weeks or maybe a month or two, the interrogator knows that goat herder A has just identified goat herder B as an explosives expert high in the level of al-Qaida. Then, based on that information, when goat herder B is in for his interrogation, there is a conversation, and another thing starts to slip. Over a period of months, a pattern of information emerges that makes it possible to identify who is what and where in the whole al-Qaida operation.

Understand, the interrogation is not Soviet style to try to beat a confession out of anybody. It is to find out information that can be used in the war against terror. This information is painstakingly put together over a period of time. Pretty soon, the pattern emerges, and the interrogators begin to understand who these people are, what their relationship to each other may be, and what their role was out on the battlefield.

One of the things I had not realized until I got there was that as a result of this process, the determination has been made with respect to hundreds of these detainees that they are no longer dangerous, they no longer have any information we need, they are no longer in a position to be dangerous to the United States. When that determination is made, they are released.

Hundreds of the detainees at Guantanamo have been released. Many of them have showed up again on the battlefield. Indeed, some of them have been killed by American troops on the battlefield as they have been fighting back, which means the interrogators who decided they were no longer dangerous made a mistake. It turns out they really were dangerous, they really were connected at a higher level than we were able to determine through the interrogator, and they had fooled the interrogator into believing they were innocent bystanders who somehow did not belong there, and they got released and found their way back to Afghanistan, back to the battlefield. Some of them whom we knew well enough from their time in Guantanamo identified on the battlefield were shot and killed by American forces in firefights where they were attacking Americans.

One of the things they do at Guantanamo—''they'' being the detainees—is to make every effort to communicate with each other and create conspiracies within the prison. Conspiracies to do what? Conspiracies to create incidents that will create international outrage against the United States.

Two weeks before we arrived there, there was one such incident. I had not seen it in the American newspapers. I was told that it was reported in the American newspapers but only in passing. When we got the details from the guards and the administrators of the prison describing the specifics of what had happened, I realized that the story in the American newspapers was very sketchy.

Over a period of months, the detainees conspired together to create an incident in the area that was part of the exercise facility. They planned it very carefully. They worked together. They complied with all of the rules in the prison that would allow them greater freedom because as the commandant of the prison said to us: I don't have very many sticks; I only have carrots.

To get people to cooperate, if they abide by the rules they lay down, we give them greater freedom, we give them greater opportunities. So these people would comply in every way until they could get to a circumstance where they could talk to each other, be on the exercise field, and hatch their plan.

Finally, this is what they did. They put up some screens in the form of clothing or some kind of cover so that the guards, for a short period of time, could not see what they were doing in this room. In that period of time, they pulled down the fluorescent tubes from the light fixtures in the ceiling so that they could use them as weapons. At the same time, they covered the floor with a variety of liquids, their purpose was to make the floor as slippery as possible. Then when the guard came in to see what was going on because the screens had gone up, as he walked in, suddenly he was standing on liquids that were slippery so that he couldn't

get his footing very well, and they were attacking him with the fluorescent tubes as weapons, trying to create a significant incident. Fortunately, he was able to keep his footing. He was able to pull out his weapon. He was able to gain control of the situation, and the rest of the guards were alerted fast enough to come in before it turned into serious injury. But the American guard came very close to serious injury.

Their hope was, as nearly as the interrogators could figure out, to provoke the Americans into killing one of them. Their hope was to create a circumstance where there would be a death in Guantanamo that would create a worldwide outcry of outrage against the brutal Americans in this prison and thereby make their political point.

There were many other examples which were given to us of attacks on the guards by the prisoners in circumstances, again, that are not appropriate to discuss in this setting but that are thoroughly disgusting and outrageous in terms of the violation of the person of the guards involved.

On one occasion where it was particularly outrageous, it was a young woman who had joined the Navy and was in her first assignment doing her best to patrol up and down an aisle between the cells. In this case, the cells had screens on them through which items could be thrown. They were thrown at her and in her face.

Their commanding officer said to her: Go take a shower and take the afternoon off, to recover from this horrendous kind of experience for her.

She said: I will take the shower, I will get a clean uniform, but I will come back. I will not let them intimidate me to say I can no longer walk my patrol.

That is the kind of valor and integrity we have from the Americans who are there policing these people.

I could go on about other things we discovered. The primary health care problem the detainees have in Guantanamo is obesity. They are fed so well and they have no control on how much they eat; they can use whatever they want from the food as they come into the commissary. The doctors and the nurses who are there to take care of them say we have a problem of overweight with every one of them. They have never had this much food available to them in their lives.

They are all looked after. Many of them came with significant health care problems off the battlefield, and it is the American medical corps that has made them well and whole.

Why do I dwell on all of this about the nature of the prisoners? Because I am sympathetic with those Americans who say: We don't want these people in our prisons. And indeed we don't—not because of a ''not in my backyard'' syndrome, but guards who are trained to deal with the kinds of prisoners who show up in American prisons now are not prepared to deal with people who are potential suicides to make a point, people who will deliberately provoke the guard in the hope that they will get killed or seriously injured in order to make an international incident. This is not your average automobile stealer. This is not even your average drug dealer. This is someone who has a political agenda and sees the prison in America as the stage on which that agenda can be acted out. To put that prisoner into an American prison where they are going to be rubbing shoulders with other convicts who have absolutely no idea what they are getting into and call upon guards to deal with them who have no idea what they are getting into is seriously not a good idea.

Where do you keep people like this? You keep them in a facility that is designed to deal with them. You keep them with guards who are trained to deal with them. And you use the facility to get the information they can give you to be helpful in the war on terror. That is what the prison at Guantanamo was built to become, and that is what it is.

If the President of the United States now decides that keeping Guantanamo open is a political embarrassment with other countries in the world and it becomes necessary for us in our diplomacy to close Guantanamo, I say that is his decision. The Constitution gives him the responsibility of foreign affairs, and I will respect that decision. But as a Member of the Congress, I don't want to fund that decision until I know what he has in mind as an alternative place to put them. The idea of breaking them up and scattering them around the United States and letting them go to ordinary prisons—be they Federal, State, or local—in the United States is to ignore who they are and ignore what they can do and ignore the challenge they represent to law enforcement and penitentiary personnel in America's existing prisons. So that is why I applaud the chairman in his decision to say we are going to put this off. We are going to delay the time when Guantanamo will be closed until we have a logical place to put them.

Because right now, if you want to describe the logical place to put these prisoners at this time, in this particular struggle with al-Qaida and the rest of the terrorists, the logical place is where they are right now. If it means keeping Guantanamo prison for an extra year or an extra 2 years or whatever it takes to get an intelligent alternative, I say, let's do that. Because the intelligent alternative does not exist at the moment.

I hear no plans being drawn to create it in the future. I think we owe it to those Americans who would otherwise have to deal with it if the U.S. Navy doesn't, to say we are not going to turn them over to you until you have a legitimate and well-thought-out plan as to the way to deal with it.

It is for that reason, again, that I congratulate the chairman and the committee on the decision to withhold this funding until such a plan has been made available to us.

I yield the floor, and I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I, again, rise to express my concerns regarding the closure of the Guantanamo Bay Detention Center. The closure of this Nation's only secure strategic interrogation center puts our Nation at risk.

I am uncompelled by the Obama administration's legal and policy reasons to justify closing Guantanamo within the next 8 months. Currently, there is no suitable replacement for Guantanamo. This $200 million facility is secure and is a state-of-the-art facility. Moreover, it is located away from population centers and staffed by trained military personnel. Guantanamo has no equal within the continental United States.

On March 19, 2009, it was reported by the Wall Street Journal that Attorney General Eric Holder made reference to the idea that the Department of Justice would bring some of the detainees to this country and release them. The Attorney General's statement that he is open to a policy of outright release of terrorists brought to the United States is disturbing, coming as it does from the senior administration official charged with executing this plan. It also does not dispel my grave concerns about closing Guantanamo Bay.

Indeed, the manner in which this closure has been orchestrated has provided few details and little assurance about how this facility will be closed within the next 8 months and what will be the superior alternative to Guantanamo.

Of the approximately 240 detainees remaining at Guantanamo, 174 of them received or conducted training at al-Qaida camps and facilities in Afghanistan. There is direct evidence that 112 participated in armed hostilities against U.S. or coalition forces. Furthermore, 64 of these remaining detainees either worked for or had direct contact with Osama bin Laden, and 63 of the remaining detainees had traveled to Tora Bora.

In 2001, the Tora Bora cave complex became the fallback position for the Taliban and was believed to be the hideout for Osama bin Laden. Not just anyone could gain access to these caves. We have gone through these particular features. There were 174 who received training in al-Qaida camps in Afghanistan; 112 participated in armed hostility with the U.S. or coalition forces; 64 worked for or had contact with Osama bin Laden; 63 traveled to Tora Bora.

The administration has stated that they will bring the Chinese Uighurs to

the United States for the sole purpose of releasing them. All 17 Uighurs have demonstrable ties to the East Turkistan Islamic Movement, the ETIM, a designated terrorist organization since 2004. The ETIM made terrorist threats against the 2008 Beijing Olympics, and, regardless of previous terrorist activity, any member of this organization would be ineligible to enter the United States, pursuant to Federal immigration law, let alone be allowed to roam this country.

One of the trainers for these Chinese nationals was Hassan Mahsun, an associate of Osama bin Laden. The Uighurs traveled to Afghanistan by using al-Qaida resources. They were also lodged in al-Qaida safe houses and terrorist training facilities. This alone is indicative that these terrorists were vetted and respected enough to be allowed access to al-Qaida havens.

Title 8, section 1182 of the United States Code defines inadmissible aliens. Under this law, any alien who has engaged in terrorist activity or is a representative of a terrorist organization is ineligible to enter the United States. The ''Guantanamo'' Uighurs have certainly met this definition, but to completely address this argument, I want to take this analysis one step further. The law also states that ''any alien who has received military-type training from or on behalf of any organization that, at the time the training was received, was a terrorist organization, is ineligible to enter the country.''

That is what this says:

In general any alien who has received military training as identified in section 2339 D(c)(1) of title 18, from or on behalf of any organization that, at the time training was received, was a terrorist organization as defined in clause VI.

I also would like to point out that my esteemed colleague from the Judiciary Committee, Senator SESSIONS, has brought this statute to the attention of the Attorney General. My colleague has asked for the reasoning behind the Justice Department's assertion that the Uighurs could be foisted upon unsuspecting American communities as Chinese citizens in need of asylum. The Justice Department's opinion that terrorists can be brought to this country for the purposes of nondetention is preposterous. It is another example of this administration's propensity to leap before it looks—to rush headlong into making policy without carefully analyzing what the unwanted byproducts or consequences of that policy will be. I am interested in hearing the Justice Department's legal reasoning for justifying this transfer.

Three weeks ago, while in Germany, Attorney General Holder described the closure of Guantanamo as ''good for all nations.'' He argued that anger over the prison has become a ''powerful global recruiting tool for terrorists.'' With all due respect to the Attorney General, neither he nor anyone else in this administration has yet demonstrated a strong analytic understanding of what is motivating terrorist recruitment. Furthermore, terrorist organizations did not appear to face a shortage of recruits for violent jihad prior to the media frenzy on the Guantanamo facility. Jihadists are ideologically motivated. In fact, corroborated evidence obtained from interviews and interrogations of detainees at Guantanamo has revealed that 118 of the remaining detainees in custody were recruited or inspired by a terrorist network. Therefore, closing Guantanamo in the next 8 months is simply not going to be a ''silver bullet'' and solve the problem of recruitment to violent jihad.

For this and other reasons, I am simply not willing to trade Guantanamo for the possibility of trying to appease and become more popular with our critics living in foreign countries. Popularity is an inappropriate and extremely mushy measure of policy soundness. Many of our foreign critics would like our nation to abandon its support for Israel. Of course we wouldn't. If our Nation's popularity abroad is our primary concern, wouldn't we have to consider that option? I know this Senator will never consider that, irrespective of what our foreign critics say or what the contemporary media or oversensitive diplomats suggest.

If the administration follows its timeline, as I have said before, Guantanamo will be closed in 8 months. Any detainees left in custody at the end of that time will be transported to the United States. I think it bears repeating that this transport will be from a secure, state-of-the-art facility—one that is already operational and fully staffed with trained military personnel. Relocation of these detainees to the United States would require agencies like the U.S. Marshal Service, FBI and the Bureau of Prisons—BOP—to divert assets and manpower from essential programs and facilities to secure these detainees.

It is worth noting that the Bureau of Prisons does not have enough space available to house these detainees in high-security facilities. BOP officials have previously stated that they consider these prisoners a ''high security risk.'' As such, they would need to house them in a maximum-security facility. The BOP has 15 high-security facilities. These installations were originally built to hold 13,448 prisoners, yet they currently house more than 20,000 high-security inmates. So it doesn't take a rocket scientist to see that the BOP cannot receive these Guantanamo detainees. The Bureau's high-security facilities are already woefully overcrowded by nearly 7,000 inmates.

Look at the current population, the yellow bar graph. The blue one is the total rated capacity. We have enough people in these high maximum security prisons that they are overfilled now. Yet they want to put these high-risk terrorists—somewhere. They certainly can't be in these high-risk facilities.

Moreover, it does not appear to be fiscally smart to shutter a functional $200 million facility that has no equal domestically. Why would the Federal Government transfer detainees from a secure military facility located on an island that is isolated from populous areas to a domestic military installation? Why should we make the Marshal Service or the Bureau of Prisons jump through hoops to recreate or replicate the proven effective model of a detention facility that Guantanamo has become.

A few weeks ago President Obama asked his Cabinet to find ways to save $100 million from the Federal budget. However, the President's Defense Supplemental contained $80 million for the closure of Guantanamo. The administration had no plan on how to spend that $80 million and had not identified a replacement that is superior to Guantanamo. Fortunately, the House of Representatives addressed this flawed plan or lack of a plan, and correctly stripped the $80 million out of the Defense Supplemental. Since 1903, we have been paying rent to Cuba for the use of Guantanamo Bay. This amount is less than $5,000 a month. Despite this, the administration insists on closing Guantanamo and spending millions of taxpayer dollars without a defined plan. That is ludicrous.

In February, a Department of Defense report determined that Guantanamo far exceeds any detention facility here in the United States. This report also found that the facility is in compliance with Common Article III of the Geneva Convention. I am sure I need not remind my colleagues, many of whom have visited Guantanamo as I have, that this facility has the capability to accommodate a trial, provide health care and securely house some of the most dangerous terrorists ever captured.

Sadly, the epitaph of the Guantanamo Bay Detention Facility was written the day the executive orders to close it were signed. Despite not having a process to close Guantanamo, the administration is determined to do it anyway. Therefore, Guantanamo will be closed in 8 months—not because its current conditions violate the Geneva Convention, but because of a slanderous campaign by the media to paint Guantanamo as a symbol of injustice. Unfortunately, some of my colleagues have drank the Kool-Aid and bought into this canard. Let me remind my colleagues that Common Article III of the Geneva Convention requires that prisoners of war not be held in civilian prisons and should not be tried in civilian courts.

Guantanamo is still an asset to this country. I don't see how anyone who is honest about the matter can characterize it any other way, especially when there is not a sufficient replacement located domestically to meet the Justice Department's needs. It is my fervent hope that the President and the Attorney General will reconsider their

ill-considered plan to close Guantanamo and recognize the obvious—that a $200 million dollar facility that is already operational and in compliance with international treaties should not be shuttered and closed.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1137

Mr. INOUYE. Madam President, I ask unanimous consent that the pending amendment be set aside and that the Senate return to the consideration of amendment No. 1137. This technical amendment has been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1137) was agreed to.

Mr. INOUYE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, tomorrow, May 20, after any statements of the leaders, the Senate resume consideration of H.R. 2346 and Inouye amendment No. 1133; that there be 2 hours of debate equally divided and controlled between the leaders on that amendment or their designees, with the time allocated as follows: The first 30 minutes under the control of the Republican leader, the second 30 minutes under the control of the majority leader, and the final 60 minutes divided equally, with 10-minute limitations, with the final 5 minutes of time under the control of Senator INOUYE; that upon the use of this time, the Senate proceed to vote on the Inouye amendment with no amendment in order to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2346, the Supplemental Appropriations Act of 2009.

Harry Reid, Christopher J. Dodd, Charles E. Schumer, Mark Begich, Mark L. Pryor, Richard Durbin, Patty Murray, Tom Harkin, Edward E. Kaufman, Claire McCaskill, Michael F. Bennet, Mark Udall, Jeanne Shaheen, Carl Levin, Jack Reed, Sheldon Whitehouse, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum also be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is $90.745 billion, and for 2010, it is $130 billion.

On May 14, 2009, the Senate Appropriations Committee reported S. 1054, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. The reported bill will be offered as a complete substitute to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

I find that the amendment in the nature of a substitute to H.R. 2346 fulfills the conditions of section 401(c)(4). As a result, for fiscal years 2009 and 2010, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays. For 2009, the total amount of the adjustment is $88.290 billion in discretionary budget authority and $26.353 billion in outlays. For 2010, the total amount of the adjustment is $5 billion in discretionary budget authority and $34.753 billion in outlays. I am also adjusting the aggregates consistent with section 401(c)(4) of S. Con. Res. 13 to reconcile the Congressional Budget Office's score of S. 1054 with the amounts that were assumed in section 104(21) of S. Con. Res. 13 for the 2009 supplemental appropriation bill.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.571
FY 2010	1,653.682
FY 2011	1,929.625
FY 2012	2,129.601
FY 2013	2,291.120
FY 2014	2,495.781
(1)(B) Change in Federal Revenues:	
FY 2009	0.000
FY 2010	−12.304
FY 2011	−159.006
FY 2012	−230.792
FY 2013	−224.217
FY 2014	−137.877
(2) New Budget Authority:	
FY 2009	3,673.472
FY 2010	2,888.696
FY 2011	2,844.910
FY 2012	2,848.117
FY 2013	3,012.193
FY 2014	3,188.847
(3) Budget Outlays:	
FY 2009	3,358.476
FY 2010.	3,002.654
FY 2011	2,968.219
FY 2012.	2,882.741
FY 2013	3,019.399
FY 2014	3,174.834

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial allocation limit	Adjustment	Revised allocation limit
FY 2009 Discretionary Budget Authority	1,391,471	88,290	1,479,761
FY 2009 Discretionary Outlays	1,220,843	26,353	1,247,196
FY 2010 Discretionary Budget Authority	1,082,250	5	1,082,255
FY 2010 Discretionary Outlays	1,269,471	34,753	1,304,224

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is $90.745 billion, and for 2010, it is $130 billion.

I have already made on adjustment pursuant to section 401(c)(4) for the bill reported by the Senate Committee on Appropriations making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes. The reported legislation was offered as a complete substitute to H.R. 2346, a bill making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

I now file further changes to S. Con. Res. 13 pursuant to section 401(c)(4) for an amendment offered under the authority of the Senate Committee on Appropriations. I find this amendment satisfies the conditions of section 401(c)(4). As a result, for fiscal years 2009 and 2010, I am further revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays. For 2009, the total amount of the adjustment is $925 million in discretionary budget authority and $34 million in outlays. For 2010, the total amount of the adjustment is $661 million in outlays. With the further adjustment in budget authority in 2009, the Senate will have used $89.215 billion of the $90.745 billion permitted in adjustments under section 401(c)(4). Finally, I am also further adjusting the aggregates consistent with section 401(c)(4) of S. Con. Res. 13 and to reflect the changes made by this amendment.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.571
FY 2010	1,653.682
FY 2011	1,929.625
FY 2012	2,129.601
FY 2013	2,291.120
FY 2014	2,495.781
(1)(B) Change in Federal Revenues:	
FY 2009	0.000
FY 2010	−12.304
FY 2011	−159.006
FY 2012	−230.792
FY 2013	−224.217
FY 2014	−137.877
(2) New Budget Authority:	
FY 2009	3,674.397
FY 2010	2,888.696
FY 2011	2,844.910
FY 2012	2,848.117
FY 2013	3,012.193
FY 2014	3,188.847
(3) Budget Outlays:	
FY 2009	3,358.510
FY 2010	3,003.315
FY 2011	2,968.400
FY 2012	2,882.775
FY 2013	3,019.404
FY 2014	3,174.836

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial allocation/limit	Adjustment	Revised allocation/limit
FY 2009 Discretionary Budget Authority	1,479,761	925	1,480,686
FY 2009 Discretionary Outlays	1,247,196	34	1,247,230
FY 2010 Discretionary Budget Authority	1,082,255	0	1,082,255
FY 2010 Discretionary Outlays	1,304,224	661	1,304,885

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CONFIRMATION OF MARGARET HAMBURG

• Mr. KENNEDY. Mr. President, I commend my Senate colleagues for confirming the President's nominee for FDA Commissioner, Dr. Margaret Hamburg. Strong, new leadership is needed to improve the operations and morale of the agency and make the FDA again the world class agency that Americans trust to protect the health of their families.

Dr. Hamburg's expertise in community health, biodefense, and nuclear, biological, and chemical preparedness is well-known and highly respected, and her experience makes her eminently well-qualified to lead the FDA at this difficult time.

As a student and researcher, Dr. Hamburg learned first hand about many of the issues which confront the FDA. Later, at the Office of Disease Prevention and Health Promotion, as assistant director of the National Institute of Allergy and Infectious Diseases at NIH, and as the commissioner of the New York City Department of Health and Mental Hygiene, she proved herself to be a brilliant scientist and leader. Her skills were particularly impressive on tuberculosis, which was the leading infectious killer of youths and adults in the city in the 1990s and had become resistant to standard drugs. Within 5 years, the TB rate in New York City fell by 46 percent overall, and 86 percent for the most drug-resistant strains.

Dr. Hamburg's impressive experience was further enhanced by her service as President Clinton's Assistant Secretary for Policy and Evaluation at HHS, as a member of the Institute of Medicine, and as vice president for Biological Programs at the Nuclear Threat Initiative.

Dr. Hamburg will face many challenges as FDA Commissioner but she is obviously well-prepared to deal with them. She has impressive experience in both clinical practice and research, and her background makes her ideal to lead the FDA as it combats food-borne illnesses, works with other agencies to combat disease outbreaks, and protects our food, drugs, and medical devices. Her confirmation marks the beginning of a welcome new era at FDA, and I look forward very much to working with her.•

Mr. ENZI. Mr. President, I rise today to congratulate Dr. Margaret Hamburg on her confirmation last night by the Senate to be commissioner of the Food and Drug Administration. I wish to also thank Dr. Hamburg for her previous public service and her willingness to once again go through the process of Senate confirmation. The vetting process for executive nominees is thorough and not without some degree of personal and professional sacrifice. I thank Dr. Hamburg for her willingness to serve.

Dr. Hamburg is an internationally recognized leader in public health and medicine, and an authority on global health, public health systems, infectious disease, bioterrorism and emergency preparedness. This background is especially important given that the swine flu—H1N1 influenza—has been on the front pages for several weeks and spread across the globe during that time. Dr. Hamburg has a tremendous amount of experience with emergency preparedness.

The FDA has a very broad and critical mission in protecting the public health. Dr. Hamburg is in charge of an agency that regulates $1 trillion worth of products a year. The FDA ensures the safety and effectiveness of all drugs, biological products such as vaccines, medical devices, and animal drugs and feed. It also oversees the safety of a vast variety of food products as well as medical and consumer products, including cosmetics.

As commissioner of the FDA, Dr. Hamburg is responsible for advancing the public health by helping to speed innovations in its mission areas, and by helping the public get accurate, science-based information on medicines and foods.

Another core mission of FDA is approving drugs and ensuring their safety. However, the FDA can not ensure the safety of deadly products such as tobacco—it kills people, not cures them. Yet this week the HELP Committee, of which I am the ranking member, is set to consider legislation that would require the FDA to regulate tobacco. At a time when federal dollars are stretched and resources are limited, I have serious concerns about adding more statutory responsibilities at FDA. In addition, given the recalls of spinach, peanuts, peppers, and tomatoes over the past two years, FDA's resources are already stretched too thin on the food safety front.

I represent a State that has substantial agricultural interests. Food safety and food labeling are critically important to me and my constituents. I am hopeful that Dr. Hamburg and I can work together on protecting the American food supply.

Additionally, I look forward to working with the new commissioner to restore the FDA's status as one of the strongest regulatory agencies in the world. I have no doubt that with the right leadership in place and with Congressional oversight, the FDA will again be the gold standard and our regulatory process the envy of the world.

Given Dr. Hamburg's expertise in emergency preparedness, pandemics and public health, I am pleased that the Senate acted quickly on this nomination. Again, I would like to congratulate Dr. Hamburg on her confirmation.

Mr. DURBIN. Mr. President, yesterday the Senate confirmed Dr. Margaret ''Peggy'' Hamburg as Commissioner of the Food and Drug Administration, FDA.

Dr. Hamburg comes to the job at a time when our Nation's food safety system is in crisis. In the last couple of years we have seen nationwide outbreaks associated with spinach, tomatoes and peppers, and peanuts and peanut butter. With peanuts, we also saw the biggest food recall in our nation's history as hundreds of companies recalled thousands of products from crackers to ice cream to even pet food. Our food safety problems don't just start and stop at home: we have also seen chemically tainted pet food, milk products, and seafood from China.

It is no secret that our food safety system is in serious trouble. It is all over the headlines. It's also no secret that the FDA the agency responsible for protecting nearly 80 percent of our food hasn't kept up, with its outdated statutes, eroding budgets, and inadequate resources and authorities.

Congress hasn't passed a major food safety bill in decades, and we are seeing the results of that inaction. More than 76 million Americans become sick because of a food-borne illness each year, 325,000 are hospitalized, and 5,000 die. Companies lose the confidence of their customers and shareholders, and they lose profits. Some experts estimate that the peanut growers will lose $1 billion as a result of the latest outbreak. Kellogg, just one company among hundreds, lost $70 million.

The time for comprehensive food safety reform is long past due. In March, Senator GREGG and I introduced the FDA Food Safety Modernization Act, a bipartisan bill that gives the FDA the new authorities and resources it needs to protect our food supply. This bill improves the FDA's capacity to prevent, detect, and respond to food safety problems, whether it's salmonella-tainted peanut butter from Georgia or melamine-spiked baby formula from China.

For the first time in a long time, we are also seeing leadership on food safety from the other end of Pennsylvania Avenue. The Food Safety Working Group, led by Health and Human Services Secretary Kathleen Sebelius and Agriculture Secretary Tom Vilsack, is doing what hasn't been done in decades: taking a comprehensive, coordinated look at the outdated food safety laws on the books and making recommendations on reform.

Last week I had the opportunity to attend a first-ever listening session hosted by the White House focused on food safety reform. This was a chance for members of Congress, the administration, consumer groups, and industry to come together and talk about the challenges facing the safety of our food supply as well as the solutions.

Dr. Hamburg, with her public health expertise and impressive record of success as former health commissioner of New York City, is a welcome addition to the working group. I had a chance to meet with Dr. Hamburg before her confirmation. During our meeting, as well as in her confirmation hearing, she made clear her commitment to the long term goal of transforming food safety oversight at FDA to focus on the public health goal of prevention. I am confident that she is the right person to tackle this challenge and others facing the FDA, and to restore morale and public confidence in the agency. I look forward to working with her and the other members of President Obama's food safety working group to enact FDA food safety legislation this year.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

GEORGE MITCHELL SCHOLARS

● Mr. KENNEDY. Mr. President, today, Taoiseach Brian Cowen met with the ninth class of George J. Mitchell Scholars. His decision to meet with this impressive group of students demonstrates the major contribution this program is making to strengthen the future of the United States-Ireland relationship.

The United States-Ireland Alliance was created in 1998 by my former foreign policy adviser, Trina Vargo. With limited resources and staff, the alliance has been at the forefront of recognizing, and then responding to, the fundamental changes in the United States-Ireland relationship.

The Mitchell Scholarship program is the keystone of the United States-Ireland Alliance. It has been led ably by Mary Lou Hartman, and has gone from strength to strength. In a few short years, the program has become as competitive and as sought after as other renowned scholarships such as the Rhodes, Marshall, and Fulbright Scholarships. This year, 300 people applied for the 12 annual Mitchell Scholarships. I have followed the causes of these former Mitchell Scholars and they are already making outstanding contributions and reflect the commitment to service exemplified by our former Senate colleague, George Mitchell.

One former Mitchell Scholar, Seena Perumal, lives in Cambridge, MA, where she serves is chief of staff for the Massachusetts Division of Health Care Finance and Policy. Seena graduated with a bachelor's degree in religion and a master's in public health from Case Western Reserve University. She founded and was president of Project Sunshine, which serves hospitalized children, and founded and was president of Alternative Break, an organization that helps organize community service trips during spring breaks from college. She also worked with Cleveland Jobs With Justice, a group that ensures workers' rights. As a Mitchell Scholar, she obtained a master's degree in international human rights at the National University of Ireland in Galway. She then served as the director of new initiatives for the New York City Department of Homeless Services, the agency that oversees policies and programs for the city's approximately 37,000 homeless persons.

The U.S. Government has provided $500,000 each year for the Mitchell Scholarship Program. I commend Irish businessman Derek Quinlan for his commitment to raise 20 million euros toward establishing a permanent endowment for this program. The Irish Government has agreed to match what is raised for this impressive program, and I am sure that United States-Ireland ties will continue to benefit significantly from these important scholarships in the years ahead.●

LETTER TO MEDTRONIC, INC.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that my letter dated May 18, 2009, to Medtronic, Inc. be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, May 18, 2009.

BILL HAWKINS,
President and Chief Executive Officer, Medtronic, Inc., Medtronic Parkway, Minneapolis, MN.

DEAR MR. HAWKINS: The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs. As a senior member of the United States Senate and as Ranking Member of the Committee, I have a special responsibility to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars authorized by Congress for these programs. This includes the responsibility to conduct oversight of the health care industry, including makers of medical devices, which receive hundreds of billions of taxpayer dollars every year for the care of Americans.

In carrying out this duty, I have been examining the substantial financial ties between the device industry and practicing physicians. I have also been examining the safety and cost of medical devices that are sold to the American public. As the largest medical device company in the United States, the practices of Medtronic, Inc. (Medtronic) have a profound impact on American healthcare.

Last October, I sent you a letter asking Medtronic to disclose payments to ''all physicians with whom Medtronic has consulting agreements for Infuse.'' This request was spurred by an article in the Wall Street

Journal (WSJ), which reported on allegations of financial incentives provided to doctors that included ''entertainment at a Memphis strip club, trips to Alaska and patent royalties on inventions they played no part in.''

With the exception of one individual who is now deceased, listed below is the financial information documenting all consultants who received compensation, which Medtronic provided to me [Attached].

I am concerned that Medtronic did not include Dr. Timothy Kuklo in response to my written request. It is clear that Dr. Kuklo had some sort of consulting agreement with Medtronic and was named as a Medtronic consultant for Infuse in an article that ran in the New York Times on May 13, 2009. There is of course the possibility that Dr. Kuklo had a more general type of consulting agreement with Medtronic that may have included Infuse, as well as other Medtronic products. In the future, I hope that instead of not providing me with the name of the physician involved in Infuse, or any other matter that I am looking into, that Medtronic contact me to avoid the situation in which we find ourselves.

In light of the issues set forth above, I would greatly appreciate Medtronic explaining why Dr. Timothy Kuklo was not listed in the information provided me earlier.

Thank you in advance for your continued cooperation in this matter and commitment to transparency. I look forward to hearing from you by no later than June 1, 2009. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Attachment.

MEDTRONIC INC. REPORTING: PHYSICIANS WITH WHOM MEDTRONIC HAS CONSULTING AGREEMENTS FOR INFUSE

Name	Year	Total amount
Lisa Cannada	2005	$2,000
	2006	20,700
	2007	14,000
	2008	7,700
Michael Carstens	2006	46,800
	2007	21,600
	2008	31,200
David Cochran	2006	35,200
	2007	18,000
	2008	14,000
Curtis Dickman	2003	12,900
	2004	100
Rajeev Garapati	2007	8,600
Judith Gogola	2006	500
David Hak	2008	10,500
James Hardacker	2006	2,100
	2007	9,200
	2008	7,100
B. Matthew Hicks	2004	6,600
	2005	24,000
	2006	23,000
	2007	5,100
	2008	11,600
Thomas Lyons	2006	41,300
	2007	43,200
	2008	12,200
Jay Malmquist	2007	23,100
	2008	24,100
Robert Marx	2006	57,500
	2007	24,100
	2008	28,200
Todd Melegari	2006	2,300
Peter Moy	2008	59,900
Myron Nevins	2007	35,600
John O'Donnell	2006	4,400
Chetan Patel	2006	1,100
	2007	4,200
	2008	15,800
Philip Pryor	2006	2,100
	2007	2,600
	2008	6,600
Kevin Pugh	2005	1,300
	2006	13,000
	2007	16,100
Daniel Spagnoli	2006	28,100
	2007	67,600
	2008	42,700
Gilbert Triplett	2005	6,400
	2007	29,000

MEDTRONIC INC. REPORTING: PHYSICIANS WITH WHOM MEDTRONIC HAS CONSULTING AGREEMENTS FOR INFUSE—Continued

Name	Year	Total amount
	2008	16,000
John-Louis Ugbo	2005	2,000

ADDITIONAL STATEMENTS

2009 NATIONAL SCIENCE BOWL CHAMPIONS

● Mrs. BOXER. Mr. President, I am pleased to recognize the 2009 U.S. Department of Energy National Science Bowl Champions Mira Loma High School in Sacramento, CA.

The National Science Bowl is a national high school competition that tests each team's knowledge in astronomy, biology, chemistry, earth science, general science, mathematics, and physics at a college freshman level. Mira Loma's National Science Bowl team consisted of senior team captain Rishi Kulkarni; juniors Edward Lee and Heather Yee; sophomores Andrew Chen and Sriram Pendyala, and Coach James Hill.

The Mira Loma team qualified for the national competition by winning the Sacramento Regional Science Bowl in the spring. At the National Science Bowl, Mira Loma High School joined 67 high schools from 42 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands to compete for the national championship in Washington, DC. Mira Loma High School's victory at the National Science Bowl has earned the team a research trip to the prestigious International Science School in Sydney, Australia, to further pursue their studies in science.

In competing for the national championship, the Mira Loma High School team learned many valuable lessons, including tenacity, dedication to their schoolwork, and teamwork. It is with great pride that I congratulate them on this remarkable accomplishment and wish them continued success.

I invite my colleagues to join me, Mira Loma High School, and the Sacramento community in recognizing the Mira Loma High School Science Bowl Team on this wonderful achievement.●

TRIBUTE TO JOHNNY'S CAR WASH

● Mr. BUNNING. Mr. President, today I pay tribute to and congratulate Jeff Simpson, owner of Johnny's Car Wash in Erlanger, KY, on their 50th year in business.

In 1959, John Simpson, father of Jeff Simpson, converted the original Town Car Wash, an establishment in Covington, KY, where cars were washed by hand, to an automatic car wash he named Johnny's Car Wash. Mr. Simpson opened a second location in Erlanger, KY, that still thrives today. Nearly four decades later, in 1992, Mr. Simpson sold his original Johnny's Car Wash to his son Jeff, and this year they celebrate 50 years of hard work, ambition, and the long success of their business.

A hearty congratulations to the Simpson family and Johnny's Car Wash. They are an excellent example of a steady and thriving small business in the Commonwealth.●

CONGRATULATING JHPIEGO ON ITS 35TH ANNIVERSARY

● Mr. CARDIN. Mr. President, today I wish to commemorate the 35th anniversary of Jhpiego, an exceptional organization dedicated to helping the less fortunate in developing countries around the world.

Jhpiego is an international, nonprofit health organization affiliated with Johns Hopkins University and is located in my hometown, the city of Baltimore. For 35 years, Jhpiego has empowered front line health care workers by designing and implementing effective, low-cost, hands-on solutions to strengthen the delivery of health care services for women and their families.

From their origins as technical experts in reproductive, maternal and child health, Jhpiego has grown to embrace new challenges, including prevention and treatment of HIV/AIDS, malaria and cervical cancer. The staff of Jhpiego have worked in 150 countries around the globe and currently run 60 programs in over 40 countries.

Scientific innovations are the cornerstone of Jhpiego's approach to reducing the preventable deaths of women. I particularly want to highlight their work combating cervical cancer. In 1990, Jhpiego established its Cervical Cancer Prevention—CECAP—Program. Working with colleagues and stakeholders, the CECAP program pioneered a unique, medically safe, acceptable and cost-effective approach to cervical cancer prevention for low-resource settings called the ''single visit approach.'' Hundreds of thousands of women have been spared the horrible death of cervical cancer as the result of this intervention.

Amid many areas of expertise and effort, Jhpiego has worked tirelessly in its efforts to call the world's attention to the second leading cause of death of pregnant women in developing countries, postpartum hemorrhaging. Today, through system wide changes from the home birth to the hospital, physicians, nurses, midwives and healthcare workers have training and strategies to address this preventable death. These interventions have saved countless lives around the world.

I commend the staff of Jhpiego for their dedication and commitment to improving the lives of women and their families around the world. They work some of our world's most remote, difficult and complicated regions. Day in and day out, they with nations to develop strategies that are sustainable, proven and effective to improve the lives of the most vulnerable sectors of society.

I ask my colleagues to join me today in congratulating Jhpiego on its 35th anniversary.●

2008 SLOAN AWARDS

● Mr. CRAPO. Mr. President, today I join with my colleague, Senator LINCOLN, to congratulate the 2008 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility, which recognizes companies that have successfully used flexibility to meet both business and employee goals. Our offices coordinate and lead the Senate Staff Work Group on Workplace Flexibility, now in its 8th month. Since September 2008, our staff and that of at least 16 of our colleagues and as many as four different committees have gathered once a month to hear from research experts and listen to first-hand employer and employee experience on this important issue facing our Nation's workforce and families today. It is our goal to better define the appropriate role of government in this equation, moving from there to achieve bipartisan policies that help and do not frustrate families or hinder businesses. The Sloan Awards are an important component in the national shift toward employment policies that work better for both employers and employees as this Nation faces the reality of dual income households struggling to balance the multiple time commitments of children, disabled or aging family members and their jobs. The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute in partnership with the Institute for a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce, and the Twiga Foundation Inc. The When Work Works initiative is sponsored by the Alfred P. Sloan Foundation.

The companies receiving Sloan Awards are to be commended for their excellence in providing workplace flexibility practices which benefit both employees and employers. Achieving greater flexibility in the workplace, the goal of which is to maximize productivity while attracting the highest quality employees, is a key challenge facing American companies in the 21st century.

Businesses in the following 30 cities were eligible for recognition in the 2008 Sloan Awards: Atlanta, GA; Aurora, CO; Birmingham, AL; Boise, ID; Brockton, MA; Chandler, AZ; Charleston, SC; Chicago, IL; Dallas, TX; Dayton, OH; Detroit, MI; Durham, NC; Houston, TX; Lexington, KY; Long Beach, CA; Long Island, NY; Louisville, KY; Melbourne-Palm Bay, FL; Milwaukee, WI; Morris County, NJ; Providence, RI; Richmond, VA; Rochester, MN; Salt Lake City, UT; San Francisco, CA; Savannah, GA; Seattle, WA; Spokane, WA; Washington, DC; and Winona, MN. The Chamber of Commerce in each city hosted an interactive business forum to share research on workplace flexibility as an important component of workplace effectiveness. In these same communities, businesses applied and winners were selected for the Sloan Awards through a process that included employees' views as well as employer practices.

Together, we congratulate the 2008 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility.

In Atlanta, GA, the winners are Alston + Bird LLP; BDO Seidman, LLP; Cobb County Convention and Visitors Bureau; Ernst & Young LLP; KPMG LLP; Merrick & Company; North Highland; and Sprint.

In Aurora, CO, the winners are Arapahoe/Douglas Works! Workforce Center; Aurora Chamber of Commerce; Medical Center of Aurora and Centennial Medical Plaza; and Merrick & Company.

In Birmingham, AL, the winners are Allstates Technical Services; AQAF; Barfield, Murphy, Shank, & Smith PC; Concept, Inc.; Deloitte; Ernst & Young LLP; ITAC Solutions; Birmingham Metropolitan YMCA; One Stop Environmental, LLC; Resources Global Professionals; and Sellers, Richardson, Holman & West, LLP.

In Boise, ID, the winners are American Geotechnics; Business Psychology Associates; Children's Home Society of Idaho; Givens Pursley LLP; LeMaster Daniels PLLC; Merrick & Rowley Accounting, LLC; and Trey McIntyre Project.

In Brockton, MA, the winner is KGA, Inc.

In Chandler, AZ, the winners are A & S Realty Specialists; Arizona Interactive Media Group; Arizona Weddings Magazine & Website; BCD Low Voltage Systems; The Chandler Chamber of Commerce; Clifton Gunderson LLP; Dava & Associates, Inc.; Henry & Horne, LLP; IBM; Intel; Johnson Bank; Keats, Connelly & Associates Inc.; MDI; Microchip Technology Inc.; New Horizons Independent Living Center; Omega Legal Systems, Inc.; Point B; Prescott Transit Authority; RIESTER; Salt River Materials Group; Western International University; WhitneyBell Perry Inc.; Wist Office Products; and WorldatWork.

In Charleston, SC, the winners are Booz Allen Hamilton LLP; Community Management Group; KFR Services, Inc.; LS3P Associates LTD.; Noisette Company, LLC; and Scientific Research Corporation.

In Chicago, IL, the winners are AzulaySeiden Law Group; BDO Seidman, LLP; Deloitte; Ernst and Young LLP; Frost, Ruttenberg & Rothblatt, P.C.; IBM—Central Region; KPMG LLP; Microsoft Corporation—Midwest District; National Able Network; Perspectives, Ltd; Plante & Moran, PLLC; Sanchez Daniels & Hoffman LLP; Shakespeare Squared; Teen Living Programs; True Partners Consulting; Turner Construction Company—Chicago Business Unit; Type A Learning Agency; and Vox, Inc.

In Dallas, TX, the winners are Aguirre Roden, Inc.; Amerisure Mutual Insurance Company; BDO Seidman, LLP; The Beck Group; Community Council of Greater Dallas; Deloitte; Grant Thorton LLP; KPMG LLP; Lee Hecht Harrison; McQueary Henry Bowles Troy, L.L.P.; State Farm Insurance Companies; Symbio Solutions, Inc.; and Workforce Solutions Greater Dallas.

In Dayton, OH, the winners are Barco, Inc.; Deloitte; and LJB Inc.

In Detroit, MI, the winners are Albert Kahn Family of Companies; Amerisure Mutual Insurance Company, The Children's Center of Wayne County; BDO Seidman, LLP; Detroit Regional Chamber; The Farbman Group; Image One; Lee Hecht Harrison; Menlo Innovations; Michigan Occupational Safety and Health Administration—MIOSHA; Mill Steel Company; and Peckham Inc.

In Durham, NC, the winners are The American Institute of Certified Public Accountants—AICPA; CrossComm, Inc.; Durham's Partnership for Children, a Smart Start Initiative; McKinney; North Carolina Mutual Life Insurance Company; The Shodor Education Foundation; Skanska USA Building Inc.; and U.S. Environmental Protection Agency.

In Houston, TX, the winners are Continental Airlines; Deloitte; El Paso Corporation; Fulbright & Jaworski LLP; Hall Barnum Lucchesi Architects; Klotz Associates, Inc.; KPMG LLP; Pannell Kerr Forster of Texas, P.C.—PKF Texas; Rice University; St. Luke's Episcopal Health System; The VIA Group LLC.; University of Phoenix; and Vinson & Elkins L.L.P.

In Lexington, KY, the winners are Ashland Terrace Retirement Home; Benefit Insurance Marketing; JRA Architects; Lexmark International, Inc.; Potter & Company, LLP; Smiley Pete Publishing; United Way of the Bluegrass; and Woodward, Hobson & Fulton, LLP.

In Long Beach, CA, the winners are AES Alamitos, LLC; Healstone; HR NETwork, Inc.; KPMG LLP; Long Beach Rescue Mission; and PeacePartners.

In Long Island, NY, the winners are Albrecht, Viggiano, Zureck & Co., PC; The Alcott Group; Child Care Council of Nassau, Inc.; Deloitte; KPMG LLP; and YES Community Counseling Center.

In Louisville, KY, the winners are A Speaker For You; Delta Dental of Kentucky, Inc.; Deming Malone Livesay & Ostroff CPAs, Girl Scouts of Kentuckiana Inc.; KPMG LLP; McCauley, Nicholas & Company, LLC, CPAs; Metromojo.com; Prestige Healthcare; Pro-Liquitech International; Strothman & Company PSC; and Woodward, Hobson & Fulton, L.L.P.

In Melbourne-Palm Bay, FL, the winners are Brevard Workforce Development Board, Inc.; Craig Technologies; Hoyman Dobson; Kinberg & Associates,

LLC; Mercedes Homes; and Space Coast Early Intervention Center.

In Milwaukee, WI, the winners are Clifton Gunderson LLP; Deloitte; Ernst & Young LLP; Kahler Slater; KPMG LLP; Laughlin/Constable; Metropolitan Milwaukee Association of Commerce; Robert W. Baird & Co; Tushaus Computer Services, Inc.; Urban Ecology Center; and West Bend.

In Morris County, NJ, the winners are Berkeley College; Fein, Such, Kahn & Shepard, P.C.; Girl Scouts of Northern New Jersey; KPMG LLP; Schenck, Price, Smith & King, LLP; Shade Tree Garage; and Solix Inc.

In Providence, RI, the winners are Embolden Design, Inc.; KPMG LLP; Lefkowitz, Garfinkel, Champi & De Rienzo PC; Narragansett Bay Commission; Quality Partners of Rhode Island; Rhode Island Legal Services, Inc; and Sansiveri, Kimball & McNamee LLP.

In Richmond, VA, the winners are Bon Secours Richmond Health System; Capital One, Hilb Rogal & Hobbs—HRH; Lee Hecht Harrison; Rink Management Services Corporation; and Virginia Commonwealth Health Systems—VCUHS.

In Rochester, MN, the winners are Cardinal of Minnesota; Custom Alarm/Custom Communications, Inc.; First Alliance Credit Union; IBM; RSM McGladrey, Inc. and McGladrey & Pullen, LLP; Southeast Service Cooperative; Stanley Jones & Associates, Inc.; Venture Computer Systems; and Winona State University—Rochester.

In Salt Lake City, UT, the winners are 1–800 CONTACTS; AAA Fair Credit Foundation; Cactus & Tropicals; Café Rio Mexican Grill; Cooper Roberts Simonsen Associates, Inc.; Employer Solutions Group; Governor's Office of Economic Development; Intermountain Financial Group/Mass Mutual; Intermountain Healthcare; McKinnon-Mulherin, Inc.; Redmond, Incorporated; SelectHealth; and Stayner, Bates & Jensen.

In San Francisco, CA, the winners are Fenwick & West LLP; KPMG LLP; Lee Hecht Harrison; Mother Jones Magazine/Foundation for National Progress; Presynct Technologies, Inc.; Sirna Therapeutics, Inc.; and Woodruff-Sawyer & Company.

In Savannah, GA, the winner is Environmental Services, Inc.

In Seattle, WA, the winners are BabyLegs LLC; Bader Martin, P.S.; BECU; Blue Gecko, Inc.; Cascadia Consulting Group, Inc.; Deloitte; EarthCorps; MarketFitz, Inc.; National CASA Association; NRG::Seattle; The Puget Sound Center for Teaching, Learning and Technology; Seattle Hospitality Group; Washington Health Foundation; WithinReach; and Worktank.

In Spokane, WA, the winners are Career Path Services; Humanix Staffing and Recruiting; and Inland Northwest Health Services.

In Washington, DC, the winners are Booz Allen Hamilton; Capital One; Clovis; Craig Technologies; Discovery Communications, Inc.; KPMG LLP; List Innovative Solutions, Inc.; and Morgan Franklin Corporation.

In Winona, MN, the winners are Catholic Charities of the Diocese on Winona; Hiawatha Broadband Communications; Management Recruiters of Winona; Mediascope, Inc.; Sport & Spine Physical Therapy of Winona; Winona ORC Industries; and Winona Workforce Center.●

REMEMBERING BRIAN O'NEILL

● Mrs. FEINSTEIN. Mr. President, it is with a very heavy heart that I rise today to inform the Senate of the recent passing of one of the most incredible civil servants it has been my honor to know. Sadly, Brian O'Neill, the National Park Service superintendent at the Golden Gate National Recreation Area in San Francisco, passed away last week following complications from heart surgery.

To know Brian was to have known an extraordinary human being; someone who was completely devoted to his profession, his family, his friends, and to the national parks he so dearly loved.

Since 1986, when he became the superintendent at Golden Gate, Brian has been the inspiration and the driving force behind the success of one of the largest urban parks in the world. What set him apart, though, was not just a talent for the day-to-day management of a national park, but his grasp of the principal that a park is far more than a circle drawn on a map. He knew early on that, for a park to flourish, particularly an urban park, it needed the support of the local community, and that the best way to build that support was through the building of partnerships—partnerships that were the product of personal relationships.

Brian understood that a single park employee could only produce a set amount of work. But if you could turn that employee into an ambassador for the park, then others could be brought in to lighten the load and advance the cause. That is why Brian often said that what he really did was run a ''friend-raising'' business. And with well over 20,000 volunteers, I would say Brian's instincts were pretty good.

Too often in what passes for political discourse today the term ''bureaucrat'' is used as a pejorative. Anyone who would suggest such a meaning obviously never met Brian O'Neill. He was, by any definition and in the finest tradition of the civil service, the consummate bureaucrat; a skilled manager whose talents, whose energy, and whose sheer larger-than-life personality will be missed. I am proud to have had the privilege of knowing Brian O'Neill.

Mr. President, I am sure I speak for all my Senate colleagues in expressing my sincere condolences to Brian's friends, his coworkers, and especially the O'Neill family.●

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

● Mr. LUGAR. Mr. President, I wish today to take the opportunity to express my congratulations to the winners of the 2008–2009 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for 8th grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. The theme chosen for this year was ''Working Our Way to Energy Independence.''

Along with my friends at the Indiana Farm Bureau and Farm Bureau Insurance Companies, I am pleased with the annual response to this contest and the quality of the essays received over the years. I applaud each of this year's participants on their thoughtful work and wish, especially, to highlight the submissions of the 2008–2009 contest winners—Lynnette Whitsitt of Huntingburg, IN, and Brandon Wells of Evansville, IN. I submit for the RECORD the complete text of Lynnette's and Brandon's respective essays. I am pleased, also, to include the names of the many district and county winners of the contest.

The winning essays are as follows:

UNTITLED

(By Lynnette Whitsitt)

Could you imagine a world where you flip on a light switch or press power on the TV and nothing happens? This will be our planet in the foreseeable future if we don't do anything about it. Many people believe that the future isn't their problem and that it's scientists' dilemma to solve, but it's not. If we don't do something about this energy crisis now, Earth will pay for it dearly in the future. We Hoosiers should do what we can, and contribute our available resources to produce renewable sources of power for our country. Without it, a global disaster is imminent.

Many alternate fuel sources need crops to manufacture them—especially corn and soybeans. Corn produces ethanol, while Biodiesel is made from soybeans. Portions of farmers' crops are sold to manufacturers that produce these energy sources. Organic waste materials, know as biomass, can now be broken down to become biogas. The waste materials used vary from crop remains to animal manure. Biogas can be transformed into diverse forms of energy, but of the renewable energy sources that generate electricity, biomass is most abundant. The conversion of waste materials to biogas is a purely organic procedure in which microorganisms break wastes down into methane. Hoosier farmers could also utilize farmland for wind farms, which will not only provide the farms with energy but also income from spare energy sold to power companies. While wind turbines would occupy land, it could still be used for its main intention, agriculture.

Farmers have been hugely affected by the energy crisis and can be part of the solution. By helping to make biodiesel, ethanol, biogas, and wind power Indiana farmers will greatly affect the future of energy. This major energy change will revolutionize rural towns, Indiana, and our nation as a whole.

INDEPENDENCE

(By Brandon Wells)

The issue of becoming independent from foreign energy is challenging, but vital. The fact remains: if we do not break away from foreign oil soon, we may fall into an economic depression far greater than Americans have ever known. Gasoline prices are substantially inflated; many families are finding it difficult to budget for the commute to and from work. What can we, as American citizens, do to halt this crisis and put an end to insane oil prices?

One solution to the challenge of making our own less expensive fuel comes straight from Indiana farmers. Biodiesel fuel is a diesel fuel made from organic feedstock. It includes soybeans, animal renderings, and salvaged oil from restaurants. It is domestically produced. Therefore, every gallon of biodiesel fuel takes the place of imported fuels, thus ensuring American dollars remain in the American economy.

A considerable advantage of biodiesel fuel over gasoline and regular diesel fuels is that biodiesel emits far lower emissions, ensuring cleaner air for both present and future generations. Also, it has better lubricity characteristics, which means less wear on engine parts such as fuel injectors and fuel injection pumps. Biodiesel fuels are compatible with all modern diesel engines and fuel systems.

There is a clear and definite need to concentrate on breaking away from foreign oil consumption and imports. While the issue of fuel alternatives is great, Indiana farmers are growing answers for all of America right now. We cannot continue to depend on foreign lands to fuel our lives. America has historically fought for independence and once again, we find ourselves fighting. With the help of Indiana farmers, this battle can be won, and America will once again be independent . . . fuel independent.

2008–2009 DISTRICT ESSAY WINNERS

DISTRICT 1

Katlynn Surfus, Zachary Glick.

DISTRICT 2

Kristi Brennan, Gabe Curtis.

DISTRICT 3

Jessie LeBeau, Jonah Pritchett.

DISTRICT 4

McKinzie Horoho, Trevor Homan.

DISTRICT 5

Miranda Gerrard, Cameron Guernsey.

DISTRICT 6

Kristen McCarthy, Jack Garner.

DISTRICT 7

Riki Crowe, Ethan Fettig.

DISTRICT 8

Morgan Tomson, Aaron Kaiser.

DISTRICT 9

Lynnette Whitsitt, Brandon Wells.

DISTRICT 10

Amy Burbrink, Zach Carter.

2008–2009 COUNTY ESSAY WINNERS

BOONE

Cameron Guernsey, Western Boone Junior High School.

BROWN

Haley O'Neil, home schooled.

CLARK

Geoff Rafail and Morgan Mast, Borden Junior High School.

CLAY

Brandon Crowley and Saiti Booe, Clay City Junior High School.

DECATUR

Morgan Tomson, South Decatur Junior High School.

DUBOIS

Lynnette Whitsitt, Southridge Middle School.

FLOYD

Weston Spalding and Erin Duncan, Our Lady of Perpetual Help School.

FRANKLIN

Aaron Kaiser, Mount Carmel School; and Claire McKamey, St. Michael School.

GREENE

Ethan Fettig, Linton-Stockton Junior High School; and Riki Crowe, White River Valley Junior High School.

HAMILTON

Nicholas Jeffers and Kara Linton, St. Maria Goretti School.

HANCOCK

Joshua Hanselman and McKenze Qualkinbush, Doe Creek Middle School.

HENDRICKS

Drake Whicker, Cascade Middle School; and Jaclin Byrne, Tri-West Middle School.

HENRY

Jack Garner and Brooke Ballard, Tri Junior High School.

HOWARD

Austin Dishon, Northwestern Middle School; and McKinzie Horoho, Eastern Junior High School.

JACKSON

Zach Carter, Immanuel Lutheran School; and Avri Hackman, Lutheran Central School.

JASPER

Hunter Hickman and Tori Bryja, Rensselaer Middle School.

JAY

Trevor Homan and Miranda Reinhart, East Jay Middle School.

JENNINGS

Tanner Steele and Amy Burbrink, St. Mary School.

LAKE

Zachary Glick and Alejandra Almendarez, Our Lady of Grace School.

MARION

James Wang, Sycamore School; and Kristen McCarthy, St. Jude School.

MONROE

Logan Letner and Allie Jones, Batchelor Middle School.

NOBLE

Gabe Curtis and Kristi Brennan, St. Mary of the Assumption School.

PARKE

Will Harrison and Kendall Davies, Rockville Junior High School.

PERRY

Hunter Sandage, Tell City Junior High School.

POSEY

Brandon Wells and Stephanie Cook, North Posey Junior High School.

SCOTT

Hunter Steinkamp and Raven Alcorn, Scottsburg Middle School.

STARKE

Katlynn Surgus, Knox Middle School.

SULLIVAN

Harley-Alden Robert Davis and Savana Strain, Rural Community Academy.

SWITZERLAND

Devin Coy and Olivia Hewitt, Switzerland County Middle School.

VERMILLION

Dillon Boling and Abigail Calvin, North Vermillion Junior High School.

WABASH

Trae Cole and Alyssa Richter, Northfield Junior High School.

WARREN

Miranda Gerrad, Seeger Junior High School.

WAYNE

Henry Dickman and Katy Robinson, Seton Catholic Junior High School.

WELLS

Anna Gerber, Kingdom Academy.

WHITE

Jonah Pritchett and Jessie Lebeau, Tri County Junior High School.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:01 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S.386) entitled ''An Act to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.''.

ENROLLED BILL SIGNED

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 386. An act to improve enforcement of mortgage fraud, securities, and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

At 3:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with an amendment:

S. 896. An act to prevent mortgage foreclosures and enhance mortgage credit availability.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 19, 2009, she had presented

to the President of the United States the following enrolled bill:

S. 386. An act to improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 35. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records (Rept. No. 111–21).

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2009'' (Rept. No. 111–22).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Charles B. Green, to be Lieutenant General.

Air Force nomination of Maj. Gen. Herbert J. Carlisle, to be Lieutenant General.

Air Force nomination of Gen. William M. Fraser III, to be General.

Air Force nomination of Lt. Gen. William L. Shelton, to be Lieutenant General.

Air Force nomination of Lt. Gen. Daniel J. Darnell, to be Lieutenant General.

Navy nomination of Vice Adm. Richard K. Gallagher, to be Vice Admiral.

Marine Corps nomination of Maj. Gen. Terry G. Robling, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Joseph F. Dunford, Jr., to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with William A. Bartoul and ending with George T. Youstra, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Air Force nominations beginning with Peter Brian Abercrombie II and ending with Eric J. Zuhlsdorf, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Navy nomination of Deandrea G. Fuller, to be Commander.

Navy nominations beginning with Daniel G. Christofferson and ending with Albert D. Perpuse, which nominations were received by the Senate and appeared in the Congressional Record on January 7, 2009.

By Mr. KERRY for the Committee on Foreign Relations.

*Jeffrey D. Feltman, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Near Eastern Affairs).

*Philip J. Crowley, of Virginia, to be an Assistant Secretary of State (Public Affairs).

*Daniel Benjamin, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Nominee: Daniel Benjamin.

Post: Coordinator for Counterterrorism.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $750, 06/30/08, Obama for America; $1000, 09/09/08, Obama for America; $1000, 10/03/08, Obama Fund; $300, 10/16/08, Obama Fund; $262.50, 12/28/07, Sestak for Congress; $2000, 10/26/04, Democratic Executive Committee of Florida; $500, 07/21/04, Kerry for President; $250, 03/28/06, Sestak, Joseph A. Jr.; $350, 10/16/06, Sestak, Joseph A. Jr.; $250, 10/20/06, Farrell, Diane Goss.

2. Spouse: Henrike Frowein: None.

3. Children and Spouses: Caleb Benjamin, Jonah Benjamin: None.

4. Parents: Burton & Susan Benjamin: $50, 09/23/08, Himes, Jim; $55, 09/23/08, Obama for America; $55, 08/29/08, Obama for America; $25, 07/02/08, DCC; $25, 02/26/08, DNC; $25, 11/15/07, DCC; $50, 12/13/05, Diane Farrell for Congress; $20, 11/09/05, 21st Century Democrats; $55, 09/06/04, DNC; $50, 06/19/04, Diane Farrell for Congress; $150, 05/17/04, Kerry for President.

5. Grandparents: Daniel Benjamin—deceased; Betty Benjamin—deceased; William Dorfman—deceased; Rose Dorfman—deceased.

6. Brothers and Spouses: William Benjamin & Jill Kowal Benjamin—none.

7. Jonathan Benjamin & Tricia Kim: $100, 10/21/08, Obama for America; $100, 09/10/08, Obama for America; $100, 04/30/08, Obama for America; $100, 12/10/07, Obama for America.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Priscilla E. Guthrie, of Virginia, to be Chief Information Officer, Office of the Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself and Mr. BROWNBACK):

S. 1067. A bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWN:

S. 1068. A bill to amend the National Consumer Cooperative Bank Act to allow for the treatment of the nonprofit corporation affiliate of the Bank as a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1069. A bill to provide for disaster assistance for power transmission and distribution facilities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 1070. A bill to establish the Small Business Information Security Task Force to address information security concerns relating to credit card data and other proprietary information; to the Committee on Small Business and Entrepreneurship.

By Mr. CHAMBLISS (for himself, Mr. VITTER, Mr. ISAKSON, Mr. INHOFE, Mr. BURR, and Mr. ROBERTS):

S. 1071. A bill to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself and Mr. CRAPO):

S. 1072. A bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. REED:

S. 1073. A bill to provide for credit rating reforms, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself and Ms. CANTWELL):

S. 1074. A bill to provide shareholders with enhanced authority over the nomination, election, and compensation of public company executives; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 1075. A bill to designate 4 counties in the State of New York as high-intensity drug trafficking areas, and to authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Ms. CANTWELL, Mr. LEVIN, and Mr. FEINGOLD):

S. 1076. A bill to improve the accuracy of fur product labeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 1077. A bill to regulate political robocalls; to the Committee on Rules and Administration.

By Mr. JOHNSON (for himself and Mr. VOINOVICH):

S. 1078. A bill to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself, Mr. VOINOVICH, Mr. INOUYE, Mr. UDALL of Colorado, and Mr. BENNET):

S. 1079. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under the Medicare program; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. KYL):

S. 1080. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 152. A resolution to amend S. Res. 73 to increase funding for the Special Reserve; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. CARDIN):

S. Res. 153. A resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. CARDIN, Mr. KERRY, Mrs. SHAHEEN, Mr. WICKER, Ms. CANTWELL, and Mr. ISAKSON):

S. Res. 154. A resolution honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning May 17, 2009; considered and agreed to.

By Mr. CARDIN (for himself, Mr. LUGAR, and Mr. NELSON of Florida):

S. Con. Res. 23. A concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 370

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 370, a bill to prohibit the use of funds to transfer detainees of the United States at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or to construct any facility for such detainees in the United States, and for other purposes.

S. 384

At the request of Mr. LUGAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 408

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 546

At the request of Mr. REID, the names of the Senator from Colorado (Mr. BENNET) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 558

At the request of Mr. CARPER, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 558, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to nutrition labeling of food offered for sale in food service establishments.

S. 565

At the request of Mr. DURBIN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 572

At the request of Mr. WEBB, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 572, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 597

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 597, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 608

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 608, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 653

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 696

At the request of Mr. CARDIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 711

At the request of Mr. BAUCUS, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 793

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 793, a bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 908

At the request of Mr. BAYH, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 924

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 924, a bill to ensure efficient performance of agency functions.

S. 942

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 942, a bill to prevent the abuse of Government charge cards.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1010

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1010, a bill to establish a National Foreign Language Coordinator Council.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 71

At the request of Mr. WYDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

S. RES. 141

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 141, a resolution recognizing June 2009 as the first National Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

AMENDMENT NO. 1079

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1079 proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

AMENDMENT NO. 1129

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1129 intended to be proposed to H.R. 627, a bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Mr. BROWNBACK):

S. 1067. A bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, and I am pleased to do so with a great champion on this issue: Senator SAM BROWNBACK. For many years, we have both sought to bring attention to the terror orchestrated by the Lord's Resistance Army, the LRA, and the suffering of the people of northern Uganda. We have come a long way in just a few years, thanks especially to young Americans who have become increasingly aware of and outspoken about this horrific situation. As a result, the U.S. has made increased efforts to help end this horror. Those efforts have yielded some success, but if we are now to finally see this conflict to its end, we need to commit to a proactive strategy to help end the threat posed by the LRA and support reconstruction, justice, and reconciliation in northern Uganda. This bill seeks to do just that.

For over two decades, northern Uganda was caught in a war between the Ugandan military and rebels of the Lord's Resistance Army, leading at its height to the displacement of 1.8 million people, nearly 90 percent of the region's population. Just a few years ago, northern Uganda was called the world's worst neglected humanitarian crisis. In 2007, I visited displacement camps in northern Uganda and saw firsthand the terrible conditions and the desperation of people forced to endure such conditions year after year. Meanwhile, the LRA survived throughout this conflict by kidnapping an estimated 66,000 children, indoctrinating them, and forcing them to become child soldiers.

In recent years, the LRA have come under increasing pressure. In 2005 and 2006, they largely withdrew from northern Uganda and moved into the border region between northeastern Congo, southern Sudan and even the Central African Republic. Then for almost two years, there was a lull in the violence as representatives from the Ugandan government and LRA engaged in sporadic peace negotiations in southern Sudan. The parties brokered a comprehensive agreement, but then hopes were dashed as the LRA's megalomaniac leader Joseph Kony refused to sign the agreement and reports surfaced that the LRA had been conducting new abductions to replenish his rebel group.

In December 2008, the Ugandan, Congolese and South Sudanese militaries launched a joint offensive against the LRA's primary bases in northeastern Congo. The operation failed to apprehend Kony and over the following two months, his forces retaliated against civilians in the region, leaving over 900 people dead. It's tragically clear that insufficient attention and resources were devoted to ensuring the protection of civilians during the operation. Before launching any operation against the rebels, the regional militaries should have ensured that their plan had a high probability of success, anticipated contingencies, and made precautions to minimize dangers to civilians. It is widely known that when facing military offensive in the past, the LRA have quickly dispersed and committed retaliatory attacks against civilians.

However, this botched operation does not mean that we should just give up on the goal of ending the massacres and the threat to regional stability posed by this small rebel group. Moreover, given that the U.S. provided assistance and support for this operation at the request of the regional governments, we have a responsibility to help see this rebel war to its end. In order to do that, I strongly believe we need a regional strategy to guide U.S. support—which includes political economic, intelligence and military support—for a multilateral effort to protect civilians and permanently end the threat posed by the LRA. The Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 requires of the administration to develop such a strategy. It leaves it up to the discretion of the administration to determine the most effective way forward, but it ensures this issue will not get put on the back burner and that we will not continue to rely on a piecemeal approach.

In addition to removing the threat posed by the LRA, we cannot lose sight of the importance that the Ugandan government address the conditions out of which the LRA emerged and which could give rise to future conflict if unchanged. Rebuilding northern Uganda's institutions and addressing political and economic grievances is the surest safeguard against future violence and instability. The government of Uganda committed last year to move forward with that reconstruction and reconciliation process under the framework of its Peace, Recovery and Development, the PRDP plan. International donors, including the United States, have already put forth substantial funds for that process. However, thus far it has been hampered by a lack of strategic coordination, weak leadership and the government's limited capacity. In particular, there has been very little progress toward establishing the mechanisms envisaged by the peace agreement to address the original causes of the war and promote reconciliation and justice.

Our legislation recognizes the importance of helping the Ugandan government to reinvigorate the PRDP process. The second part of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 encourages the U.S. to increase assistance in the upcoming fiscal years for recovery with the condition that the Ugandan government demonstrates a commitment to genuine, transparent and accountable reconstruction. We should better leverage our contributions to ensure that U.S. taxpayer dollars are used wisely. Finally, this legislation authorizes a small amount of additional assistance to see that mechanisms are finally established to promote accountability and reconciliation in Uganda on both local and national levels. A failure to address the underlying political grievances in northern Uganda could lead to new conflicts in the future.

As my colleagues know, I make it a practice to pay for all bills that I introduce, and the authorization in this bill is offset by reducing funds appropriated for excess secondary inventory for the Department of the Air Force. A report by the Government Accountability Office in 2007 found that more than half of the Air Force's secondary inventory or spare parts, worth roughly $31.4 billion, were not needed to support required on-hand and on-order inventory levels for fiscal years 2002 through 2005. The GAO report concluded that this is not only wasteful, but could also negatively impact readiness. The Air Force has acknowledged that it currently has over $100 million of spare parts on order for which it has no need.

Some may disagree with me on the need for an offset, but last year's Office of Management and Budget's projections confirm that we have the biggest budget deficit in the history of our country. We cannot afford to be fiscally irresponsible so we must make choices to ensure that our children and grandchildren do not bear the burden of our reckless spending. I believe reducing the excess secondary inventory for the Department of the Air Force by $40 million, a small amount, to pay for this bill is a responsible move that we can all support.

Americans from all states and all walks of life have been touched by the stories of children from northern Uganda abducted and forced to commit unspeakable acts. Congress, too, has a long history of being involved with efforts to help end this rebel war, dating back to the Northern Uganda Crisis Response Act that we passed in 2004, which committed the United States to work vigorously for a lasting resolution to the conflict. The Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 reaffirms and refocuses that commitment to help see this—one of Africa's longest running and most gruesome rebel wars—to its finish. I believe that, with the necessary leadership and strategic vision envisioned by this legislation, we can contribute to that end. I urge my colleagues to support this bill.

By Mr. REED:

S. 1073. A bill to provide for credit rating reforms, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I rise to introduce the Rating Accountability and Transparency Enhancement, RATE, Act to strengthen the Securities and Exchange Commission's, SEC's, oversight of credit rating agencies and improve the accountability and accuracy of credit ratings.

Credit ratings have taken on systemic importance in our financial system, and have become critical to capital formation, investor confidence, and the efficient performance of the U.S. economy. However, in recent months we have witnessed a significant amount of market instability stemming in part from the failure of these agencies to accurately measure the risks associated with mortgage-backed securities and other more complex products.

As the Chairman of the Securities, Insurance, and Investment Subcommittee of the Senate Banking, Housing, and Urban Affairs Committee, I chaired a hearing in September of 2007 to examine the role of credit rating agencies in the mortgage crisis, and these issues were also addressed at a hearing by the full Committee last year. From these hearings, it is clear that problems at credit rating agencies contributed to the significant financial sector instability our country has been experiencing. In fact, an SEC investigation last summer found that credit rating agencies such as Moody's, Standard & Poor's, and Fitch Ratings conducted weak analyses and failed to maintain appropriate independence from the issuers whose securities they rated.

Credit rating agencies are in the business of providing investors with unbiased analysis, but the current incentive structure gives them too much leeway to hand out unjustifiably favorable ratings. Let us be clear: not every rating is suspect and these firms provide crucial information for investors and the marketplace, but credit rating agencies like any other industry should be held accountable if they knowingly or recklessly mislead investors.

According to a mortgage industry trade publication, the three major credit rating agencies have each downgraded more than half of the subprime mortgage-backed securities they originally rated between 2005 and 2007. Ratings agencies made these mistakes in part because of conflicts of interest and other problems with internal controls, underscoring the need for enhanced oversight of this industry.

The bill I introduce today gives the SEC strong new authority to oversee and hold rating agencies accountable for conflicts of interest and other internal control deficiencies that have weakened ratings in the past. The bill includes a carefully crafted liability provision that allows investors to take action when a rating agency knowingly or recklessly fails to review key information in developing the rating.

It also enhances disclosure requirements to allow investors and others to learn about the methodologies, assumptions, fees, and amount of due diligence associated with ratings. It requires rating agencies to notify users and promptly update ratings when model or methodology changes occur. Finally, the bill requires ratings agencies to have independent compliance officers, and to take other actions, to prevent potential conflicts of interest.

I hope my colleagues will join me in helping improve the accountability and transparency of credit ratings that are so critical to the functioning of our financial markets.

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. 1073

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 ''Rating Accountability and Transparency Enhancement Act of 2009'' or the ''RATE Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) because of the systemic importance of credit ratings and the reliance placed on them by individual and institutional investors and financial regulators, the activities and performances of credit rating agencies, including nationally recognized statistical rating organizations, are the subject of national public interest, as they are central to capital formation, investor confidence, and the efficient performance of the United States economy;

(2) credit rating agencies, including nationally recognized statistical rating organizations, play a critical ''gatekeeper'' role

that is functionally similar to that of securities analysts, who evaluate the quality of securities, and auditors, who review the financial statements of firms, and such role justifies a similar level of public oversight and accountability;

(3) because credit rating agencies perform evaluative and analytical services on behalf of clients, their activities are fundamentally commercial in character and should be subject to the same standards of liability and oversight as apply to auditors and securities analysts;

(4) in certain of their roles, particularly in advising arrangers of structured financial products on potential ratings of such products, credit rating agencies face conflicts of interest that need to be carefully monitored and that therefore should be addressed explicitly in legislation in order to give clear authority to the Securities and Exchange Commission;

(5) in the recent credit crisis, the ratings of structured financial products have proven to be inaccurate, and have contributed to the mismanagement of risks by financial institutions and investors, which impacts the health of the economy in the United States and around the world; and

(6) credit rating agencies should determine their ratings independently, without regulatory approval of methodologies, in order to avoid overreliance on ratings and to ensure that the rating agencies, rather than the Securities and Exchange Commission, are accountable for such methodologies, except that regulators should have strong authority to ensure that all other aspects of rating agency activities are designed to ensure the highest quality ratings and accountability for those creating them.

SEC. 3. ENHANCED REGULATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7) is amended—

(1) in subsection (c)—

(A) in the second sentence of paragraph (2), by inserting ''including the requirements of this section,'' after ''Notwithstanding any other provision of law,''; and

(B) by adding at the end the following:

''(3) REVIEW OF INTERNAL CONTROLS FOR DETERMINING CREDIT RATINGS.—

''(A) IN GENERAL.—Credit ratings by, and the policies, procedures, and methodologies employed by, each nationally recognized statistical rating organization shall be reviewed by the Commission to ensure that—

''(i) the nationally recognized statistical rating organization has established and documented a system of internal controls for determining credit ratings, taking into consideration such factors as the Commission may prescribe by rule; and

''(ii) the nationally recognized statistical rating organization adheres to such system; and

''(iii) the public disclosures of the nationally recognized statistical rating organization required under this section about its ratings, methodologies, and procedures are consistent with such system.

''(B) SCOPE OF REVIEWS.—The Commission shall conduct the reviews required by this paragraph—

''(i) for all types of credit ratings; and

''(ii) for new credit ratings, in a timely manner.

''(C) MANNER AND FREQUENCY.—The Commission shall conduct reviews required by this paragraph in a manner and with a frequency to be determined by the Commission.

''(4) PROVISION OF INFORMATION TO THE COMMISSION.—Each nationally recognized statistical rating organization shall make available and maintain such records and information, for such a period of time, as the Commission may prescribe, by rule, as necessary for the Commission to conduct the reviews under this subsection;'';

(2) in subsection (d)—

(A) by inserting ''fine,'' after ''censure,'' each place that term appears;

(B) in the subsection heading, by inserting ''FINE,'' after ''CENSURE,'';

(C) in paragraph (4), by striking ''or'' at the end;

(D) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(6) fails to conduct sufficient surveillance to ensure that credit ratings remain current, accurate, and reliable.'';

(3) by amending subsection (h) to read as follows:

''(h) MANAGEMENT OF CONFLICTS OF INTEREST.—

''(1) ORGANIZATION POLICIES AND PROCEDURES.—Each nationally recognized statistical rating organization shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of the business of such nationally recognized statistical rating organization and affiliated persons and affiliated companies thereof, to address, manage, and disclose any conflicts of interest that can arise from such business.

''(2) GOVERNANCE IMPROVEMENTS AT NRSRO.—Each nationally recognized statistical rating organization shall establish governance procedures to manage conflicts of interest, consistent with the protection of users of credit ratings, in accordance with rules issued by the Commission pursuant to paragraph (3).

''(3) COMMISSION AUTHORITY.—The Commission shall issue final rules to prohibit, or require the management and disclosure of, any conflicts of interest relating to the issuance of credit ratings by a nationally recognized statistical rating organization, including—

''(A) conflicts of interest relating to the manner in which a nationally recognized statistical rating organization is compensated by the obligor, or any affiliate of the obligor, for issuing credit ratings or providing related services;

''(B) conflicts of interest relating to the provision of consulting, advisory, or other services by a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, and the obligor, or any affiliate of the obligor;

''(C) disclosure of business relationships, ownership interests, affiliations of nationally recognized statistical rating organization board members with obligors, or any other financial or personal interests between a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, and the obligor, or any affiliate of the obligor;

''(D) disclosure of any affiliation of a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, with any person that underwrites securities, entities, or other instruments that are the subject of a credit rating; and

''(E) any other potential conflict of interest, as the Commission deems necessary or appropriate in the public interest or for the protection of users of credit ratings.

''(4) COMMISSION RULES.—The rules issued by the Commission under paragraph (3) shall include—

''(A) the establishment of a system of payment for each nationally recognized statistical rating organization that requires that payments are structured to ensure that the nationally recognized statistical rating organization conducts accurate and reliable surveillance of ratings over time, and that incentives for accurate ratings are in place;

''(B) a prohibition on providing credit ratings for structured products that it advised on, in the form of assistance, advice, consultation, or other aid that preceded its retention by any issuer, underwriter, or placement agent to provide a rating for the securities in question (or any assistance provided after such point for which additional compensation is paid directly or indirectly);

''(C) requirements that a nationally recognized statistical rating organization disclose any relationship or affiliation described in subparagraphs (C) and (D) of paragraph (3);

''(D) a requirement that, in each credit rating report issued to the public, a nationally recognized statistical rating organization disclose the type and number of ratings it has provided to the obligor or affiliates of the obligor, including the fees it has billed for the credit rating and aggregate amount of fees in the preceding 2 years that it has billed to the particular obligor or its affiliates; and

''(E) any other requirement as the Commission deems necessary or appropriate in the public interest, or for the protection of users of credit ratings.

''(5) LOOK-BACK REQUIREMENT.—

''(A) REVIEW BY NRSRO.—In any case in which an employee of an obligor or an issuer or underwriter of a security or money market instrument was employed by a nationally recognized statistical rating organization and participated in any capacity in determining credit ratings for the obligor or the securities or money market instruments of the issuer during the 1-year period preceding the date of the issuance of the credit rating, the nationally recognized statistical rating organization shall—

''(i) conduct a review to determine whether any conflicts of interest of such employee influenced the credit rating; and

''(ii) take action to revise the rating if appropriate, in accordance with such rules as the Commission shall prescribe.

''(B) REVIEW BY COMMISSION.—The Commission shall conduct periodic reviews of the look-back policies described in subparagraph (A) and the implementation of such policies at each nationally recognized statistical rating organization to ensure they are appropriately designed and implemented to most effectively eliminate conflicts of interest in this area.

''(6) PERIODIC REVIEWS.—

''(A) REVIEWS REQUIRED.—The Commission shall conduct periodic reviews of governance and conflict of interest procedures established under this subsection to determine the effectiveness of such procedures.

''(B) TIMING OF REVIEWS.—The Commission shall review and make available to the public the code of ethics and conflict of interest policy of each nationally recognized statistical rating organization—

''(i) not less frequently than once every 3 years; and

''(ii) whenever such policies are materially modified or amended.'';

(4) by amending subsection (j) to read as follows:

''(j) DESIGNATION OF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each nationally recognized statistical rating organization shall designate an individual to serve as a compliance officer.

''(2) DUTIES.—The compliance officer shall—

''(A) report directly to the board of the nationally recognized statistical rating organization (or the equivalent thereof) or to the senior officer of the nationally recognized statistical rating organization; and

''(B) shall—

''(i) review compliance with policies and procedures to manage conflicts of interest and assess the risk that such compliance (or lack of such compliance) may compromise the integrity of the credit rating process;

''(ii) review compliance with internal controls with respect to the procedures and methodologies for determining credit ratings, including quantitative and qualitative models used in the rating process, and assess the risk that such compliance with the internal controls (or lack of such compliance) may compromise the integrity and quality of the credit rating process;

''(iii) in consultation with the board of the nationally recognized statistical rating organization, a body performing a function similar to that of a board, or the senior officer of the nationally recognized statistical rating organization, resolve any conflicts of interest that may arise;

''(C) be responsible for administering the policies and procedures required to be established pursuant to this section; and

''(D) ensure compliance with securities laws and the rules and regulations issued thereunder, including rules promulgated by the Commission pursuant to this section.

''(3) LIMITATIONS.—No compliance officer designated under paragraph (1), may, while serving in such capacity—

''(A) perform credit ratings;

''(B) participate in the development of rating methodologies or models;

''(C) perform marketing or sales functions; or

''(D) participate in establishing compensation levels, other than for employees working for such officer.

''(4) OTHER DUTIES.—The compliance officer shall establish procedures for the receipt, retention, and treatment of—

''(A) complaints regarding credit ratings, models, methodologies, and compliance with the securities laws and the policies and procedures required under this section; and

''(B) confidential, anonymous complaints by employees or users of credit ratings.

''(5) ANNUAL REPORTS REQUIRED.—The compliance officer shall annually prepare and sign a report on the compliance of the nationally recognized statistical rating organization with the securities laws and its policies and procedures, including its code of ethics and conflict of interest policies, in accordance with rules prescribed by the Commission. Such compliance report shall accompany the financial reports of the nationally recognized statistical rating organization that are required to be furnished to the Commission pursuant to this section.'';

(5) in subsection (k)—

(A) by striking '', on a confidential basis,'';

(B) by striking ''Each nationally'' and inserting the following:

''(1) IN GENERAL.—Each nationally''; and

(C) by adding at the end the following:

''(2) EXCEPTION.—The Commission may treat as confidential any item furnished to the Commission under paragraph (1), the publication of which the Commission determines may have a harmful effect on a nationally recognized statistical rating organization.'';

(6) by amending subsection (p) to read as follows:

''(p) NRSRO REGULATION.—

''(1) IN GENERAL.—The Commission shall establish an office that administers the rules of the Commission with respect to the practices of nationally recognized statistical rating organizations in determining ratings, for the protection of users of credit ratings and in the public interest, and to ensure that credit ratings issued by such registrants are accurate and not unduly influenced by conflicts of interest.

''(2) STAFFING.—The office of the Commission established under this subsection shall be staffed sufficiently to carry out fully the requirements of this section.

''(3) RULEMAKING AUTHORITY.—The Commission shall—

''(A) establish by rule fines and other penalties for any nationally recognized statistical rating organization that violates the applicable requirements of this title; and

''(B) issue such rules as may be necessary to carry out this section with respect to nationally recognized statistical rating organizations.

''(q) TRANSPARENCY OF RATINGS PERFORMANCE.—

''(1) RULEMAKING REQUIRED.—The Commission shall, by rule, require that each nationally recognized statistical rating organization shall disclose publicly information on initial ratings and subsequent changes to such ratings for the purpose of providing a gauge of the accuracy of ratings and allowing users of credit ratings to compare performance of ratings by different nationally recognized statistical rating organizations.

''(2) CONTENT.—The rules of the Commission under this subsection shall require, at a minimum, disclosures that—

''(A) are comparable among nationally recognized statistical rating organizations, so that users can compare rating performance across rating organizations;

''(B) are clear and informative for a wide range of investor sophistication;

''(C) include performance information over a range of years and for a variety of classes of credit ratings, as determined by the Commission; and

''(D) are published and made freely available by the nationally recognized statistical rating organization, on an easily accessible portion of its website and in written form when requested by users.

''(r) CREDIT RATINGS METHODOLOGIES.—The Commission shall promulgate rules, for the protection of users of credit ratings and in the public interest, with respect to the procedures and methodologies, including qualitative and quantitative models, used by nationally recognized statistical rating organizations that require each nationally recognized statistical rating organization to—

''(1) ensure that credit ratings are determined using procedures and methodologies, including qualitative and quantitative models, that are approved by the board of the nationally recognized statistical rating organization, a body performing a function similar to that of a board, or the senior officer of the nationally recognized statistical rating organization, and in accordance with the policies and procedures of the nationally recognized statistical rating organization for developing and modifying credit rating procedures and methodologies;

''(2) ensure that when major changes to credit rating procedures and methodologies, including to qualitative and quantitative models, are made, that the changes are applied consistently to all credit ratings to which such changed procedures and methodologies apply and, to the extent the changes are made to credit rating surveillance procedures and methodologies, they are applied to current credit ratings within a time period to be determined by the Commission by rule, and that the reason for the change is disclosed publicly;

''(3) notify users of credit ratings of the version of a procedure or methodology, including a qualitative or quantitative model, used with respect to a particular credit rating; and

''(4) notify users of credit ratings when a change is made to a procedure or methodology, including to a qualitative or quantitative model, or an error is identified in a procedure or methodology that may result in credit rating actions, and the likelihood of the change resulting in current credit ratings being subject to rating actions.

''(s) TRANSPARENCY OF CREDIT RATING METHODOLOGIES AND INFORMATION REVIEWED.—

''(1) IN GENERAL.—The Commission shall establish a form, to accompany each rating issued by a nationally recognized statistical rating organization—

''(A) to disclose information about assumptions underlying credit rating procedures and methodologies, the data that was relied on to determine the credit rating and, where applicable, how the nationally recognized statistical rating organization used servicer or remittance reports, and with what frequency, to conduct surveillance of the credit rating; and

''(B) that can be made public and used by investors and other users to better understand credit ratings issued in each class of credit rating issued by the nationally recognized statistical rating organization.

''(2) FORMAT.—The Commission shall ensure that the form established under paragraph (1)—

''(A) is designed in a user-friendly and helpful manner for users of credit ratings to understand the information contained in the report; and

''(B) requires the nationally recognized statistical rating organization to provide the appropriate content, as required by paragraph (3).

''(3) CONTENT.—Each nationally recognized statistical rating organization shall include on the form established under this subsection, along with its ratings—

''(A) the main assumptions included in constructing procedures and methodologies, including qualitative and quantitative models;

''(B) the potential shortcomings of the credit ratings, and the types of risks excluded from the credit ratings that the registrant is not commenting on (such as liquidity, market, and other risks);

''(C) information on the reliability, accuracy, and quality of the data relied on in determining the ultimate credit rating and a statement on the extent to which key data inputs for the credit rating were reliable or limited (including, any limits on the reach of historical data, limits in accessibility to certain documents or other forms of information that would have better informed the credit rating, and the completeness of certain information considered);

''(D) whether and to what extent third party due diligence services have been utilized, and a description of the information that such third party reviewed in conducting due diligence services;

''(E) a description of relevant data about any obligor, issuer, security, or money market instrument that was used and relied on for the purpose of determining the credit rating;

''(F) an explanation or measure of the potential volatility for the rating, including any factors that might lead to a change in the rating, and the extent of the change that might be anticipated under different conditions; and

''(G) additional information, including conflict of interest information, as may be required by the Commission.

''(4) DUE DILIGENCE SERVICES.—

''(A) CERTIFICATION REQUIRED.—In any case in which third party due diligence services are employed by a nationally recognized statistical rating organization or an issuer or

underwriter, the firm providing the due diligence services shall provide to the nationally recognized statistical rating organization written certification of such due diligence, which shall be subject to review by the Commission.

''(B) FORMAT AND CONTENT.—The nationally recognized statistical rating organizations shall establish the appropriate format and content for written certifications required under subparagraph (A), to ensure that providers of due diligence services have conducted a thorough review of data, documentation, and other relevant information necessary for the nationally recognized statistical rating organization to provide an accurate rating.''; and

(7) by amending subsection (m) to read as follows:

''(m) ACCOUNTABILITY.—

''(1) IN GENERAL.—The enforcement and penalty provisions of this title shall apply to a nationally recognized statistical rating organization in the same manner and to the same extent as such provisions apply to a registered public accounting firm or a securities analyst under the Federal securities laws for statements made by them, and such statements shall not be deemed forward-looking statements for purposes of section 21E.

''(2) RULEMAKING.—The Commission shall issue such rules as may be necessary to carry out this subsection.''.

SEC. 4. STATE OF MIND IN PRIVATE ACTIONS.

Section 21D(b)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(b)(2)) is amended by inserting before the period at the end the following: '', except that in the case of an action brought under this title for money damages against a nationally recognized statistical rating organization, it shall be sufficient, for purposes of pleading any required state of mind for purposes of such action, that the complaint shall state with particularity facts giving rise to a strong inference that the nationally recognized statistical rating organization knowingly or recklessly failed either to conduct a reasonable investigation of the rated security with respect to the factual elements relied upon by its own methodology for evaluating credit risk, or to obtain reasonable verification of such factual elements (which verification may be based on a sampling technique that does not amount to an audit) from other sources that it considered to be competent and that were independent of the issuer and underwriter''.

SEC. 5. REGULATIONS.

The Securities and Exchange Commission shall issue final rules and regulations, as required by the amendments made by this Act, not later than 365 days after the date of enactment of this Act.

SEC. 6. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall undertake a study of—

(1) the extent to which rulemaking the Securities and Exchange Commission has carried out the provisions of this Act;

(2) the appropriateness of relying on ratings for use in Federal, State, and local securities and banking regulations, including for determining capital requirements;

(3) the effect of liability in private actions arising under the Securities Exchange Act of 1934 and the exception added by section 4 of this Act; and

(4) alternative means for compensating credit rating agencies that would create incentives for accurate credit ratings and what, if any, statutory changes would be required to permit or facilitate the use of such alternative means of compensation.

(b) REPORT.—Not later than 30 months after the date of enactment of this Act, the Comptroller General shall submit to Congress and the Securities Exchange Commission, a report containing the findings under the study required by subsection (a).

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 1077. A bill to regulate political robocalls, to the Committee on Rules and Administration.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Robocall Privacy Act of 2009.

This is a bill that is cosponsored by Senator SNOWE and Senator DURBIN, and that would protect American families from being inundated by automated political calls all through the day and night.

The bill would allow political outreach through these prerecorded ''robocalls'' to continue, but it would put some commonsense limits on them—to make sure that they are used in a way that informs voters, rather than harasses or misleads them.

In recent years, we have seen amazing development in technologies that help political candidates reach out to voters.

This is a good thing. Political speech is essential, and new technology that facilitates communication between candidates and voters serves to bolster the democratic process. When more information is available to voters, it promotes a more meaningful interchange of ideas.

The robocall is one of these recent developments. A robocall is a pre-recorded phone message that can be sent out to tens of thousands of voters at a low cost through computer automation.

With television and radio ads becoming so expensive, these robocalls can play a positive role in alerting voters to a candidate's position and urging their support at the polls.

But it is also a technology that can be abused. We all have heard stories about people being called over and over and over again at all hours of the day and night.

I believe this is wrong. When these calls are used improperly, they interrupt American families during their private time at home and interfere with their privacy rights. They can also turn people away from the political process itself.

When people become frustrated or annoyed by calls that are commercial in nature, they have the option to request to be put on the Federal Trade Commission's ''Do Not Call'' list. To date, millions of Americans have chosen to be part of that list.

But political calls are specifically exempted from this ''Do Not Call'' registry.

The First Amendment gives special protection to political speech, because the interchange of political ideas is essential to our democracy.

For that reason, the ''Robocall Privacy Act'' would not wholly ban political robocalls. It would, however, impose some carefully drawn restrictions that I think we can all agree are reasonable.

Let me tell you exactly what the bill would do.

It would apply during the 60 days leading up to a general election and the 30 days before a primary election.

It would ban robocalls between the hours of 9 p.m. and 8 a.m.—to try to prevent these calls from disturbing people when they are sleeping or trying to put their children to sleep.

It would stop any campaign or group from making more than two robocalls to the same telephone number in a single day.

It would prohibit groups making robocalls from locking the ''caller identification'' number that is supposed to show up on many phones; and it would require robocallers to include an announcement at the beginning of each call explaining who is responsible for the call and that it is a prerecorded message. This is to prevent people from using these calls in a way that is misleading.

The enforcement provisions of this bill are simple and intent on stopping the worst of these calls.

The bill creates a civil fine for violators of the law, with additional fines for callers who willfully violate the law.

The bill also allows voters to sue to stop those calls immediately, but to not receive money damages.

A judge can order violators of the law to stop these abusive calls.

Why are these provisions so important? Let me give you a few facts and stories from recent elections:

According to the Pew Foundation, the use of robocalls is on the rise. By April of 2008, 39 percent of voters overall had received pre-recorded political calls, and a full 81 percent of likely caucus-goers in Iowa had been contacted with robocalls.

As the 2008 campaign went forward, voters expressed disagreement both with the number of these calls, and with their content, saying that some calls were deliberately misleading.

In 2007, hundreds of voters in New York were woken up at 2 am because of a software programming error with a robocall. The calls were supposed to occur at 2 p.m.

In 2006, there were complaints about robocalls across the country. In the Nebraska 3rd District Congressional Election, voters complained to candidate Scott Kleeb when they received dozens of calls, containing poor-quality versions of his voice. Kleeb's supporters claim that his voice was recorded, and used in an abusive robocall against him.

In Illinois, voters received a recorded call about U.S. Representative MELISSA BEAN that did not clearly identify the caller. Voters called Representative BEAN's office to complain without listening to the entire message, which eventually identified an opposing party committee as the sponsor—but only after the time that most voters had

hung up. Representative Bean had to spend campaign funds informing voters she had not made that call.

In a Maryland race, voters in a conservative area received a middle-of-the-night robocall from the nonexistent ''Gay and Lesbian Push,'' urging them to support one of the candidates. That candidate lost the election, in part because of the false, late-night call.

Quantity is an added problem. Voters frequently receive multiple robocall calls a day from the same group or candidate in the days leading up to an election.

The National Do Not Call Network—a nonprofit focused on this issue—has indicated that 40 percent of its membership says they received between 5 and 9 calls a day during the election season. Some frustrated voters reported receiving as many as 37 calls in a day.

This is just counterproductive. The goal of political speech is to inform and engage voters, not to mislead them or turn them off of the democratic process.

I am a strong supporter of the First Amendment and its protection for political speech, but these robocalls have become a problem. Something must be done.

I believe this bill presents the right solution—it imposes clear time, place, and manner restrictions, but it also allows campaigns and groups to use robocalls to inform voters of issues and their positions.

I think it is time for us to find a reasonable solution to these calls that are intruding on the privacy of the American home and misleading voters.

I want to thank Senators SNOWE and DURBIN for co-sponsoring this legislation, and I urge my colleagues to join me in supporting the Robocall Privacy Act of 2009.

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. 1077

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 ''Robocall Privacy Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Abusive political robocalls harass voters and discourage them from participating in the political process.

(2) Abusive political robocalls infringe on the privacy rights of individuals by disturbing them in their homes.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) POLITICAL ROBOCALL.—The term ''political robocall'' means any outbound telephone call—

(A) in which a person is not available to speak with the person answering the call, and the call instead plays a recorded message; and

(B) which promotes, supports, attacks, or opposes a candidate for Federal office.

(2) IDENTITY.—The term ''identity'' means, with respect to any individual making a political robocall or causing a political robocall to be made, the name of the sponsor or originator of the call.

(3) SPECIFIED PERIOD.—The term ''specified period'' means, with respect to any candidate for Federal office who is promoted, supported, attacked, or opposed in a political robocall—

(A) the 60-day period ending on the date of any general, special, or run-off election for the office sought by such candidate; and

(B) the 30-day period ending on the date of any primary or preference election, or any convention or caucus of a political party that has authority to nominate a candidate, for the office sought by such candidate.

(4) OTHER DEFINITIONS.—The terms ''candidate'' and ''Federal office'' have the respective meanings given such terms under section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

SEC. 4. REGULATION OF POLITICAL ROBOCALLS.

It shall be unlawful for any person during the specified period to make a political robocall or to cause a political robocall to be made—

(1) to any person during the period beginning at 9 p.m. and ending at 8 a.m. in the place which the call is directed;

(2) to the same telephone number more than twice on the same day;

(3) without disclosing, at the beginning of the call—

(A) that the call is a recorded message; and

(B) the identity of the person making the call or causing the call to be made; or

(4) without transmitting the telephone number and the name of the person making the political robocall or causing the political robocall to be made to the caller identification service of the recipient.

SEC. 5. ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL ELECTION COMMISSION.—

(1) IN GENERAL.—Any person aggrieved by a violation of section 4 may file a complaint with the Federal Election Commission under rules similar to the rules under section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)).

(2) CIVIL PENALTY.—

(A) IN GENERAL.—If the Federal Election Commission or any court determines that there has been a violation of section 4, there shall be imposed a civil penalty of not more than $1,000 per violation.

(B) WILLFUL VIOLATIONS.—In the case the Federal Election Commission or any court determines that there has been a knowing or willful violation of section 4, the amount of any civil penalty under subparagraph (A) for such violation may be increased to not more than 300 percent of the amount under subparagraph (A).

(b) PRIVATE RIGHT OF ACTION.—Any person may bring in an appropriate district court of the United States an action based on a violation of section 4 to enjoin such violation without regard to whether such person has filed a complaint with the Federal Election Commission.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1080. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleague, Senator KYL, in introducing a bill that would clarify the jurisdiction of the Bureau of Reclamation over program activities associated with the C.C. Cragin Project in northern Arizona. A companion measure was introduced last month by Congresswoman ANN KIRKPATRICK from Arizona.

Pursuant to the Arizona Water Settlements Act of 2004, AWSA, Congress authorized the Secretary of the Interior to accept from the Salt River Project, SRP, title of the C.C. Cragin Dam and Reservoir for the express use of the Salt River Federal Reclamation Project. While it's clear that Congress intended to transfer jurisdiction of the Cragin Project to the Department of Interior, and in particular, the Bureau of Reclamation, the lands underlying the Project are technically located within the Coconino National Forest and the Tonto National Forest. This has resulted in a disagreement between the Bureau of Reclamation and the National Forest Service concerning jurisdiction over the operation and management activities of the Cragin Project.

For more than two years, SRP and Reclamation have attempted to reach an agreement with the Forest Service that recognizes Reclamation's paramount jurisdiction over the Cragin Project. Unfortunately, the Forest Service maintains that this technical ambiguity under the AWSA implies they have a regulatory role in approving Cragin Project operations and maintenance.

Speedy resolution of this jurisdictional issue is urgently needed in order to address repairs and other operational needs of the Cragin Project, including planning for the future water needs of the City of Payson and other northern Arizona communities. This clarification would simply provide Reclamation with the oversight responsibility that Congress originally intended. I urge my colleagues to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 152—TO AMEND S. RES. 73 TO INCREASE FUNDING FOR THE SPECIAL RESERVE

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 152

Resolved,

SECTION 1. SPECIAL RESERVE FUNDING.

(a) IN GENERAL.—Section 20(a) of S. Res. 73 (111th Congress) is amended by striking ''$4,375,000'' and inserting ''$4,875,000''.

(b) AGGREGATES.—The additional funds provided by the amendment made by subsection (a) shall not be considered to be subject to the 89 percent limitation on Special Reserves found on page 2 of Committee Report 111-14, accompanying S. Res. 73.

SENATE RESOLUTION 153—EXPRESSING THE SENSE OF THE SENATE ON THE RESTITUTION OF OR COMPENSATION FOR PROPERTY SEIZED DURING THE NAZI AND COMMUNIST ERAS

Mr. NELSON of Florida (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 153

Whereas many Eastern European countries were dominated for parts of the last century by Nazi or Communist regimes, without the consent of their people;

Whereas victims under the Nazi regime included individuals persecuted or targeted for persecution by the Nazi or Nazi-allied governments based on their religious, ethnic, or cultural identity, as well as their political beliefs, sexual orientation, or disability;

Whereas the Nazi regime and the authoritarian and totalitarian regimes that emerged in Eastern Europe after World War II perpetuated the wrongful and unjust confiscation of property belonging to the victims of Nazi persecution, including real property, personal property, and financial assets;

Whereas communal and religious property was an early target of the Nazi regime and, by expropriating churches, synagogues and other community-controlled property, the Nazis denied religious communities the temporal facilities that held those communities together;

Whereas after World War II, Communist regimes expanded the systematic expropriation of communal and religious property in an effort to eliminate the influence of religion;

Whereas many insurance companies that issued policies in pre-World War II Eastern Europe were nationalized or had their subsidiary assets nationalized by Communist regimes;

Whereas such nationalized companies and those with nationalized subsidiaries have generally not paid the proceeds or compensation due on pre-war policies, because control of those companies or their Eastern European subsidiaries had passed to their respective governments;

Whereas Eastern European countries involved in these nationalizations have not participated in a compensation process for Holocaust-era insurance policies for victims of Nazi persecution;

Whereas the protection of and respect for private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures, and such laws themselves must be consistent with international human rights standards;

Whereas in July 2001, the Paris Declaration of the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the OSCE participating states;

Whereas the OSCE participating states have agreed to achieve or maintain full recognition and protection of all types of property, including private property and the right to prompt, just, and effective compensation for private property that is taken for public use;

Whereas the OSCE Parliamentary Assembly has called on the participating states to ensure that they implement appropriate legislation to secure the restitution of or compensation for property losses of victims of Nazi persecution, including communal organizations and institutions, irrespective of the current citizenship or place of residence of the victims, their heirs, or the relevant successors to communal property;

Whereas Congress passed resolutions in the 104th and 105th Congresses that emphasized the longstanding support of the United States for the restitution of or compensation for property wrongly confiscated during the Nazi and Communist eras;

Whereas certain post-Communist countries in Europe have taken steps toward compensating victims of Nazi persecution whose property was confiscated by the Nazis or their allies and collaborators during World War II or subsequently seized by Communist governments;

Whereas at the 1998 Washington Conference on Holocaust-Era Assets, 44 countries adopted the Principles on Nazi-Confiscated Art to guide the restitution of looted artwork and cultural property;

Whereas the Government of Lithuania has promised to adopt an effective legal framework to provide for the restitution of or compensation for wrongly confiscated communal property, but so far has not done so;

Whereas successive governments in Poland have promised to adopt an effective general property compensation law, but the current government has yet to adopt one;

Whereas the legislation providing for the restitution of or compensation for wrongly confiscated property in Europe has, in various instances, not always been implemented in an effective, transparent, and timely manner;

Whereas such legislation is of the utmost importance in returning or compensating property wrongfully seized by totalitarian or authoritarian governments to its rightful owners;

Whereas compensation and restitution programs can never bring back to Holocaust survivors what was taken from them, or in any way make up for their suffering; and

Whereas there are Holocaust survivors, now in the twilight of their lives, who are impoverished and in urgent need of assistance, lacking the resources to support basic needs, including adequate shelter, food, or medical care: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the efforts of those European countries that have enacted legislation for the restitution of or compensation for private, communal, and religious property wrongly confiscated during the Nazi or Communist eras, and urges each of those countries to ensure that the legislation is effectively and justly implemented;

(2) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of confiscated properties, and urges those countries to ensure that their restitution or compensation programs are implemented in a timely, nondiscriminatory manner;

(3) urges the Government of Poland and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, non-discriminatory, and just legislation so that victims of Nazi persecution (or the heirs or successors of such persons) who had their private property looted and wrongly confiscated by the Nazis during World War II and subsequently seized by a Communist government are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(4) urges the Government of Lithuania and the governments of other countries in Europe that have not already done so to immediately enact fair, comprehensive, non-discriminatory, and just legislation so that communities that had communal and religious property looted and wrongly confiscated by the Nazis during World War II and subsequently seized by a Communist government (or the relevant successors to such property or the relevant foundations) are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;

(5) urges the countries of Europe which have not already done so to ensure that all such restitution and compensation legislation is established in accordance with principles of justice and provides a simple, transparent, and prompt process, so that it results in a tangible benefit to those surviving victims of Nazi persecution who suffered from the unjust confiscation of their property, many of whom are well into their senior years;

(6) calls on the President and the Secretary of State to engage in an open dialogue with leaders of those countries that have not already enacted such legislation to support the adoption of legislation requiring the fair, comprehensive, and nondiscriminatory restitution of or compensation for private, communal, and religious property that was seized and confiscated during the Nazi and Communist eras; and

(7) welcomes the decision by the Government of the Czech Republic to host in June 2009 an international conference for governments and non-governmental organizations to continue the work done at the 1998 Washington Conference on Holocaust-Era Assets, which will—

(A) address the issues of restitution of or compensation for real property, personal property (including art and cultural property), and financial assets wrongfully confiscated by the Nazis or their allies and collaborators and subsequently wrongfully confiscated by Communist regimes;

(B) review issues related to the opening of archives and the work of historical commissions, review progress made, and focus on the next steps required on these issues; and

(C) examine social welfare issues related to the needs of Holocaust survivors, and identify methods and resources to meet to such needs.

Mr. NELSON of Florida. Mr. President, next month, to mark the conclusion of its term in the presidency of the European Union, the Czech Republic will host what will be an historic gathering in Prague: the International Conference on Holocaust Era Assets. The Prague Conference will build on the important work done more than 10 years ago at the Conference on Holocaust Era Assets held here in Washington. The Washington Conference laid the foundation for important agreements entered into by countries and private companies that resulted in a number of restitution and compensation programs throughout Western Europe that have paid hundreds of millions of dollars to Holocaust victims and their heirs.

The Prague Conference hopefully will serve as a catalyst for the next, and probably final, phase of restitution and compensation programs for Holocaust survivors and their heirs. One of the Prague Conference's main focuses will be how to advance restitution for real

and personal property, including art and cultural property. This is especially true in Eastern Europe, where there are numerous countries that have yet to enact meaningful restitution programs, including countries in Eastern Europe.

Two resolutions introduced today will address this topic. I have introduced a resolution, which Senator CARDIN has cosponsored, calling on Eastern European countries to implement restitution or compensation programs for those Holocaust victims and their heirs whose property and financial assets were confiscated by the Nazis, and in many cases seized by the communist governments that later came to power. Senator CARDIN has introduced a second resolution, which I have co-sponsored, supporting the goals of the Prague Conference.

I first introduced my resolution calling for restitution or compensation by Eastern European countries during the 110th Congress, following a hearing I chaired in the Senate Foreign Relations Committee to examine Holocaust-era insurance compensation issues. While this hearing was the first time a Senate committee had met specifically to consider this subject, I have been involved in the issue for more than a decade. As Florida's insurance commissioner in the late 1990s, I helped lead an international effort by regulators and Jewish groups that ultimately forced many European insurers to come to the table and for the first time begin paying restitution to survivors.

Florida is a State with a large population of Holocaust survivors—one of the largest concentrations of Holocaust survivors in the world. Most are in their 80s or 90s—the very youngest are in their 70s. They are valued constituents, and while I recognize that no amount of financial compensation or property restitution can ever make up from the indescribable wrong of the Holocaust, I have been and remain committed to doing what I can to assist survivors to obtain without delay meaningful compensation for assets that they lost during the war.

The primary purpose of that hearing was to examine what remains to be done to compensate Holocaust survivors and their heirs for the insurance policies, now that the decade-long compensation process undertaken by the International Commission on Holocaust Era Insurance Claim, ICHEIC, has ceased operations and paid out some $306 million to 48,000 Holocaust victims and their heirs for Holocaust-era insurance policies that belonged to them and never were paid.

While Western European countries and insurance companies participated in and contributed to ICHEIC, there was undisputed testimony at the hearing that Eastern European countries and companies did not and should be called upon to compensate Holocaust survivors for the unpaid value of their insurance policies.

Millions of Jews lived in Eastern European countries before the war. While many of them lived in rural areas and were too poor to afford insurance, there were certainly Jews who purchased insurance policies from subsidiaries of Western European companies whose assets were taken by the communist governments that came into power, or by Eastern European companies that were nationalized. Unfortunately, the Eastern European countries neither participated in ICHEIC nor contributed to any of the insurance compensation efforts that have taken place. ICHEIC nonetheless paid claims on those Eastern European policies from out of the humanitarian funds that were contributed by the ICHEIC companies, ultimately distributing $31 million on more than 2,800 such claims.

Unfortunately, Eastern European countries have not taken nearly enough action on restitution for insurance and other private and communal property taken from Jews and other victims of Nazi persecution, and then seized by the communist governments that ruled Eastern Europe after the war. Poland, for example, is the sole member of the Organization for Security and Cooperation in Europe not to have enacted property restitution legislation. And Lithuania has yet to enact promised legislation to compensate communities that had communal and religious property seized. This is unacceptable.

The resolution I am introducing today urges countries in Eastern Europe to enact fair and comprehensive private and communal property restitution legislation addressing the unjust taking of property by Nazi, communist, and socialist regimes, and to do so as quickly as possible. Given that the youngest Holocaust survivors are in their 70s, time is of the essence.

Our resolution calls for the Secretary of State to engage in dialogue to achieve the aims of the resolution as well as for the convening of an international intergovernmental conference to focus on the remaining steps necessary to secure restitution and compensation of Holocaust-era assets.

The resolution received overwhelming support from the survivor community when it was introduced last year. Following the hearing, Holocaust survivors were notified of our intent to file this resolution and asked to provide input via e-mail. Over the space of 6 weeks, we received more than 200 messages from Holocaust survivors and their children and relatives now living in nations around the world, supporting restitution. Many e-mails addressed specific claims to property in Eastern European countries including Croatia, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Serbia, Slovakia, and Ukraine.

The following message of support from one Holocaust survivor exemplifies the many heart-rending and compelling e-mails I received, recounting what was lost by survivors who had lived in Eastern Europe and their inability thus far to obtain restitution or compensation:

I support your efforts to secure property restitution in Eastern Europe for Holocaust Survivors.

With my family, I was expelled from our apartment in Lodz, Poland on December 11, 1939. We were allowed to take with us only 3 rucksacks and all our material belongings had to be left behind. These included a newly built apartment block with 10 luxury flats, a textile factory employing over 100 people and magazines full of finished fabrics.

My mother and I survived the Warsaw ghetto, my father was killed by the Germans in December 1944 and we returned to Lodz after liberation by the Russians in early 1945. Our factory and our apartment belonged now to the Polish authorities. We left Poland soon afterwards.

After the collapse of the Iron Curtain and the communist regime, I tried [to] get our possessions back without success, my appeal having been dismissed by the Polish High Court. No compensation was offered.

We hope the resolution we are introducing today will spur our own government and governments in Eastern Europe into action and call attention to this important unfinished business. The Prague Conference offers what may be the last time that a foundation can be laid for significant progress. Justice and memory demand nothing less.

SENATE RESOLUTION 154—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES DURING NATIONAL SMALL BUSINESS WEEK, BEGINNING MAY 17, 2009

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. CARDIN, Mr. KERRY, Mrs. SHAHEEN, Mr. WICKER, Ms. CANTWELL, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 154

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating more than 93 percent of all net new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses play an integral role in rebuilding the Nation's economy;

Whereas Congress has emphasized the importance of small businesses by improving access to capital through the American Recovery and Reinvestment Act of 2009;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97 percent of all exporters and produce 29 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small business concerns, to make certain that a fair proportion of the total sales of Government property are made to such small business concerns, and to

maintain and strengthen the overall economy of the Nation;

Whereas the Small Business Administration has helped small business concerns with access to critical lending opportunities, protected small business concerns from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small business concerns compete;

Whereas for over 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 17, 2009, as ''National Small Business Week'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning May 17, 2009;

(2) applauds the efforts and achievements of the owners of small business concerns and their employees, whose hard work and commitment to excellence have made them a key part of the Nation's economic vitality;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) strongly urges the President to take steps to ensure that—

(A) the applicable procurement goals for small business concerns, including the goals for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, HUBZone small business concerns, and socially and economically disadvantaged small business concerns, are reached by all Federal agencies;

(B) guaranteed loans, microloans, and venture capital, for start-up and growing small business concerns, are made available to all qualified small business concerns;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as small business development centers, women's business centers, veterans business outreach centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to do their jobs;

(D) reforms to the disaster loan program of the Small Business Administration are implemented as quickly as possible;

(E) tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses; and

(G) broader health reforms efforts address the specific needs of small businesses and the self-employed in providing quality and affordable health insurance coverage to their employees.

SENATE CONCURRENT RESOLUTION 23—SUPPORTING THE GOALS AND OBJECTIVES OF THE PRAGUE CONFERENCE ON HOLOCAUST ERA ASSETS

Mr. CARDIN (for himself, Mr. LUGAR, and Mr. NELSON of Florida) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 23

Whereas the Government of the Czech Republic will host the Conference on Holocaust Era Assets in Prague from June 26, 2009, through June 30, 2009 (in this preamble referred to as the ''Prague Conference'');

Whereas the Prague Conference will facilitate a review of the progress made since the 1998 Washington Conference on Holocaust Era Assets, in which 44 countries, 13 non-governmental organizations, and numerous scholars and Holocaust survivors participated;

Whereas a high-level United States delegation participated in the Washington Conference, led by then-Under Secretary of State for Economic, Business and Agricultural Affairs Stuart Eizenstat, Nobel Peace Laureate Elie Wiesel, Federal Judge Abner Mikva, senior diplomats, and a bipartisan group of Members of Congress;

Whereas then-Secretary of State Madeleine Albright delivered the keynote address at the Washington Conference, articulating the commitment of the United States to Holocaust survivors and urging conference participants to ''chart a course for finishing the job of returning or providing compensation for stolen Holocaust assets to survivors and the families of Holocaust victims'';

Whereas the Prague Conference is expected to review the issues agreed on at the Washington Conference, including issues relating to financial assets, bank accounts, insurance, and other financial properties;

Whereas the Prague Conference is expected to include a special session on social programs for Holocaust survivors and other victims of Nazi atrocities;

Whereas at the Prague Conference, working groups are expected to convene to discuss Holocaust education, remembrance and research, looted art, Judaica and Jewish cultural property, and immovable property, including both private, religious, and communal property;

Whereas the participation and leadership of the United States at the highest level is critically important to ensure a successful outcome of the Prague Conference;

Whereas Congress supports further inclusion of Holocaust survivors and their advocates in the planning and proceedings of the Prague Conference;

Whereas the United States strongly supports the immediate return of, or just compensation for, property that was illegally confiscated by Nazi and Communist regimes;

Whereas many Holocaust survivors lack the means for even the most basic necessities, including proper housing and health care;

Whereas the United States and the international community have a moral obligation to uphold and defend the dignity of Holocaust survivors and to ensure their well-being;

Whereas the Prague Conference is a critical forum for effectively addressing the increasing economic, social, housing, and health care needs of Holocaust survivors in their waning years;

Whereas then-Senator Barack Obama, during his visit in July 2008 to the Yad Vashem Holocaust Memorial in Israel, stated, ''Let our children come here and know this history so they can add their voices to proclaim 'never again.' And may we remember those who perished, not only as victims but also as individuals who hoped and loved and dreamed like us and who have become symbols of the human spirit.''; and

Whereas the Prague Conference may represent the last opportunity for the international community to address outstanding Holocaust-era issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and objectives of the 2009 Prague Conference on Holocaust Era Assets;

(2) applauds the Government of the Czech Republic for hosting the Prague Conference and for its unwavering commitment to addressing outstanding Holocaust-era issues;

(3) applauds the countries participating in the Prague Conference for the decision to seek justice for Holocaust survivors and to promote Holocaust remembrance and education;

(4) expresses strong support for the decision by those countries to make the economic, social, housing, and health care needs of Holocaust survivors a major focus of the Prague Conference, especially in light of the advanced age of the survivors, whose needs must be urgently addressed;

(5) urges countries in Central and Eastern Europe that have not already done so—

(A) to return to the rightful owner any property that was wrongfully confiscated or transferred to a non-Jewish individual; or

(B) if return of such property is no longer possible, to pay equitable compensation to the rightful owner in accordance with principles of justice and through an expeditious claims-driven administrative process that is just, transparent, and fair;

(6) urges all countries to make a priority of returning to Jewish communities any religious or communal property that was stolen as a result of the Holocaust;

(7) calls on all countries to facilitate the use of the Washington Conference Principles on Nazi-Confiscated Art, agreed to December 3, 1998, in settling all claims involving publically and privately held objects;

(8) calls on the President to send a high-level official, such as the Secretary of State or an appropriate designee, to represent the United States at the Prague Conference; and

(9) urges other invited countries to participate at a similarly high level.

Mr. CARDIN. Mr. President, today I am introducing a resolution to support the goals and objectives of the Prague Conference on Holocaust Era Assets.

The Prague Conference, which will be held June 26 through June 30, will serve as a forum to review the achievements of the 1998 Washington Conference on Holocaust Era Assets. That meeting brought together 44 nations, 13 nongovernmental organizations, scholars, and Holocaust survivors, and helped channel the political will necessary to address looted art, insurance claims, communal property, and archival issues. The conference also examined the role of historical commissions and Holocaust education, remembrance, and research. While the Washington Conference was enormously useful, more can and should be done in all of these areas. Accordingly, the Prague Conference provides an important opportunity to identify specific additional steps that countries can still take.

I would like to highlight just a couple of examples that, in my view, underscore the need to get more done.

First I would like to mention the case of Martha Nierenberg's looted family artwork in Hungary. In a nutshell, Ms. Nierenberg's family had extensive property stolen by the Nazis, including some artwork. When the communists came along, they took additional Nierenberg family property, and the artwork found its way into the museums of the Hungarian communist regime.

Under the terms of a foreign claims settlement agreement between the United States and Hungary, the Nierenberg family received limited compensation for some, but not all, of the stolen property. That agreement provided that the Nierenberg family was free to seek compensation for or restitution of other stolen property.

In 1997, a Hungarian government committee affirmed that two Hungarian government museums possessed artwork belonging to the Nierenberg family. Unfortunately, to this day, it remains in these museums. As I have asked before, why would the Hungarian government insist on retaining custody of artwork stolen by the Nazis when it could return it to its rightful owner? It is entirely within the Hungarian government's capacity to make this gesture, and I still hope that they will do so—especially bearing in mind Hungary's own efforts to recover looted art from other countries.

Second, I deeply regret that the question of private property compensation in Poland is still a necessary topic of discussion. Poland is singular in that it is the only country in central Europe that has not adopted any general private property compensation or restitution law.

I know a draft private property compensation bill is currently being considered by the Polish Government. I also know that, in the 20 years since the fall of communism, Poland has tabled roughly half a dozen bills on this—all of which have failed. It would be great to see meaningful movement on this before the meeting in Prague, but this will not come about without meaningful leadership from both the government and the parliament.

Finally, when I was in the Czech Republic last year, I expressed my disappointment to Czech officials, including to Jan Kohout who was just appointed Foreign Minister on May, that the Czech framework for making a property restitution claim effectively excludes those who fled Czechoslovakia and received both refuge and citizenship in the U.S. The United Nations Human Rights Committee has repeatedly argued that this violates the nondiscrimination provision of the International Covenant on Civil and Political Rights. This could be fixed, I believe, by re-opening the deadline for filing claims, as Czech parliamentarians Jiri Karas and Pavel Tollner recommended as long ago as 1999.

The Holocaust left a scar that will not be removed by the Prague conference. But this upcoming gathering provides an opportunity for governments to make tangible and meaningful progress in addressing this painful chapter of history. I commend the Czech Republic for taking on the leadership of organizing this meeting and urge President Obama to send a high-level U.S. official to represent the U.S. at the conference.

I am honored that the senior Senator from Indiana, who is the Ranking Member of the Senate Foreign Relations Committee, is cosponsoring this resolution, as is the senior Senator from Florida.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1130. Mr. DODD proposed an amendment to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

SA 1131. Mr. INOUYE (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

SA 1132. Mr. INHOFE (for himself, Mr. BARRASSO, Mr. BROWNBACK, Mr. DEMINT, Mr. JOHANNS, Mr. ROBERTS, Mr. THUNE, Mr. VITTER, Mr. SESSIONS, Mr. COBURN, Mrs. HUTCHISON, Mr. BENNETT, Mr. HATCH, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1133. Mr. INOUYE (for himself, Mr. INHOFE, Mr. SHELBY, Mr. BROWNBACK, Mr. ENZI, and Mr. ROBERTS) proposed an amendment to the bill H.R. 2346, supra.

SA 1134. Mr. SHELBY (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1135. Mr. SHELBY (for himself, Mr. ALEXANDER, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1136. Mr. MCCONNELL proposed an amendment to the bill H.R. 2346, supra.

SA 1137. Mr. INOUYE proposed an amendment to the bill H.R. 2346, supra.

SA 1138. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1139. Mr. CORNYN proposed an amendment to the bill H.R. 2346, supra.

SA 1140. Mr. BROWNBACK proposed an amendment to the bill H.R. 2346, supra.

SA 1141. Ms. LANDRIEU (for herself, Mrs. HUTCHISON, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1142. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1143. Mr. RISCH (for himself, Mr. CORNYN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra; which was ordered to lie on the table.

SA 1144. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 2346, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1130. Mr. DODD proposed an amendment to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

On page 3, beginning on line 17, strike ''(other than'' and all that follows through ''indexed)'' on line 21 and insert the following: ''(except in the case of an increase described in paragraph (1), (2), or (3) of section 171(b))''.

On page 6, strike lines 9 through 12 and insert the following:

(2) an increase in a variable annual percentage rate in accordance with a credit card agreement that provides for changes in the rate according to operation of an index that is not under the control of the creditor and is available to the general public;

On page 6, line 13, insert ''the completion of a workout or temporary hardship arrangement by the obligor or'' after ''due to''.

On page 6, line 15, strike ''provided that the'' and insert the following: ''provided that—

''(A) the''.

On page 6, line 20, strike ''; or'' and insert the following: ''; and

(B) the creditor has provided the obligor, prior to the commencement of such arrangement, with clear and conspicuous disclosure of the terms of the arrangement (including any increases due to such completion or failure); or

On page 7, line 7, insert ''on time'' after ''payments''.

On page 7, line 12, insert ''on time'' after ''payments''.

On page 10, line 13, strike ''or (2)'' and insert '', (2), (3), or (4)''.

On page 12, line 15, strike ''limit-fee'' and insert ''limit fee''.

On page 14, between lines 12 and 13, insert the following:

(7) RESTRICTION ON FEES CHARGED FOR AN OVER-THE-LIMIT TRANSACTION.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.

On page 15, line 10, strike ''over the limit'' and insert ''over-the-limit''.

On page 27, strike line 3 and all that follows through page 30, line 12 and insert the following:

(c) GUIDELINES REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Board shall issue guidelines, by rule, in consultation with the Secretary of the Treasury, for the establishment and maintenance by creditors of a toll-free telephone number for purposes of providing information about accessing credit counseling and debt management services, as required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those nonprofit budget and credit counseling agencies approved by a United States bankruptcy trustee pursuant to section 111(a) of title 11, United States Code.

At the end of title I, add the following:

SEC. 109. CONSIDERATION OF ABILITY TO REPAY.

(a) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1666 et seq.), as amended by this title, is amended by adding at the end the following:

"SEC. 150. CONSIDERATION OF ABILITY TO REPAY.

''A card issuer may not open any credit card account for any consumer under an open end consumer credit plan, or increase any credit limit applicable to such account, unless the card issuer considers the ability of the consumer to make the required payments under the terms of such account.''.

(b) CLERICAL AMENDMENT.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended in the table of sections for the chapter, by adding at the end the following:

''150. Consideration of ability to repay.''.

At the end of title II, add the following:

SEC. 205. PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.

(a) PREVENTING DECEPTIVE MARKETING.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following:

''(g) PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.—

''(1) IN GENERAL.—Subject to rulemaking pursuant to section 205(b) of the Credit CARD Act of 2009, any advertisement for a free credit report in any medium shall prominently disclose in such advertisement that free credit reports are available under Federal law at: 'AnnualCreditReport.com' (or such other source as may be authorized under Federal law).

''(2) TELEVISION AND RADIO ADVERTISEMENT.—In the case of an advertisement broadcast by television, the disclosures required under paragraph (1) shall be included in the audio and visual part of such advertisement. In the case of an advertisement broadcast by television or radio, the disclosure required under paragraph (1) shall consist only of the following: 'This is not the free credit report provided for by federal law.' ''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall issue a final rule to carry out this section.

(2) CONTENT.—The rule required by this subsection—

(A) shall include specific wording to be used in advertisements in accordance with this section; and

(B) for advertisements on the Internet, shall include whether the disclosure required under section 612(g)(1) of the Fair Credit Reporting Act (as added by this section) shall appear on the advertisement or the website on which the free credit report is made available.

(3) INTERIM DISCLOSURES.—If an advertisement subject to section 612(g) of the Fair Credit Reporting Act, as added by this section, is made public after the 9-month deadline specified in paragraph (1), but before the rule required by paragraph (1) is finalized, such advertisement shall include the disclosure: ''Free credit reports are available under Federal law at: 'AnnualCreditReport.com'.''.

At the end of title III, add the following:

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

''(f) CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.—

''(1) DISCLOSURE REQUIRED.—An institution of higher education shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

''(2) INDUCEMENTS PROHIBITED.—No card issuer or creditor may offer to a student at an institution of higher education any tangible item to induce such student to apply for or participate in an open end consumer credit plan offered by such card issuer or creditor, if such offer is made—

''(A) on the campus of an institution of higher education;

''(B) near the campus of an institution of higher education, as determined by rule of the Board; or

''(C) at an event sponsored by or related to an institution of higher education.

''(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each institution of higher education should consider adopting the following policies relating to credit cards:

''(A) That any card issuer that markets a credit card on the campus of such institution notify the institution of the location at which such marketing will take place.

''(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

''(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.''.

SEC. 305. COLLEGE CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

''(r) COLLEGE CARD AGREEMENTS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COLLEGE AFFINITY CARD.—The term 'college affinity card' means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

''(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

''(ii) the creditor has agreed to offer discounted terms to the consumer; or

''(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols readily identified with such institution, organization, or foundation.

''(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

''(C) COLLEGE STUDENT.—The term 'college student' means an individual who is a full-time or a part-time student attending an institution of higher education.

''(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002).

''(2) REPORTS BY CREDITORS.—

''(A) IN GENERAL.—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

''(B) DETAILS OF REPORT.—The information required to be reported under subparagraph (A) includes—

''(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

''(ii) the amount of any payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

''(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report, and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

''(C) AGGREGATION BY INSTITUTION.—The information required to be reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

''(D) INITIAL REPORT.—The initial report required under subparagraph (A) shall be submitted to the Board before the end of the 9-month period beginning on the date of enactment of this subsection.

''(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.''.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall, from time to time, review the reports submitted by creditors under section 127(r) of the Truth in Lending Act, as added by this section, and the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt.

(2) REPORT.—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines to be appropriate.

On page 40, line 6, strike ''or'' at the end.

On page 40, line 8, strike the period and insert the following: ''; or

(vi) redeemable solely for admission to events or venues at a particular location or group of affiliated locations, which may also include services or goods obtainable—

(I) at the event or venue after admission; or

(II) in conjunction with admission to such events or venues, at specific locations affiliated with and in geographic proximity to the event or venue.

On page 42, line 5, insert ''or vendor'' after ''issuer''.

On page 43, strike lines 9 through 11 and insert the following:

(B) the terms of expiration are clearly and conspicuously stated.

On page 43, line 13, strike ''shall prescribe'' and insert the following: ''shall—

''(A) prescribe''.

On page 43, line 19, strike ''of gift'' and insert ''of a gift''.

On page 43, beginning on line 21, strike ''assessed.'' and insert the following: ''assessed; and

''(B) shall determine the extent to which the individual definitions and provisions of

the Electronic Fund Transfer Act or Regulation E should apply to general-use prepaid cards, gift certificates, and store gift cards.''.

On page 46, strike line 16 and all that follows through page 48, line 6, and insert the following:

SEC. 502. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.

(a) REQUIRED REVIEW.—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review, within the limits of its existing resources available for reporting purposes, of the consumer credit card market, including—

(1) the terms of credit card agreements and the practices of credit card issuers;

(2) the effectiveness of disclosure of terms, fees, and other expenses of credit card plans;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans; and

(4) whether or not, and to what extent, the implementation of this Act and the amendments made by this Act has affected—

(A) cost and availability of credit, particularly with respect to non-prime borrowers;

(B) the safety and soundness of credit card issuers;

(C) the use of risk-based pricing; or

(D) credit card product innovation.

(b) SOLICITATION OF PUBLIC COMMENT.—In connection with conducting the review required by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) REGULATIONS.—

(1) NOTICE.—Following the review required by subsection (a), the Board shall publish a notice in the Federal Register that—

(A) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research; and

(B) either—

(i) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards, as appropriate; or

(ii) states the reason for the determination of the Board that new or revised regulations are not necessary.

(2) REVISION OF REVIEW PERIOD FOLLOWING MATERIAL REVISION OF REGULATIONS.—In the event that the Board materially revises regulations on consumer credit card plans, a review need not be conducted until 2 years after the effective date of the revised regulations, which thereafter shall be treated as the new date for the biennial review required by subsection (a).

(d) BOARD REPORT TO THE CONGRESS.—The Board shall report to Congress not less frequently than every 2 years, except as provided in subsection (c)(2), on the status of its most recent review, its efforts to address any issues identified from the review, and any recommendations for legislation.

(e) ADDITIONAL REPORTING.—The Federal banking agencies (as that term is defined in section 3 of the Federal Deposit Insurance Act) and the Federal Trade Commission shall provide annually to the Board, and the Board shall include in its annual report to Congress under section 10 of the Federal Reserve Act, information about the supervisory and enforcement activities of the agencies with respect to compliance by credit card issuers with applicable Federal consumer protection statutes and regulations, including—

(1) this Act, the amendments made by this Act, and regulations prescribed under this Act and such amendments; and

(2) section 5 of the Federal Trade Commission Act, and regulations prescribed under the Federal Trade Commission Act, including part 227 of title 12 of the Code of Federal Regulations, as prescribed by the Board (referred to as ''Regulation AA'').

At the end of title V, add the following:

SEC. 503. STORED VALUE.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, shall issue regulations in final form implementing the Bank Secrecy Act, regarding the sale, issuance, redemption, or international transport of stored value, including stored value cards.

(b) CONSIDERATION OF INTERNATIONAL TRANSPORT.—Regulations under this section regarding international transport of stored value may include reporting requirements pursuant to section 5316 of title 31, United States Code.

(c) EMERGING METHODS FOR TRANSMITTAL AND STORAGE IN ELECTRONIC FORM.—Regulations under this section shall take into consideration current and future needs and methodologies for transmitting and storing value in electronic form.

SEC. 504. PROCEDURE FOR TIMELY SETTLEMENT OF ESTATES OF DECEDENT OBLIGORS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

''§ 140A Procedure for timely settlement of estates of decedent obligors

''The Board, in consultation with the Federal Trade Commission and each other agency referred to in section 108(a), shall prescribe regulations to require any creditor, with respect to any credit card account under an open end consumer credit plan, to establish procedures to ensure that any administrator of an estate of any deceased obligor with respect to such account can resolve outstanding credit balances in a timely manner.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 140 the following new item:

''140A. Procedure for timely settlement of estates of decedent obligors'.''.

SEC. 505. REPORT TO CONGRESS ON REDUCTIONS OF CONSUMER CREDIT CARD LIMITS BASED ON CERTAIN INFORMATION AS TO EXPERIENCE OR TRANSACTIONS OF THE CONSUMER.

(a) REPORT ON CREDITOR PRACTICES REQUIRED.—Before the end of the 1-year period beginning on the date of enactment of this Act, the Board, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the extent to which, during the 3-year period ending on such date of enactment, creditors have reduced credit limits or raised interest rates applicable to credit card accounts under open end consumer credit plans based on—

(1) the geographic location where a credit transaction with the consumer took place, or the identity of the merchant involved in the transaction;

(2) the credit transactions of the consumer, including the type of credit transaction, the type of items purchased in such transaction, the price of items purchased in such transaction, any change in the type or price of items purchased in such transactions, and other data pertaining to the use of such credit card account by the consumer; and

(3) the identity of the mortgage creditor which extended or holds the mortgage loan secured by the primary residence of the consumer.

(b) OTHER INFORMATION.—The report required under subsection (a) shall also include—

(1) the number of creditors that have engaged in the practices described in subsection (a);

(2) the extent to which the practices described in subsection (a) have an adverse impact on minority or low-income consumers;

(3) any other relevant information regarding such practices; and

(4) recommendations to the Congress on any regulatory or statutory changes that may be needed to restrict or prevent such practices.

SEC. 506. BOARD REVIEW OF SMALL BUSINESS CREDIT PLANS AND RECOMMENDATIONS.

(a) REQUIRED REVIEW.—Not later than 9 months after the date of enactment of this Act, the Board shall conduct a review of the use of credit cards by businesses with not more than 50 employees (in this section referred to as ''small businesses'') and the credit card market for small businesses, including—

(1) the terms of credit card agreements for small businesses and the practices of credit card issuers relating to small businesses;

(2) the adequacy of disclosures of terms, fees, and other expenses of credit card plans for small businesses;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans for small businesses;

(4) the cost and availability of credit for small businesses, particularly with respect to non-prime borrowers;

(5) the use of risk-based pricing for small businesses;

(6) credit card product innovation relating to small businesses; and

(7) the extent to which small business owners use personal credit cards to fund their business operations.

(b) RECOMMENDATIONS.—Following the review required by subsection (a), the Board shall, not later than 12 months after the date of enactment of this Act—

(1) provide a report to Congress that summarizes the review and other evidence gathered by the Board, such as through consumer testing or other research, and

(2) make recommendations for administrative or legislative initiatives to provide protections for credit card plans for small businesses, as appropriate.

SEC. 507. SMALL BUSINESS INFORMATION SECURITY TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term ''task force'' means the task force established under subsection (b).

(b) ESTABLISHMENT.—The Administrator shall, in conjunction with the Secretary of Homeland Security, establish a task force, to be known as the ''Small Business Information Security Task Force'', to address the information technology security needs of small business concerns and to help small business concerns prevent the loss of credit card data.

(c) DUTIES.—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(d) INTERNET WEBSITE RECOMMENDATIONS.—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations, both public and private, to which the Internet website should link.

(e) EDUCATION PROGRAMS.—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (c)(1)(A).

(f) EXISTING MATERIALS.—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B).

(g) COORDINATION WITH PUBLIC AND PRIVATE SECTOR.—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and assistance as it determines appropriate from, public and private entities, including—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(h) APPOINTMENT OF MEMBERS.—

(1) CHAIRPERSON AND VICE-CHAIRPERSON.—The task force shall have—

(A) a Chairperson, appointed by the Administrator; and

(B) a Vice-Chairperson, appointed by the Administrator, in consultation with appropriate nongovernmental organizations, entities, or persons.

(2) MEMBERS.—

(A) CHAIRPERSON AND VICE-CHAIRPERSON.—The Chairperson and the Vice-Chairperson shall serve as members of the task force.

(B) ADDITIONAL MEMBERS.—

(i) IN GENERAL.—The task force shall have additional members, each of whom shall be appointed by the Chairperson, with the approval of the Administrator.

(ii) NUMBER OF MEMBERS.—The number of additional members shall be determined by the Chairperson, in consultation with the Administrator, except that—

(I) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(II) the number of additional members shall not exceed 13.

(3) GROUPS REPRESENTED.—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies, including the Department of Homeland Security, engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(4) POLITICAL AFFILIATION.—The appointments under this subsection shall be made without regard to political affiliation.

(i) MEETINGS.—

(1) FREQUENCY.—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) QUORUM.—A majority of the members of the task force shall constitute a quorum.

(3) LOCATION.—The Administrator shall designate, and make available to the task force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

(4) MINUTES.—

(A) IN GENERAL.—Not later than 30 days after the date of each meeting, the task force shall publish the minutes of the meeting in the Federal Register and shall submit to the Administrator any findings or recommendations approved at the meeting.

(B) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) FINDINGS.—

(A) IN GENERAL.—Not later than the date on which the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force shall serve without pay for their service on the task force.

(2) TRAVEL EXPENSES.—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) DETAIL OF SBA EMPLOYEES.—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out the duties of the task force. Such a detail shall be without interruption or loss of civil status or privilege.

(4) SBA SUPPORT OF THE TASK FORCE.—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chairperson jointly determine to be necessary for the task force to carry out its duties.

(k) NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(l) STARTUP DEADLINES.—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2013.

(2) EXCEPTION.—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving compliance with subsection (i)(4) with respect to those meetings.

(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000 for each of fiscal years 2010 through 2013.

SEC. 508. STUDY AND REPORT ON EMERGENCY PIN TECHNOLOGY.

(a) IN GENERAL.—The Federal Trade Commission, in consultation with the Attorney General of the United States and the United States Secret Service, shall conduct a study on the cost-effectiveness of making available at automated teller machines technology that enables a consumer that is under duress to electronically alert a local law enforcement agency that an incident is taking place at such automated teller machine, including—

(1) an emergency personal identification number that would summon a local law enforcement officer to an automated teller machine when entered into such automated teller machine; and

(2) a mechanism on the exterior of an automated teller machine that, when pressed, would summon a local law enforcement to such automated teller machine.

(b) CONTENTS OF STUDY.—The study required under subsection (a) shall include—

(1) an analysis of any technology described in subsection (a) that is currently available or under development;

(2) an estimate of the number and severity of any crimes that could be prevented by the availability of such technology;

(3) the estimated costs of implementing such technology; and

(4) a comparison of the costs and benefits of not fewer than 3 types of such technology.

(c) REPORT.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the findings of the study required under this section that includes such recommendations for legislative action as the Commission determines appropriate.

SEC. 509. STUDY AND REPORT ON THE MARKETING OF PRODUCTS WITH CREDIT OFFERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the terms, conditions, marketing, and value to consumers of products marketed in conjunction with credit card offers, including—

(1) debt suspension agreements;

(2) debt cancellation agreements; and

(3) credit insurance products.

(b) AREAS OF CONCERN.—The study conducted under this section shall evaluate—

(1) the suitability of the offer of products described in subsection (a) for target customers;

(2) the predatory nature of such offers; and

(3) specifically for debt cancellation or suspension agreements and credit insurance products, loss rates compared to more traditional insurance products.

(c) REPORT TO CONGRESS.—The Comptroller shall submit a report to Congress on the results of the study required by this section not later than December 31, 2010.

SEC. 510. FINANCIAL AND ECONOMIC LITERACY.

(a) REPORT ON FEDERAL FINANCIAL AND ECONOMIC LITERACY EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy—

(A) to evaluate and compile a comprehensive summary of all existing Federal financial and economic literacy education programs, as of the time of the report; and

(B) to prepare and submit a report to Congress on the findings of the evaluations.

(2) CONTENTS.—The report required by this subsection shall address, at a minimum—

(A) the 2008 recommendations of the President's Advisory Council on Financial Literacy;

(B) existing Federal financial and economic literacy education programs for grades kindergarten through grade 12, and annual funding to support these programs;

(C) existing Federal postsecondary financial and economic literacy education programs and annual funding to support these programs;

(D) the current financial and economic literacy education needs of adults, and in particular, low- and moderate-income adults;

(E) ways to incorporate and disseminate best practices and high quality curricula in financial and economic literacy education; and

(F) specific recommendations on sources of revenue to support financial and economic literacy education activities with a specific analysis of the potential use of credit card transaction fees.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy to develop a strategic plan to improve and expand financial and economic literacy education.

(2) CONTENTS.—The plan developed under this subsection shall—

(A) incorporate findings from the report and evaluations of existing Federal financial and economic literacy education programs under subsection (a); and

(B) include proposals to improve, expand, and support financial and economic literacy education based on the findings of the report and evaluations.

(3) PRESENTATION TO CONGRESS.—The plan developed under this subsection shall be presented to Congress not later than 6 months after the date on which the report under subsection (a) is submitted to Congress.

(c) EFFECTIVE DATE.—Notwithstanding section 3, this section shall become effective on the date of enactment of this Act.

SEC. 511. FEDERAL TRADE COMMISSION RULEMAKING ON MORTGAGE LENDING.

(a) IN GENERAL.—Section 626 of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended—

(1) in subsection (a)—

(A) by striking ''Within'' and inserting ''(1) Within'';

(B) in paragraph (1), as designated by subparagraph (A), by inserting after the first sentence the following: ''Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services.''; and

(C) by adding at the end the following:

''(2) Paragraph (1) shall not be construed to authorize the Federal Trade Commission to promulgate a rule with respect to an entity that is not subject to enforcement of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Commission.

''(3) Before issuing a final rule pursuant to the proceeding initiated under paragraph (1), the Federal Trade Commission shall consult with the Federal Reserve Board concerning any portion of the proposed rule applicable to acts or practices to which the provisions of the Truth in Lending Act (15 U.S.C. 1601 et seq.) may apply.

''(4) The Federal Trade Commission shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.''; and

(2) in subsection (b)—

(A) by striking so much as precedes paragraph (2) and inserting the following:

''(b)(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in a practice that violates such rule, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in an appropriate district court of the United States or other court of competent jurisdiction—

''(A) to enjoin that practice;

''(B) to enforce compliance with the rule;

''(C) to obtain damages, restitution, or other compensation on behalf of residents of the State; or

''(D) to obtain penalties and relief provided by the Federal Trade Commission Act and such other relief as the court considers appropriate.''; and

(B) in paragraphs (2), (3), and (6), by striking ''Commission'' each place it appears and inserting ''primary Federal regulator''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 12, 2009.

SA 1131. Mr. INOUYE (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $700,000,000, to remain available until expended: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISION—THIS TITLE

SEC. 101. Notwithstanding any other provision of law, any amounts made available prior to the date of enactment of this Act to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202) that are unobligated as of the date of enactment of this Act shall be available to carry out any purpose under that program without fiscal year limitation: *Provided*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(INCLUDING RESCISSION OF FUNDS)

SEC. 102. (a)(1) For an additional amount for gross obligations for the principal amount of direct farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: direct farm ownership loans, $360,000,000; and direct operating loans, $225,000,000.

(2) For an additional amount for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, $22,860,000; and direct operating loans, $26,530,000.

(b) Of available unobligated discretionary balances from the Rural Development mission area carried forward from fiscal year 2008, $49,390,000 are hereby rescinded: *Provided*, That none of the amounts may be rescinded other than those from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(c) That the amount under this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for ''Economic Development Assistance Programs'', $40,000,000, to remain available until September 30, 2010: *Provided*, That the amount provided under this heading shall be for the Trade Adjustment Assistance for Communities program as authorized by section 1872 of Public Law 111–5: *Provided further*, That

the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $30,000,000, to remain available until September 30, 2010: *Provided*, That funds provided in the previous proviso shall only be for carrying out Department of Justice responsibilities required by Executive Orders 13491, 13492, and 13493: *Provided further*, That the Attorney General shall submit to the Committees on Appropriations of the House and the Senate a detailed plan for expenditure of such funds no later than 30 days after enactment of this Act.

DETENTION TRUSTEE

For an additional amount for ''Detention trustee'', $60,000,000, to remain available until September 30, 2010.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and expenses, general legal activities'', $1,648,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and expenses, United States attorneys'', $5,000,000, to remain available until September 30, 2010.

For an additional amount for ''Salaries and expenses, United States attorneys'', $10,000,000, to remain available until September 30, 2010: *Provided*, That the amount provided in this paragraph is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

UNITED STATES MARSHALS SERVICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $10,000,000, to remain available until September 30, 2010.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses,'' $1,389,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATIONS

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $35,000,000, to remain available until September 30, 2010: *Provided*, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $20,000,000, to remain available until September 30, 2010.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $14,000,000, to remain available until September 30, 2010.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $5,038,000, to remain available until September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 201. Unless otherwise specified, each amount in this title is designated as being for overseas deployment and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 202. None of the funds provided in this title shall be used to transfer, relocate, or incarcerate Guantanamo Bay detainees to or within the United States.

TITLE III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,455,777,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,565,227,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,464,353,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,469,173,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $387,155,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $39,478,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $29,179,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $14,943,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,542,333,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $46,860,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $13,933,801,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,337,360,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,037,842,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,992,125,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $5,065,783,000, of which:

(1) not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $1,050,000,000, to remain available until expended, for payments to reimburse key cooperating nations, for logistical, military, and other support including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(3) up to $50,000,000 shall be available, 30 days after the Secretary of Defense submits an expenditure plan to the congressional defense committees detailing the specific planned use of these funds, only to support the relocation and disposition of individuals detained at the Guantanamo Bay Naval Base to locations outside of the United States, relocate military and support forces associated with detainee operations, and facilitate the closure of detainee facilities: *Provided*, That the Secretary of Defense shall certify in writing to the congressional defense committees, prior to transferring prisoners to foreign nations, that he has been assured by the receiving nation that the individual or individuals to be transferred will be retained in that nation's custody as long as they remain a threat to the national security interest of the United States: *Provided further*, That the funds in this paragraph available to provide assistance to foreign nations to facilitate the relocation and disposition of individuals detained at the Guantanamo Bay Naval Base are in addition to any other authority to provide assistance to foreign nations: *Provided further*, That these funds are available for transfer to any other appropriations accounts of the Department of Defense or, with the concurrence of the head of the relevant Federal department or agency, to any other Federal appropriations accounts to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $110,017,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $25,569,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $30,775,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $34,599,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $203,399,000.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $3,606,939,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For an additional amount for the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2011: *Provided*, That, not later than July 31, 2010, any remaining unobligated funds in this account shall be transferred to the Department of State to be available for the same purposes as provided herein.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Pakistan Counterinsurgency Capability Fund''. For the ''Pakistan Counterinsurgency Capability Fund'', $400,000,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Central Command, or the Secretary's designee, to provide assistance to Pakistan's security forces; including program management and the provision of equipment, supplies, services, training, and funds; and facility and infrastructure repair, renovation, and construction to build the counterinsurgency capability of Pakistan's military and Frontier Corps, and of which up to $2,000,000 shall be available to assist the Government of Pakistan in creating a program to respond to urgent humanitarian relief and reconstruction requirements that will immediately assist Pakistani people affected by military operations: *Provided further*, That the authority to provide assistance under this provision is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such amounts as he may determine from the funds provided herein to appropriations for operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds: *Provided further*, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $315,684,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $737,041,000, to remain available until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,434,071,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $230,075,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $7,029,145,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $754,299,000, to remain available until September 30, 2011.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $31,403,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $348,919,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $207,181,000, to remain available until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,658,347,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $2,064,118,000, to remain available for obligation until September 30, 2011.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $49,716,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $138,284,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,910,343,000, to remain available until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $237,868,000, to remain available until September 30, 2011.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $500,000,000, to remain available until September 30, 2011.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Mine Resistant Ambush Protected Vehicle Fund'', $4,243,000,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $71,935,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount of ''Research, Development, Test and Evaluation, Navy'', $141,681,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount of ''Research, Development, Test and Evaluation, Air Force'', $174,159,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount of ''Research, Development, Test and Evaluation, Defense-Wide'', $498,168,000, to remain available until September 30, 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $861,726,000, to remain available until expended.

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $909,297,000, of which $845,508,000 for operation and maintenance; of which $30,185,000, to remain available until September 30, 2011, for procurement; and of which $33,604,000, to remain available until September 30, 2010, for research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $123,398,000, to remain available until September 30, 2010: *Provided*, That these funds may be used only for such activities related to Afghanistan, Pakistan, and Central Asia.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,116,746,000, to remain available until September 30, 2011.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $9,551,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2009.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2009, (Public Law 110–116) except for the fourth proviso.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 304. During fiscal year 2009 and from funds in the ''Defense Cooperation Account'', as established by 10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed $6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 305. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or ''Afghanistan Security Forces Fund'' provided in this title, and executed in direct support of the overseas contingency operations in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 306. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000: *Provided further*, That the Secretary shall report to the Congress all purchases made pursuant to this authority within 30 days of using the authority.

SEC. 307. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of $75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

SEC. 308. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That none of the amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

''Procurement, Marine Corps, 2007/2009'', $54,400,000;

''Other Procurement, Army, 2008/2010'', $29,300,000;

''Procurement, Marine Corps, 2008/2010'', $10,300,000;

''Research, Development, Test and Evaluation, Navy, 2008/2009'', $5,000,000;

''Research, Development, Test and Evaluation, Air Force, 2008/2009'', $36,107,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2008/2009'', $200,000,000;

''Operation and Maintenance, Army, 2009/2009'', $352,359,000;

''Operation and Maintenance, Navy, 2009/2009'', $881,481,000;

''Operation and Maintenance, Marine Corps, 2009/2009'', $54,466,000;

''Operation and Maintenance, Air Force, 2009/2009'', $925,203,000;

''Operation and Maintenance, Defense-Wide, 2009/2009'', $267,635,000;

''Operation and Maintenance, Army Reserve, 2009/2009'', $23,338,000;

''Operation and Maintenance, Navy Reserve, 2009/2009'', $62,910,000;

''Operation and Maintenance, Marine Corps Reserve, 2009/2009'', $1,250,000;

''Operation and Maintenance, Air Force Reserve, 2009/2009'', $163,786,000;

''Operation and Maintenance, Army National Guard, 2009/2009'', $57,819,000;

''Operation and Maintenance, Air National Guard, 2009/2009'', $250,645,000;

''Aircraft Procurement, Army, 2009/2011'', $11,500,000;

''Procurement of Ammunition, Army, 2009/2011'', $107,100,000;

''Other Procurement, Army, 2009/2011'', $195,000,000;

''Procurement, Marine Corps, 2009/2011'', $10,300,000;

''Procurement, Defense-Wide, 2009/2011'', $6,400,000;

''Research, Development, Test and Evaluation, Army, 2009/2010'', $202,710,000;

''Research, Development, Test and Evaluation, Navy, 2009/2010'', $270,260,000; and

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $392,567,000.

SEC. 309. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 310. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2008 or 2009 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for the purpose of establishing any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 312. (a) REPEAL OF SECRETARY OF DEFENSE REPORTS ON TRANSITION READINESS OF IRAQ AND AFGHAN SECURITY FORCES.—Subsection (a) of section 9205 of Public Law 110–252 (122 Stat. 2412) is repealed.

(b) MODIFICATION OF REPORTS ON USE OF CERTAIN SECURITY FORCES FUNDS.—

(1) PREPARATION IN CONSULTATION WITH COMMANDER OF CENTCOM.—Subsection (b)(1) of such section is amended by inserting ''the Commander of the United States Central Command;'' after ''the Secretary of Defense;''.

(2) PERIOD OF REPORTS.—Such subsection is further amended by striking ''not later than 120 days after the date of the enactment of this Act and every 90 days thereafter'' and inserting ''not later than 45 days after the end of each fiscal year quarter''.

(3) FUNDS COVERED BY REPORTS.—Such subsection is further amended by striking ''and 'Afghanistan Security Forces Fund'' and inserting '', 'Afghanistan Security Forces Fund', and 'Pakistan Counterinsurgency Capability Fund''.

(c) NOTICE NEW PROJECTS AND TRANSFERS OF FUNDS.—Subsection (c) of such section is amended by striking ''the headings'' and all that follows and inserting ''the headings as follows:

''(1) 'Iraq Security Forces Fund'.

''(2) 'Afghanistan Security Forces Fund'.

''(3) 'Pakistan Counterinsurgency Capability Fund'.''.

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

SEC. 313. (a) Section 1174(h)(1) of title 10, United States Code, is amended to read as follows:

''(1) A member who has received separation pay under this section, or separation pay, severance pay, or readjustment pay under any other provision of law, based on service in the armed forces, and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay so paid.''.

(b) Section 1175(e)(3)(A) of title 10, United States Code, is amended to read as follows:

''(3)(A) A member who has received the voluntary separation incentive and who later qualifies for retired or retainer pay under this title shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay so paid. If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced as the Secretary of Defense shall specify.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any repayments of separation pay, severance pay, readjustment pay, special separation benefit, or voluntary separation incentive, that occur on or after the date of enactment, including any ongoing repayment actions that were initiated prior to this amendment.

SEC. 314. Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, $38,375,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of natural disasters as authorized by law, $804,290,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $315,290,000 of the funds appropriated under this heading to support emergency operations, repair eligible projects nationwide, and for other activities in response to natural disasters: *Provided further*, That the Secretary of the Army is directed to use $489,000,000 of the amount provided under this heading for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

STRATEGIC PETROLEUM RESERVE

(TRANSFER OF FUNDS)

For an additional amount for the ''Strategic Petroleum Reserve'' account, $21,585,723, to remain available until expended, to be derived by transfer from the ''SPR Petroleum Account'' for site maintenance activities: *Provided*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for ''Weapons Activities'', $34,500,000, to remain available until expended, to be divided among the three national security laboratories of Livermore, Sandia and Los Alamos to fund a sustainable capability to analyze nuclear and biological weapons intelligence: *Provided*, That the Director of National Intelligence shall provide a written report to the Senate Appropriations Committee, the Senate Armed Services Committee and the Senate Select Committee on Intelligence within 90 days of enactment on how the National Nuclear Security Administration will invest these resources in technical and core analytical capabilities: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'' in the National Nuclear Security Administration, $55,000,000, to remain available until expended, for the International Nuclear Materials Protection and Cooperation Program to counter emerging threats at nuclear facilities in Russia and other countries of concern through detecting and deterring insider threats through security upgrades: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

LIMITED TRANSFER AUTHORITY

SEC. 401. Section 403 of title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking all of the text and inserting the following:

''SEC. 403. LIMITED TRANSFER AUTHORITY.

''The Secretary of Energy may transfer up to 0.5 percent from each amount appropriated to the Department of Energy in this title to any other appropriate account within the Department of Energy, to be used for management and oversight activities: *Provided*, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any transfer: *Provided further*, That any funds so transferred under this section shall remain available for obligation until September 30, 2012.''.

WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS

SEC. 402. Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

CORPS OF ENGINEERS TECHNICAL FIX

SEC. 403. (a) IN GENERAL.—Section 3181 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1158) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (11) as paragraphs (5), (6), (8), (9), (10), (11), (12), and (13), respectively;

(B) by inserting after paragraph (3) the following:

''(4) NORTHEAST HARBOR, MAINE.—The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12).''; and

(C) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

''(7) TENANTS HARBOR, MAINE.—The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275).''; and

(2) in subsection (h)—

(A) by striking paragraphs (15) and (16); and

(B) by redesignating paragraphs (17) through (29) as paragraphs (15) through (27), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041)

CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

SEC. 404. Unlimited reprogramming authority is granted to the Secretary of the Army for funds provided in title IV—Energy and Water Development of Public Law 111–5 under the heading ''Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil''.

BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY

SEC. 405. Unlimited reprogramming authority is granted to the Secretary of the Interior for funds provided in title IV—Energy and Water Development of Public Law 111–5 under the heading ''Bureau of Reclamation, Water and Related Resources''.

COST ANALYSIS OF TRITIUM PROGRAM CHANGES

SEC. 406. No funds in this Act, or other previous Acts, shall be provided to fund activities related to the mission relocation of either the design authority for the gas transfer systems or tritium research and development facilities during the current fiscal year and until the Department can provide the Senate Appropriations Committee an independent technical mission review and cost analysis by the JASON's as proposed in the Complex Transformation Site-Wide Programmatic Environmental Impact Statement.

CORPS OF ENGINEERS PROJECT COST CEILING INCREASE

SEC. 407. The project for ecosystem restoration, Upper Newport Bay, California, authorized by section 101(b)(9) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $50,659,000, with an estimated Federal cost of $32,928,000 and a non-Federal cost of $17,731,000.

SEC. 408. None of the funds provided in the matter under the heading entitled ''Department of Defense—Civil'' in this Act, or provided by previous appropriations Acts under the heading entitled ''Department of Defense—Civil'' may be used to deconstruct any work (including any partially completed work) completed under the Mississippi River and Tributaries Project authorized by the Act of May 15, 1928 (45 2 Stat. 534; 100 Stat. 4183), during fiscal year 2009, 2010, and 2011.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 409. The matter under the heading ''Title 17 Innovative Technology Loan Guarantee Program''of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 619) is amended in the ninth proviso—

(1) by striking ''or (d)'' and inserting ''(d)''; and

(2) by striking ''the guarantee'' and inserting ''the guarantee; (e) contracts, leases or other agreements entered into prior to May 1, 2009 for front-end nuclear fuel cycle projects, where such project licenses technology from the Department of Energy, and pays royalties to the federal government for such license and the amount of such royalties will exceed the amount of federal spending, if any, under such contracts, leases or agreements; or (f) grants or cooperative agreements, to the extent that obligations of such grants or cooperative agreements have been recorded in accordance with section

1501(a)(5) of title 31, United States Code, on or before May 1, 2009''.

TITLE V

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Offices, Salaries and Expenses'', $4,000,000, to remain available until December 31, 2010: *Provided*, That, not later than 10 days following enactment of this Act, the Secretary of the Treasury shall transfer funds provided under this heading to an account to be designated for the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $2,936,000, of which $800,000 shall remain available until expended and $2,136,000 shall remain available until September 30, 2010: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PANDEMIC PREPAREDNESS AND RESPONSE

(INCLUDING TRANSFERS OF FUNDS)

For an amount to be deposited into an account for ''Pandemic Preparedness and Response'' to be established within the Executive Office of the President for expenses to prepare for and respond to a potential pandemic disease outbreak and to assist international efforts to control the spread of such an outbreak, including for the 2009–H1N1 influenza outbreak, $1,500,000,000, to remain available until September 30, 2010, and to be transferred by the Director of the Office of Management and Budget as follows: $900,000,000 shall be transferred to and merged with funds made available under the heading ''Department of Health and Human Services, Public Health and Social Services Emergency Fund'' for allocation by the Secretary; $190,000,000 shall be transferred to and merged with funds made available for the United States Department of Homeland Security under the heading ''Departmental Management and Operations, Office of the Secretary and Executive Management'' for allocation by the Secretary; $100,000,000 shall be transferred to and merged with funds made available for the United States Department of Agriculture under the heading ''Agricultural Programs, Production, Processing and Marketing, Office of the Secretary'' for allocation by the Secretary; $50,000,000 shall be transferred to and merged with funds made available under the heading ''Department of Health and Human Services, Food and Drug Administration, Salaries and Expenses''; $110,000,000 shall be transferred to and merged with funds made available under the heading ''Department of Veterans Affairs, Veterans Health Administration, Medical Services''; and $150,000,000 shall be transferred to and merged with funds made available under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Global Health and Child Survival'', to support programs of the United States Agency for International Development: *Provided*, That such transfers shall be made not more than 10 days after the date of enactment of this Act: *Provided further*, That none of the funds provided under this heading shall be available for obligation until 15 days following the submittal of a detailed spending plan by each Department receiving funds to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available in this or any other Act: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2010: *Provided*, That notwithstanding section 302 of division D of Public Law 111–8, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives on the Southwest border: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

INDEPENDENT AGENCIES

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses for the Securities and Exchange Commission, $10,000,000, to remain available until September 30, 2010, for investigation of securities fraud: *Provided*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. (a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110–428 is amended—

(1) in the matter before clause (i), by striking ''4-year'' and inserting ''5-year''; and

(2) in clause (i), by striking ''1-year'' and inserting ''2-year''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public Law 110–428.

SEC. 502. The fourth proviso under the heading ''District of Columbia Funds'' of title IV of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 655) is amended by striking ''and such title'' and inserting '', as amended by laws enacted pursuant to section 442(c) of the Home Rule Act of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 798), and such title, as amended,''.

SEC. 503. Title V of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended under the heading ''Federal Communications Commission'' by striking the first proviso and inserting the following: ''*Provided*, That of the funds provided, not less than $3,000,000 shall be available for developing a national broadband plan pursuant to title VI of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for carrying out any other responsibility pursuant to that title:''.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $46,200,000, to remain available until September 30, 2010, of which $6,200,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which $40,000,000 shall be for response to border security issues on the Southwest border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Salaries and Expenses'', $5,000,000, to remain available until September 30, 2010, for response to border security issues on the Southwest border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $66,800,000, to remain available until September 30, 2010, of which $11,800,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which $55,000,000 shall be for response to border security issues on the Southwest border of the United States.

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $139,503,000; of which $129,503,000 shall be for Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and of which $10,000,000 shall be available until September 30, 2010, for High Endurance Cutter maintenance, major repairs, and improvements.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $30,000,000 shall be for Operation Stonegarden.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING RESCISSION)

SEC. 601. (a) RESCISSION.—Of amounts previously made available from ''Federal Emergency Management Agency, Disaster Relief'' to the State of Mississippi pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, an additional $100,000,000 are rescinded.

(b) APPROPRIATION.—For ''Federal Emergency Management Agency, State and Local Programs'', there is appropriated an additional $100,000,000, to remain available until expended, for a grant to the State of Mississippi for an interoperable communications system required in the aftermath of Hurricane Katrina: *Provided*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 602. The Department of Homeland Security Appropriations Act, 2009 (Public Law 110–329) is amended under the heading ''Federal Emergency Management Agency, Management and Administration'' after ''the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.),'' by adding ''Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583),''.

SEC. 603. Notwithstanding any provision under (a)(1)(A) of 15 U.S.C. 2229a specifying that grants must be used to increase the number of fire fighters in fire departments, the Secretary of Homeland Security may, in making grants described under 15 U.S.C. 2229a for fiscal year 2009 or 2010, grant waivers from the requirements of subsection (a)(1)(B), subsection (c)(1), subsection (c)(2), and subsection (c)(4)(A), and may award grants for the hiring, rehiring, or retention of firefighters.

SEC. 604. The Administrator of the Federal Emergency Management Agency shall extend through March 2010 reimbursement of case management activities conducted by the State of Mississippi under the Disaster Housing Assistance Program to individuals in the program on April 30, 2009.

SEC. 605. Section 552 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110–161) is amended by striking ''local educational agencies'' and inserting ''primary or secondary school sites'' and by inserting ''and section 406(c)(2)'' after ''section 406(c)(1)''.

SEC. 606. (a) IN GENERAL.—Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to any amount under section 601 of this title.

TITLE VII

DEPARTMENT OF THE INTERIOR

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, $50,000,000, to remain available until expended: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Forest Service, $200,000,000, to remain available until expended: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That the Secretary of Agriculture may transfer not more than $50,000,000 of these funds to the Secretary of the Interior if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 701. Public Law 111–8, division E, title III, Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxic Substances and Environmental Public Health is amended by inserting ''per eligible employee'' after ''$1,000''.

SEC. 702. (a) Section 1606 of division A, title XVI of Public Law 111–5 shall not be applied to projects carried out by youth conservation organizations under agreement with the Department of the Interior or the Forest Service for which funds were provided in title VII.

(b) For purposes of this provision, the term ''youth conservation organizations'' means not-for-profit organizations that provide conservation service learning opportunities for youth 16 to 25 years of age.

TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for ''Refugee and Entrant Assistance'' for necessary expenses for unaccompanied alien children as authorized by section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, $82,000,000, to remain available through September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

(TRANSFER OF FUNDS)

SEC. 801. Section 801(a) of division A of Public Law 111–5 is amended by inserting '', and may be transferred by the Department of Labor to any other account within the Department for such purposes'' before the end period.

(INCLUDING TRANSFER OF FUNDS)

SEC. 802. (a) Notwithstanding any other provision of law, during the period from September 1 through September 30, 2009, the Secretary of Education shall transfer to the Career, Technical, and Adult Education account an amount not to exceed $17,678,270 from amounts that would otherwise lapse at the end of fiscal year 2009 and that were originally made available under the Department of Education Appropriations Act, 2009 or any Department of Education Appropriations Act for a previous fiscal year.

(b) Funds transferred under this section to the Career, Technical, and Adult Education account shall be obligated by September 30, 2009.

(c) Any amounts transferred pursuant to this section shall be for carrying out Adult Education State Grants, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that program for fiscal year 2009 that were at least 9.9 percent less than those States received under that program for fiscal year 2008.

(d) The Secretary shall use these additional funds to increase those States' allocations under that program up to the amount they received under that program for fiscal year 2008.

(e) The Secretary shall notify the Committees on Appropriations of both Houses of Congress of any transfer pursuant to this section.

TITLE IX

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'', $71,606,000, to purchase and install a new radio system for the U.S. Capitol Police, to remain available until September 30, 2012: *Provided*, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $2,000,000, to remain available until September 30, 2010.

GENERAL PROVISION—THIS TITLE

SEC. 901. The amount available to the Committee on the Judiciary for expenses, including salaries, under section 13(b) of Senate Resolution 73, agreed to March 10, 2009, is increased by $500,000.

TITLE X

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For an additional amount for ''Military Construction, Army'', $1,229,731,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefinancing statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program.

For an additional amount for ''Military Construction, Army'', $49,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the preceding amount in this paragraph is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds appropriated for ''Military Construction, Army'' under Public Law 110–252, $49,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $243,083,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $265,470,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and

expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefinancing statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $181,500,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That $1,781,500,000 is hereby authorized for fiscal years 2009 through 2013 for the purposes of this appropriation.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For an additional amount for ''North Atlantic Treaty Organization Security Investment Program'', $100,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds are authorized for the North Atlantic Treaty Security Investment Program for purposes of section 2806 of title 10, United States Code, and section 2502 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417).

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $230,900,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out operation and maintenance, planning and design and military construction projects not otherwise authorized by law.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. None of the funds appropriated in this or any other Act may be used to disestablish, reorganize, or relocate the Armed Forces Institute of Pathology, except for the Armed Forces Medical Examiner, until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center, and the Joint Pathology Center is demonstrably performing the minimum requirements set forth in section 722 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 1002. (a) IN GENERAL.—Unless otherwise designated, each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to any amount under the heading ''Military Construction, Defense-Wide''.

TITLE XI

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $645,444,000, to remain available until September 30, 2010, of which $117,983,000 is for World Wide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to $135,629,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That of the funds appropriated under this heading, not more than $10,000,000 for public diplomacy activities may be transferred to, and merged with, funds made available under the heading ''International Broadcasting Operations'' for broadcasting activities to the Pakistan-Afghanistan border region: *Provided further*, That of the funds appropriated under this heading, $57,000,000 shall be made available for aircraft acquisition, maintenance, operations and leases in Afghanistan for the Department of State and the United States Agency for International Development (USAID), and the uses and oversight of such aircraft shall be the responsibility of the United States Chief of Mission in Afghanistan: *Provided further*, That of the funds made available pursuant to the previous proviso, $40,000,000 shall be transferred to, and merged with, funds made available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'' for the purpose of USAID's air services: *Provided further*, That such aircraft utilized by USAID may be used to transport Federal and non-Federal personnel supporting USAID programs and activities: *Provided further*, That official travel of other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $22,200,000, to remain available until September 30, 2010, of which $7,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $7,200,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: *Provided*, That the Special Inspector General for Afghanistan Reconstruction may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section) for funds made available for fiscal years 2009 and 2010.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $820,500,000, to remain available until expended, for worldwide security upgrades, acquisition, and construction as authorized, and shall be made available for secure diplomatic facilities and housing for United States mission staff in Afghanistan and Pakistan, and for mobile mail screening units.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $721,000,000, to remain available until September 30, 2010.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $112,600,000, to remain available until September 30, 2010.

CAPITAL INVESTMENT FUND

For an additional amount for ''Capital Investment Fund'', $48,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $3,500,000, to remain available until September 30, 2010, for oversight of programs in Afghanistan and Pakistan.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $50,000,000, to remain available until September 30, 2010, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $38,000,000, to remain available until September 30, 2010, for assistance for Kenya.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $245,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $2,828,000,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, not less than $866,000,000 may be made available for assistance for Afghanistan, of which not less than $100,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nongovernmental organizations: *Provided further*, That of the funds appropriated under this heading, not less than $115,000,000 shall be made available for the Afghan Reconstruction Trust Fund, of which not less than $70,000,000 shall be made available for the National Solidarity Program: *Provided further*, That of the funds appropriated under this heading, not less than $11,000,000 shall be made available for the Afghan Civilian Assistance Program: *Provided further*, That of the funds appropriated under this heading, not less than $439,000,000 shall be made available for assistance for Pakistan, of which not more than $215,000,000 shall be made available for economic growth programs, including basic education to counter the influence of madrassas; not less than $50,000,000 shall be made available for assistance for internally displaced persons; and not less than $10,000,000 shall be made available for democracy programs, including to strengthen democratic political parties: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Afghanistan and Pakistan, not less than $20,000,000 shall be made available for a cross border development program to be administered by the Special Representative for Afghanistan and Pakistan at the Department of State: *Provided further*, That of the funds appropriated under this heading, not less than $439,000,000 shall be made available for assistance for Iraq, of which not less than $50,000,000 shall be for the Community Action Program and not less than $10,000,000 shall be for the Marla Ruzicka Iraqi War Victims Fund: *Provided further*, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available

for assistance for Jordan to mitigate the impact of the global economic crisis, including for health, education, water and sanitation, and other assistance for Iraqi and other refugees in Jordan: *Provided further*, That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for assistance for Yemen; not less than $10,000,000 shall be made available for assistance for Somalia; and not less than $10,000,000 shall be made available for programs and activities to assist victims of gender-based violence in the Democratic Republic of the Congo: *Provided further*, That funds made available pursuant to the previous proviso shall be administered by the United States Agency for International Development: *Provided further*, That none of the funds appropriated in this title for democracy and civil society programs may be made available for the construction of facilities in the United States.

ASSISTANCE FOR EUROPE, EURASIA, AND CENTRAL ASIA

For an additional amount for ''Assistance for Europe, Eurasia and Central Asia'', $230,000,000, to remain available until September 30, 2010, of which $200,000,000 may be made available for assistance for Georgia and other Eurasian countries: *Provided*, That of the funds appropriated under this heading, $30,000,000 may be made available for assistance for the Kyrgyz Republic to provide a long-range air traffic control and safety system to support air operations in the Kyrgyz Republic, including at Manas International Airport, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $393,500,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, not more than $109,000,000 may be made available for assistance for the West Bank and not more than $66,000,000 may be made available for assistance for Mexico.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $102,000,000, to remain available until September 30, 2010: *Provided*, That of this amount, not more than $77,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, of which not more than $50,000,000 may be made available to enhance security along the Gaza border: *Provided further*, That the Secretary of State shall work assiduously to facilitate the regular flow of people and licit goods in and out of Gaza at established border crossings and shall submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and every 45 days thereafter until September 30, 2010, detailing progress in this effort.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $345,000,000, to remain available until expended.

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Peacekeeping Operations'', $172,900,000, to remain available until September 30, 2010, of which $155,900,000 may be made available to support the African Union Mission to Somalia and which may be transferred to, and merged with, funds appropriated under the heading ''Contributions for International Peacekeeping Activities'' for peacekeeping in Somalia: *Provided*, That of the funds appropriated under this heading, $15,000,000 shall be made available for assistance for the Democratic Republic of the Congo and $2,000,000 shall be made available for the Multinational Force and Observer mission in the Sinai.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for ''International Military Education and Training'', $2,000,000, to remain available until September 30, 2010, for assistance for Iraq.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $98,000,000, to remain available until September 30, 2009, for assistance for Lebanon.

GENERAL PROVISIONS—THIS TITLE

AFGHANISTAN

SEC. 1101. (a) IN GENERAL.—Funds appropriated under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation of Afghan women and directly improves the security, economic and social well-being, and political status, of Afghan women and girls.

(b) LIMITATION ON CONTRACTS AND GRANTS.—Funds appropriated under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall not be used to initiate or make an amendment to any contract, grant or cooperative agreement in an amount exceeding $10,000,000.

(c) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available to train and support Afghan women investigators, police officers, prosecutors and judges with responsibility for investigating, prosecuting, and punishing crimes of violence against women and girls.

(2) Of the funds appropriated under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $5,000,000 shall be made available for capacity building for Afghan women-led nongovernmental organizations, and not less than $25,000,000 shall be made available to support programs and activities of such organizations, including to provide legal assistance and training for Afghan women and girls about their rights, and to promote women's health (including mental health), education, and leadership.

(d) ANTICORRUPTION.—Ten percent of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for the Government of Afghanistan shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan is implementing a policy to promptly remove from office any government official who is credibly alleged to have engaged in narcotics trafficking, gross violations of human rights, or other major crimes.

(e) ACQUISITION OF PROPERTY.—Not more than $10,000,000 of the funds appropriated in this title may be made available to pay for the acquisition of property for diplomatic facilities in Afghanistan.

(f) UNITED NATIONS DEVELOPMENT PROGRAM.—None of the funds appropriated in this title may be made available for programs and activities of the United Nations Development Program (UNDP) in Afghanistan unless the Secretary of State reports to the Committees on Appropriations that UNDP is fully cooperating with efforts of the United States Agency for International Development (USAID) to investigate expenditures by UNDP of USAID funds associated with the Quick Impact Program in Afghanistan, and has agreed to reimburse USAID, if appropriate.

ALLOCATIONS

SEC. 1102. (a) Funds appropriated in this title for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) ''Diplomatic and Consular Programs''.

(2) ''Embassy Security, Construction, and Maintenance''.

(3) ''Economic Support Fund''.

(4) ''International Narcotics Control and Law Enforcement''.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

BURMA

SEC. 1103. (a) Funds appropriated under the heading ''Economic Support Fund'' for humanitarian assistance for Burma may be made available notwithstanding any other provision of law.

(b) Not later than 30 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report that details the findings and recommendations of the Department of State's review of United States policy toward Burma.

EXTENSION OF AUTHORITIES

SEC. 1104. Funds appropriated in this title may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

GLOBAL FINANCIAL CRISIS

SEC. 1105. (a) IN GENERAL.—Of the funds appropriated under the heading ''Economic Support Fund'', not more than $285,000,000 may be made available for assistance for vulnerable populations in developing countries severely affected by the global financial crisis: *Provided*, That funds made available pursuant to this section may be obligated only after the Administrator of the United States Agency for International Development (USAID) submits a report to the Committees on Appropriations detailing a spending plan for each such country including criteria for eligibility, proposed amounts and purposes of assistance, and mechanisms for monitoring the uses of such assistance, and indicating that USAID has reviewed its existing programs in such country to determine reprogramming opportunities to increase assistance for vulnerable populations: *Provided further*, That funds made available pursuant to this section shall be transferred to, and merged with, the following accounts:

(1) Not less than $12,000,000 for the ''Development Credit Authority'', for the cost of direct loans and loan guarantees notwithstanding the dollar limitations in such account on transfers to the account and the

principal amount of loans made or guaranteed with respect to any single country or borrower: *Provided*, That such transferred funds may be made available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $3,300,000,000: *Provided further*, That the authority provided in this subsection is in addition to authority provided under the heading ''Development Credit Authority'' in Public Law 111–8: *Provided further*, That and up to $1,500,000 may be made available for administrative expenses to carry out credit programs administered by the United States Agency for International Development; and

(2) Not more than $20,000,000 for the ''Overseas Private Investment Corporation Program Account'', notwithstanding section 708(b) of Public Law 111–8: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation.

(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law and in addition to funds otherwise available for such purposes, funds appropriated under the heading ''Millennium Challenge Corporation'' (MCC) in prior Acts making appropriations for the Department of State, foreign operations, export financing, and related programs may be transferred to, and merged with, funds appropriated under the heading ''Economic Support Fund'' that are made available pursuant to this section.

(1) The authority contained in subsection (b) may only be exercised for a country that has signed a compact with the MCC or has been designated by the MCC as a threshold country, and such a reprogramming of funds should be made, if practicable, prior to making available additional assistance for such purposes.

(2) The MCC shall consult with the Committees on Appropriations prior to exercising the authority of this subsection.

IRAQ

SEC. 1106. (a) IN GENERAL.—Funds appropriated in this title that are available for assistance for Iraq shall be made available, to the maximum extent practicable, in a manner that utilizes Iraqi entities.

(b) MATCHING REQUIREMENT.—Funds appropriated in this title for assistance for Iraq shall be made available in accordance with the Department of State's April 9, 2009, ''Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects''.

(c) OTHER ASSISTANCE.—Of the funds appropriated in this title under the heading ''Economic Support Fund'', not less than $20,000,000 shall be made available for targeted development programs and activities in areas of conflict in Iraq, and the responsibility for policy decisions and justifications for the use of such funds shall be the responsibility of the United States Chief of Mission in Iraq.

PROHIBITION ON ASSISTANCE FOR HAMAS

SEC. 1107. (a) None of the funds appropriated in this title may be made available for assistance to Hamas, or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(b) Notwithstanding the limitation of subsection (a), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(c) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(d) Whenever the certification pursuant to subsection (b) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent, are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B). The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

MEXICO

SEC. 1108. (a) Not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by the Government of Mexico since June 30, 2008, to investigate and prosecute violations of internationally recognized human rights by members of the Mexican Federal police and military forces, and to support a thorough, independent, and credible investigation of the murder of American citizen Bradley Roland Will.

(b) None of the funds appropriated in this title may be made available for the cost of fuel for helicopters provided to Mexico, or for logistical support, including operations and maintenance, of aircraft purchased by the Government of Mexico.

(c) In order to enhance border security and cooperation in law enforcement efforts between Mexico and the United States, funds appropriated in this title that are available for assistance for Mexico may be made available for the procurement of law enforcement communications equipment only if such equipment utilizes open standards and is compatible with, and capable of operating with, radio communications systems and related equipment utilized by Federal law enforcement agencies in the United States to enhance border security and cooperation in law enforcement efforts between Mexico and the United States.

MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

SEC. 1109. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following:

''SEC. 24. FIFTEENTH REPLENISHMENT.

''(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $3,705,000,000 to the fifteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $3,705,000,000 for payment by the Secretary of the Treasury.

''SEC. 25. MULTILATERAL DEBT RELIEF.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $356,000,000 to the International Development Association for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the fifteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $356,000,000 for payment by the Secretary of the Treasury.

''(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communique entitled 'Conclusions on Development,' done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.''.

(b) AFRICAN DEVELOPMENT FUND.—The African Development Fund Act (22 U.S.C. 290 et seq.) is amended by adding at the end thereof the following:

''SEC. 219. ELEVENTH REPLENISHMENT.

''(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $468,165,000 to the eleventh replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $468,165,000 for payment by the Secretary of the Treasury.

''SEC. 220. MULTILATERAL DEBT RELIEF INITIATIVE.

''(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $26,000,000 to the African Development Fund for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the eleventh replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $26,000,000 for payment by the Secretary of the Treasury.''.

PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP

SEC. 1110. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end thereof the following:

''SEC. 1626. REFORM OF THE 'DOING BUSINESS' REPORT OF THE WORLD BANK.

''(a) The Secretary of the Treasury shall instruct the United States Executive Directors at the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation of the following United States policy goals, and to use the voice and vote of the United States to actively promote and work to achieve these goals:

''(1) Suspension of the use of the 'Employing Workers' Indicator for the purpose of ranking or scoring country performance in the annual Doing Business Report of the World Bank until a set of indicators can be devised that fairly represent the value of internationally recognized workers' rights, including core labor standards, in creating a stable and favorable environment for attracting private investment. The indicators shall bring to bear the experiences of the member governments in dealing with the economic, social and political complexity of labor market issues. The indicators should be developed through collaborative discussions with and between the World Bank, the International Finance Corporation, the International Labor Organization, private companies, and labor unions.

''(2) Elimination of the 'Labor Tax and Social Contributions' Subindicator from the annual Doing Business Report of the World Bank.

''(3) Removal of the 'Employing Workers' Indicator as a 'guidepost' for calculating the annual Country Policy and Institutional Assessment score for each recipient country.

''(b) Within 60 days after the date of the enactment of this section, the Secretary of the Treasury shall provide an instruction to the United States Executive Directors referred to in subsection (a) to take appropriate actions with respect to implementing the policy goals of the United States set forth in subsection (a), and such instruction shall be posted on the website of the Department of the Treasury.

''SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFECTIVENESS OF THE INSPECTION PANEL PROCESS OF THE WORLD BANK.

''(a) ENHANCING TRANSPARENCY IN IMPLEMENTATION OF MANAGEMENT ACTION PLANS.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to seek to ensure that World Bank Procedure 17.55, which establishes the operating procedures of Management with regard to the Inspection Panel, provides that Management prepare and make available to the public semiannual progress reports describing implementation of Action Plans considered by the Board; allow and receive comments from Requesters and other Affected Parties for two months after the date of disclosure of the progress reports; post these comments on World Bank and Inspection Panel websites (after receiving permission from the requestors to post with or without attribution); submit the reports to the Board with any comments received; and make public the substance of any actions taken by the Board after Board consideration of the reports.

''(b) SAFEGUARDING THE INDEPENDENCE AND EFFECTIVENESS OF THE INSPECTION PANEL.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to continue to promote the independence and effectiveness of the Inspection Panel, including by seeking to ensure the availability of, and access by claimants to, the Inspection Panel for projects supported by World Bank resources.

''(c) EVALUATION OF COUNTRY SYSTEMS.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to request an evaluation by the Independent Evaluation Group on the use of country environmental and social safeguard systems to determine the degree to which, in practice, the use of such systems provides the same level of protection at the project level as do the policies and procedures of the World Bank.

''(d) WORLD BANK DEFINED.—In this section, the term 'World Bank' means the International Bank for Reconstruction and Development and the International Development Association.''.

CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING

SEC. 1111. Title XIII of the International Financial Institutions Act (22 U.S.C. 262m et seq.) is amended by adding at the end thereof the following:

''SEC. 1308. CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING.

''(a) USE OF GREENHOUSE GAS ACCOUNTING.—The Secretary of the Treasury shall seek to ensure that multilateral development banks (as defined in section 1701(c)(4) of this Act) adopt and implement greenhouse gas accounting in analyzing the benefits and costs of individual projects (excluding those with de minimus greenhouse gas emissions) for which funding is sought from the bank.

''(b) EXPANSION OF CLIMATE CHANGE MITIGATION ACTIVITIES.—The Secretary of the Treasury shall work to ensure that the multilateral development banks (as defined in section 1701(c)(4)) expand their activities supporting climate change mitigation by—

''(1) significantly expanding support for investments in energy efficiency and renewable energy, including zero carbon technologies;

''(2) reviewing all proposed infrastructure investments to ensure that all opportunities for integrating energy efficiency measures have been considered;

''(3) increasing the dialogue with the governments of developing countries regarding—

''(A) analysis and policy measures needed for low carbon emission economic development; and

''(B) reforms needed to promote private sector investments in energy efficiency and renewable energy, including zero carbon technologies; and

''(4) integrate low carbon emission economic development objectives into multilateral development bank country strategies.

''(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit a report on the status of efforts to implement this section to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.''.

MULTILATERAL DEVELOPMENT BANK REFORM

SEC. 1112. (a) BUDGET DISCLOSURE.—The Secretary of the Treasury shall seek to ensure that the multilateral development banks make timely, public disclosure of their operating budgets including expenses for staff, consultants, travel and facilities.

(b) EVALUATION.—The Secretary of the Treasury shall seek to ensure that multilateral development banks rigorously evaluate the development impact of selected bank projects, programs, and financing operations, and emphasize use of random assignment in conducting such evaluations, where appropriate and to the extent feasible.

(c) EXTRACTIVE INDUSTRIES.—The Secretary of the Treasury shall direct the United States Executive Directors at the multilateral development banks to promote the endorsement of the Extractive Industry Transparency Initiative (EITI) by these institutions and the integration of the principles of the EITI into extractive industry-related projects that are funded by the multilateral development banks.

(d) REPORT.—Not later than September 30, 2009, the Secretary of the Treasury shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations and the Committee on Foreign Affairs of the House, detailing actions taken by the multilateral development banks to achieve the objectives of this section.

(e) COORDINATION OF DEVELOPMENT POLICY.—The Secretary of the Treasury shall coordinate the formulation and implementation of United States policy relating to the development activities of the World Bank Group with the Secretary of State, the Administrator of the United States Agency for International Development, and other Federal agencies, as appropriate.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

SEC. 1113. (a) Subject to such regulations prescribed by the Secretary of State, including with respect to phase-in schedule and treatment as basic pay, and notwithstanding any other provision of law, funds appropriated for this fiscal year in this or any other Act may be used to pay an eligible member of the Foreign Service as defined in subsection (b) of this section a locality-based comparability payment (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code if such member's official duty station were in the District of Columbia.

(b) A member of the Service shall be eligible for a payment under this section only if the member is designated class 1 or below for purposes of section 403 of the Foreign Service Act of 1980 (22 U.S.C. 3963) and the member's official duty station is not in the continental United States or in a non-foreign area, as defined in section 591.205 of title 5, Code of Federal Regulations.

(c) The amount of any locality-based comparability payment that is paid to a member of the Foreign Service under this section shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

ASSESSMENT ON AFGHANISTAN AND PAKISTAN

SEC. 1114. (a) FINDING.—The Congress supports economic and security assistance for Afghanistan and Pakistan, but long-term stability and security in those countries is tied more to the capacity and conduct of the Afghan and Pakistani governments and the resolve of both societies for peace and stability, to include combating extremist networks, than it is to the policies of the United States.

(b) REPORT.—The President shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 6 months thereafter until September 30, 2010, in classified form if necessary, assessing the extent to which the Afghan and Pakistani governments are demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President's policy announced on March 27, 2009, to include:

(1) The level of political consensus and unity of purpose across ethnic, tribal, religious and political party affiliations to confront the political and security challenges facing the region;

(2) The level of official corruption that undermines such political consensus and unity of purpose, and actions taken to eliminate it;

(3) The actions taken by the respective security forces and appropriate government entities in developing a counterinsurgency capability, conducting counterinsurgency operations, and establishing security and governance on the ground;

(4) The actions taken by the respective intelligence agencies in cooperating with the United States on counterinsurgency and counterterrorism operations and in terminating policies and programs, and removing personnel, that provide material support to extremist networks that target United States troops or undermine United States objectives in the region;

(5) The ability of the Afghan and Pakistani governments to effectively control and govern the territory within their respective borders; and

(6) The ways in which United States Government assistance contributed, or failed to contribute, to achieving the goals outlined above.

(c) POLICY ASSESSMENT.—The President, on the basis of information gathered and coordinated by the National Security Council, shall advise the Congress on how such assessment requires, or does not require, changes to such policy.

(d) DEFINITION.—For purposes of this section, ''appropriate congressional committees'' means the Committees on Appropriations, Foreign Relations and Armed Services of the Senate, and the Committees on Appropriations, Foreign Affairs and Armed Services of the House of Representatives.

ASSISTANCE FOR PAKISTAN

SEC. 1115. (a) FINDINGS.—

(1) The United States and the international community have welcomed and supported Pakistan's return to civilian rule since the democratic elections of February 18, 2008;

(2) Since 2001, the United States has provided more than $12,000,000,000 in economic and security assistance to Pakistan;

(3) Afghanistan and Pakistan are facing grave threats to their internal security from a growing insurgency fueled by al Qaeda, the Taliban and other violent extremist groups operating in areas along the Afghanistan-Pakistan border; and

(4) The United States is committed to supporting vigorous efforts by the Government of Pakistan to secure Pakistan's western border and counter violent extremism, expand government services, support economic development, combat corruption and uphold the rule of law in such areas.

(b) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations detailing—

(1) a spending plan for the proposed uses of funds appropriated in this title under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Pakistan including amounts, the purposes for which funds are to be made available, and intended results;

(2) the actions to be taken by the United States and the Government of Pakistan relating to such assistance;

(3) the metrics for measuring progress in achieving such results; and

(4) the mechanisms for monitoring such funds.

SPECIAL AUTHORITY

SEC. 1116. (a) Notwithstanding any other provision of law, funds appropriated under the headings ''Global HIV/AIDS Initiative'' or ''Global Health and Child Survival'' in prior Acts making appropriations for the Department of State, foreign operations, export financing and related programs for assistance for Kenya to carry out the President's Emergency Plan for AIDS Relief may be transferred to, and merged with, funds made available under the heading ''Economic Support Fund'' to respond to instability in Kenya arising from conflict or civil strife.

(b) The Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority of this section.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1117. (a) SPENDING PLAN.—Not later than 45 days after the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated in this title, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

(b) NOTIFICATION.—Funds appropriated in this title, with the exception of funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'', shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TECHNICAL PROVISIONS

SEC. 1118. (a) MODIFICATIONS.—The funding limitation in section 7046(a) of Public Law 111–8 shall not apply to funds made available for assistance for Colombia through the United States Agency for International Development's Office of Transition Initiatives: *Provided*, That title III of division H of Public Law 111–8 is amended under the heading ''Economic Support Fund'' in the second proviso by striking ''up to $20,000,000'' and inserting ''not less than $20,000,000''.

(b) NOTIFICATION REQUIREMENT.—Funds appropriated by this Act that are transferred to the Department of State or the United States Agency for International Development shall be subject to the regular notification procedures of the Committees on Appropriations, notwithstanding any other provision of law.

(c) AUTHORITY.—Funds appropriated in this title, and subsequent and prior acts appropriating funds for Department of State, Foreign Operations, and Related Programs and under the heading ''Public Law 480 Title II Grants'' in this, subsequent, and prior Acts appropriating funds for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, shall be made available notwithstanding the requirements of and amendments made by section 3511 of Public Law 110–417.

(d) REEMPLOYMENT OF ANNUITANTS.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)(1)(B) by inserting '', Pakistan,'' after ''Iraq'' each place it appears; by inserting ''to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and, in subsection (g)(2) by striking ''2009'' and inserting instead ''2012''.

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)(1) by adding '', Pakistan,'' after ''Iraq'' each place it appears; by inserting '', to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and, in subsection (a)(2) by striking ''2008'' and inserting instead ''2012''.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)(A) by adding '', Pakistan,'' after ''Iraq'' each place it appears; by inserting '', to positions in the Response Readiness Corps,'' before ''or to posts vacated''; and, in subsection (J)(1)(B) by striking ''2008'' and inserting instead ''2012''.

(e) INCENTIVES FOR CRITICAL POSTS.—Notwithstanding sections 5753(a)(2)(A) and 5754(a)(2)(A) of title 5, United States Code, appropriations made available by this or any other Act may be used to pay recruitment, relocation, and retention bonuses under chapter 57 of title 5, United States Code to members of the Foreign Service, other than chiefs of mission and ambassadors at large, who are on official duty in Iraq, Afghanistan, or Pakistan. This authority shall terminate on October 1, 2012.

(f) Of the funds appropriated under the heading ''Foreign Military Financing Program'' in Public Law 110–161 that are available for assistance for Colombia, $500,000 may be transferred to, and merged with, funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' to provide medical and rehabilitation assistance for members of Colombian security forces who have suffered severe injuries.

TERMS AND CONDITIONS

SEC. 1119. Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this title shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), except that sections 7042(a) and (c) and 7070(e)(2) of such Act shall not apply to such funds.

OVERSEAS DEPLOYMENTS

SEC. 1120. Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE XII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available under Public Law 111–8 and funds authorized under subsection 41742(a)(1) of title 49, United States Code, to carry out the essential air service program, to be derived from the Airport and Airway Trust Fund, $13,200,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $13,200,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2008.

GENERAL PROVISIONS—THIS TITLE

SEC. 1201. Section 1937 of Public Law 109–59 (119 Stat. 1144, 1510) is amended—

(1) in paragraph (1) by striking ''expenditures'' each place that it appears and inserting ''allocations''; and

(2) in paragraph (2) by striking ''expenditure'' and inserting ''allocation''.

SEC. 1202. A recipient and subrecipient of funds appropriated in Public Law 111–5 and apportioned pursuant to section 5311 and section 5336 (other than subsection (i)(1) and (j)) of title 49, United States Code, may use up to 10 percent of the amount apportioned for the operating costs of equipment and facilities for use in public transportation: *Provided*, That a grant obligating such funds prior to the date of the enactment of this Act may be amended to allow a recipient and subrecipient to use the funds made available for operating assistance: *Provided further*, That such funds are designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1203. Public Law 110–329, under the heading ''Project-Based Rental Assistance'', is amended by striking ''project-based vouchers'' and all that follows up to the period and inserting ''activities and assistance for the provision of tenant-based rental assistance, including related administrative expenses, as authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), $80,000,000, to remain available until expended: *Provided*, That such funds shall be made available within 60 days of the enactment of this Act: *Provided further*, That in carrying out the activities authorized under this heading, the Secretary shall waive section (o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B))'': *Provided*, That such additional funds are designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1204. Public Law 111–5 is amended by striking the second proviso under the heading ''HOME Investment Partnerships Program'' and inserting ''*Provided further*, That the housing credit agencies in each State shall distribute these funds competitively

under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under sections 42(h) and 1400N of the Internal Revenue Code of 1986:''.

TITLE XIII

OTHER MATTERS

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL MONETARY PROGRAMS

UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,973,100,000 Special Drawing Rights, to remain available until expended: *Provided*, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): *Provided further*, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: *Provided further*, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

LOANS TO INTERNATIONAL MONETARY FUND

For loans to the International Monetary Fund under section 17(a)(ii) and (b)(ii) of the Bretton Woods Agreements Act (Public Law 87–490, 22 U.S.C. 286e–2), as amended by this Act pursuant to the New Arrangements to Borrow, the dollar equivalent of up to 75,000,000,000 Special Drawing Rights, to remain available until expended, in addition to any amounts previously appropriated under section 17 of such Act: *Provided*, That if the United States agrees to an expansion of its credit arrangement in an amount less than the dollar equivalent of 75,000,000,000 Special Drawing Rights, any amount over the United States' agreement shall not be available until further appropriated: *Provided further*, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): *Provided further*, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: *Provided further*, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

GENERAL PROVISIONS—INTERNATIONAL ASSISTANCE PROGRAMS

SEC. 1301. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''In order to''; and

(B) by adding at the end the following:

''(2) In order to carry out the purposes of a decision of the Executive Directors of the International Monetary Fund to expand the resources of and make other amendments to the New Arrangements to Borrow, which was established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, the Secretary of the Treasury is authorized to instruct the United States Executive Director to consent to such amendments, notwithstanding subsection (d) of this section, and to make loans, in an amount not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section and limited to such amounts as are provided in advance in appropriations Acts, except that prior to activation, the Secretary of the Treasury shall report to Congress as to whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund. Any loan under the authority granted in this subsection shall be made with due regard to the present and prospective balance of payments and reserve position of the United States.''; and

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''For the purpose of'';

(B) by inserting ''subsection (a)(1) of'' ''after pursuant to''; and

(C) by adding at the end the following:

''(2) For the purpose of making loans to the International Monetary Fund pursuant to subsection (a)(2) of this section, there is hereby authorized to be appropriated not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to activation, the Secretary of the Treasury shall report to Congress as to whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to remain available until expended to meet calls by the International Monetary Fund. Any payments made to the United States by the International Monetary Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the International Monetary Fund.''.

SEC. 1302. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

''SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

''The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolutions numbered 63–2 and 63–3 of the Board of Governors of the Fund which were approved by such Board on April 28, 2008 and May 5, 2008, respectively.

''SEC. 65. QUOTA INCREASE.

''(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 4,973,100,000 Special Drawing Rights.

''(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''SEC. 66. APPROVAL TO SELL A LIMITED AMOUNT OF THE FUND'S GOLD.

''The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the sale of up to 12,965,649 ounces of the Fund's gold acquired since the second Amendment of the Fund's Articles of Agreement in April 1978, only if such sales are consistent with the guidelines agreed to by the Executive Board of the Fund described in the Report of the Managing Director to the International Monetary and Financial Committee on a New Income and Expenditure Framework for the International Monetary Fund (April 9, 2008) to prevent disruption to the world gold market. In addition to agreeing to and accepting the amendments referred to in section 64 of this act relating to the use of proceeds from the sale of such gold, the U.S. Governor is authorized to take such actions as may be necessary, including those referred to in section 5(e) of this act, to also use such proceeds for the purpose of assisting low-income countries, only after the Secretary of the Treasury has consulted with the chairman and ranking minority member of the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and the appropriate subcommittees thereof, at least 60 days prior to any authorization by the United States Executive Director of distribution of gold sale proceeds.

''SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE FUND.

''The United States Governor of the Fund may agree to and accept the amendment to the Articles of Agreement of the Fund as proposed in the resolution numbered 54–4 of the Board of Governors of the Fund which was approved by such Board on October 22, 1997.''.

SEC. 1303. (a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury, in consultation with the Executive Director of the World Bank and the Executive Board of the International Monetary Fund (IMF), shall submit a report to the appropriate congressional committees detailing the steps taken to coordinate the activities of the World Bank and the IMF to avoid duplication of missions and programs, and steps taken by the Department of the Treasury and the IMF to increase the oversight and accountability of IMF activities.

(b) For the purposes of this section, the ''appropriate congressional committees'' means the Committees on Appropriations, Banking, Housing, and Urban Affairs, and Foreign Relations of the Senate, and the Committees on Appropriations, Foreign Affairs, and Ways and Means of the House of Representatives.

(c) In the next report to Congress on international economic and exchange rate policies, the Secretary of the Treasury shall: (1) report on ways in which the IMF's surveillance function under Article IV could be enhanced and made more effective in terms of avoiding currency manipulation; (2) report on the feasibility and usefulness of publishing the IMF's internal calculations of indicative exchange rates; and (3) provide recommendations on the steps that the IMF can take to promote global financial stability and conduct effective multilateral surveillance.

SEC. 1304. Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISION—THIS ACT

AVAILABILITY OF FUNDS

SEC. 1305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the ''Supplemental Appropriations Act, 2009''.

SA 1132. Mr. INHOFE (for himself, Mr. BARRASSO, Mr. BROWNBACK, Mr. DEMINT, Mr. JOHANNS, Mr. ROBERTS, Mr. THUNE, Mr. VITTER, Mr. SESSIONS, Mr. COBURN, Mrs. HUTCHISON, Mr. BENNETT, Mr. HATCH, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available to any department or agency of the United States Government by this Act or any other Act may be obligated or expended for any of the following purposes:

(1) To transfer any detainee of the United States housed at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or its territories.

(2) To construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph (1).

(3) To house or otherwise incarcerate any detainee described in paragraph (1) in the United States or its territories.

SA 1133. Mr. INOUYE (for himself, Mr. INHOFE, Mr. SHELBY, Mr. BROWNBACK, Mr. ENZI, and Mr. ROBERTS) proposed an amendment to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

Strike section 202 and insert the following:

SEC. 202. (a)(1) None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to transfer, release, or incarcerate any individual who was detained as of May 19, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States.

(2) In this subsection, the term ''United States'' means the several States and the District of Columbia.

(b) The amount appropriated or otherwise made available by title II for the Department of Justice for general administration under the heading ''SALARIES AND EXPENSES'' is hereby reduced by $30,000,000.

(c) The amount appropriated or otherwise made available by title III under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' under paragraph (3) is hereby reduced by $50,000,000.

SA 1134. Mr. SHELBY (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 246, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 25 after the ''.'' insert the following: ''SEC. 203 None of the funds appropriated in this or any other Act shall be used to carry out any of the Department of Justice responsibilities required by Executive Orders 13491, 13492 and 13493.''

SA 1135. Mr. SHELBY (for himself, Mr. ALEXANDER, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 strike all from line 19 through the ''.'' on page 5, line 5.

SA 1136. Mr. MCCONNELL proposed an amendment to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 31, between lines 3 and 4, insert the following:

SEC. 315. (a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter, the President shall submit to the members and committees of Congress specified in subsection (b) a report on the prisoner population at the detention facility at Guantanamo Bay, Cuba.

(b) SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress specified in this subsection are the following:

(1) The majority leader and minority leader of the Senate.

(2) The Chairman and Ranking Member on the Committee on Armed Services of the Senate.

(3) The Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

(4) The Speaker of the House of Representatives.

(5) The minority leader of the House of Representatives.

(6) The Chairman and Ranking Member on the Committee on Armed Services of the House of Representatives.

(7) The Chairman and Vice Chairman of the Permanent Select Committee on Intelligence of the House of Representatives

(c) MATTERS TO BE INCLUDED.—Each report required by subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Guantanamo Bay, Cuba, as of the date of such report.

(2) A current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Guantanamo Bay.

(3) A current accounting of all the measures taken to transfer each detainee listed under paragraph (1) to the individual's country of citizenship or another country.

(4) A current description of the number of individuals released or transferred from detention at Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Guantanamo Bay.

(6) For each detainee listed under paragraph (1), a threat assessment that includes—

(A) an assessment of the likelihood that such detainee may return to terrorist activity after release or transfer from Guantanamo Bay;

(B) an evaluation of the status of any rehabilitation program in such detainee's country of origin, or in the country such detainee is anticipated to be transferred to; and

(C) an assessment of the risk posed to the American people by the release or transfer of such detainee from Guantanamo Bay.

(d) FORM.—The report required under subsection (a), or parts thereof, may be submitted in classified form.

(e) LIMITATION ON RELEASE OR TRANSFER.—No detainee detained at the detention facility at Guantanamo Bay, Cuba, as of the date of the enactment of this Act may be released or transferred to another country until the President—

(1) submits to Congress the first report required by subsection (a); or

(2) certifies to the members and committees of Congress specified in subsection (b) that such action poses no threat to the members of the United States Armed Forces.

SA 1137. Mr. INOUYE proposed an amendment to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 30, line 24, strike all after ''Sec. 314.'' through page 31, line 3, and insert in lieu thereof:

(a) IN GENERAL.—Unless otherwise designated, each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to the amount rescinded in section 308 for ''Operation and Maintenance, Air Force''.

SA 1138. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 100, strike line 12 and all that follows through page 107, line 21.

SA 1139. Mr. CORNYN proposed an amendment to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds the following:

(1) In the aftermath of the September 11, 2001 attacks, there was bipartisan consensus that preventing further terrorist attacks on the United States was the most urgent responsibility of the United States Government.

(2) A bipartisan joint investigation by the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives concluded that the September 11, 2001 attacks demonstrated that the intelligence community had not shown ''sufficient initiative in coming to grips with the new transnational threats''.

(3) By mid-2002, the Central Intelligence Agency had several top al Qaeda leaders in custody.

(4) The Central Intelligence Agency believed that some of these al Qaeda leaders knew the details of imminent plans for follow-on attacks against the United States.

(5) The Central Intelligence Agency believed that certain enhanced interrogation techniques might produce the intelligence necessary to prevent another terrorist attack against the United States.

(6) The Central Intelligence Agency sought legal guidance from the Office of Legal Counsel of the Department of Justice as to whether such enhanced interrogation techniques, including one that the United States military uses to train its own members in survival, evasion, resistance, and escape training, would comply with United States and international law if used against al Qaeda leaders reasonably believed to be planning imminent attacks against the United States.

(7) The Office of Legal Counsel is the proper authority within the executive branch for addressing difficult and novel legal questions, and providing legal advice to the executive branch in carrying out official duties.

(8) Before mid-2002, no court in the United States had interpreted the phrases ''severe physical or mental pain or suffering'' and ''prolonged mental harm'' as used in sections 2340 and 2340A of title 18, United States Code.

(9) The legal questions posed by the Central Intelligence Agency and other executive

branch officials were a matter of first impression, and in the words of the Office of Legal Counsel, ''substantial and difficult''.

(10) The Office of Legal Counsel approved the use by the Central Intelligence Agency of certain enhanced interrogation techniques, with specific limitations, in seeking actionable intelligence from al Qaeda leaders.

(11) The legal advice of the Office of Legal Counsel regarding interrogation policy was reviewed by a host of executive branch officials, including the Attorney General, the Counsel to the President, the Deputy Counsel to the President, the General Counsel of the Central Intelligence Agency, the General Counsel of the National Security Council, the legal advisor of the Attorney General, the head of the Criminal Division of the Department of Justice, and the Counsel to the Vice President.

(12) The majority and minority leaders in both Houses of Congress, the Speaker of the House of Representatives, and the chairmen and vice chairmen of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives received classified briefings on the legal analysis by the Office of Legal Counsel and the proposed interrogation program of the Central Intelligence Agency as early as September 4, 2002.

(13) Porter Goss, then-chairman of the Permanent Select Committee on Intelligence of the House of Representatives, recalls that he and then-ranking member Nancy Pelosi ''understood what the CIA was doing'', ''gave the CIA our bipartisan support'', ''gave the CIA funding to carry out its activities'', and ''On a bipartisan basis . . . asked if the CIA needed more support from Congress to carry out its mission against al-Qaeda''.

(14) No member of Congress briefed on the legal analysis of the Office of Legal Counsel and the proposed interrogation program of the Central Intelligence Agency in 2002 objected to the legality of the enhanced interrogation techniques, including ''waterboarding'', approved in legal opinions of the Office of Legal Counsel.

(15) Using all lawful means to secure actionable intelligence based on the legal guidance of the Office of Legal Counsel provides national leaders a means to detect, deter, and defeat further terrorist acts against the United States.

(16) The enhanced interrogation techniques approved by the Office of Legal Counsel have, in fact, accomplished the goal of providing intelligence necessary to defeating additional terrorist attacks against the United States.

(17) Congress has previously established a defense for persons who engaged in operational practices in the war on terror in good faith reliance on advice of counsel that the practices were lawful.

(18) The Senate stands ready to work with the Obama Administration to ensure that leaders of the Armed Forces of the United States and the intelligence community continue to have the resources and tools required to prevent additional terrorist attacks on the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate that no person who provided input into the legal opinions by the Office of Legal Counsel of the Department of Justice analyzing the legality of the enhanced interrogation program, nor any person who relied in good faith on those opinions, nor any member of Congress who was briefed on the enhanced interrogation program and did not object to the program going forward should be prosecuted or otherwise sanctioned.

SA 1140. Mr. BROWNBACK proposed an amendment to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

At the end of title III, add the following:

SEC. 315. (a) FINDINGS.—The Senate makes the following findings:

(1) In response to written questions from the April 30, 2009, hearing of the Committee on Appropriations of the Senate, the Secretary of Defense stated that—

(A) in order to implement the Executive Order of the President to close the detention facility at Naval Station Guantanamo Bay, Cuba, ''it is likely that we will need a facility or facilities in the United States in which to house'' detainees; and

(B) ''[p]ending the final decision on the disposition of those detainees, the Department has not contacted state and local officials about the possibility of transferring detainees to their locations''.

(2) The Senate specifically recognized the concerns of local communities in a 2007 resolution, adopted by the Senate on a 94–3 vote, stating that ''detainees housed at Guantanamo should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods''.

(3) To date, members of the congressional delegations of sixteen States have sponsored legislation seeking to prohibit the transfer to their respective States and congressional districts, or other locations in the United States, of detainees at Naval Station Guantanamo Bay

(4) Legislatures and local governments in several States have adopted measures announcing their opposition to housing detainees at Naval Station Guantanamo Bay in their respective States and localities.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should consult with State and local government officials before making any decision about where detainees at Naval Station Guantanamo Bay, Cuba, might be transferred, housed, or otherwise incarcerated as a result of the implementation of the Executive Order of the President to close the detention facilities at Naval Station Guantanamo Bay.

SA 1141. Ms. LANDRIEU (for herself, Mrs. HUTCHISON, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. REDEVELOPMENT OF HOMES.

Section 2301(c)(3) of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subparagraph (C), by adding a semicolon at the end;

(2) in subparagraph (D), by striking ''and'' at the end;

(3) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) redevelop properties damaged or destroyed during the period beginning on January 1, 2004, and ending on December 31, 2008, by a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).''.

SA 1142. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

RELIEF FOR RURAL VETERANS IN CRISIS PROGRAM

For an additional amount for making grants under section 1820(g)(6) of the Social Security Act (42 U.S.C. 1395i–4(g)(6)), $20,000,000 to remain available until expended: *Provided*, That the amount of $1,500,000,000 under the heading ''Pandemic Preparedness and Response'' under the heading ''National Security Council'' under the heading ''EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT'' under title V shall be reduced by $20,000,000 and each of the amounts to be transferred under such heading ''Pandemic Preparedness and Response'' shall be reduced by its proportional share of the amount of such reduction.

SA 1143. Mr. RISCH (for himself, Mr. CORNYN, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate in title III, insert the following:

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $2,000,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chief of the National Guard Bureau and an appropriate official for each of other reserve components of the Armed Forces each shall, not later than 30 days after the date of the enactment of this Act, submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report on the modernization priority assessment for the National Guard and for the other reserve components of the Armed Forces, respectively: *Provided further*, That the amount under this heading is designated as an emergency requirement and as necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(RESCISSIONS)

(a) IN GENERAL.—Of the discretionary amounts (other than the amounts described in subsection (b)) made available by the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; Public Law 111–5) that are unobligated as the the date of enactment of this Act, $2,000,000,000 is hereby rescinded.

(b) EXCEPTION.—The rescission in subsection (a) shall not apply to amounts made available by division A of the American Recovery and Reinvestment Act of 2009 as follows:

(1) Under title III, relating to the Department of Defense.

(2) Under title VI, relating to the Department of Homeland Security.

(3) Under title X, relating to Military Construction and Veterans and Related Agencies.

(c) ADMINISTRATION.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) administer the rescission specified in subsection (a); and

(2) submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report specifying the account and the

amount of each reduction made pursuant to the rescission in subsection (a).

SA 1144. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 25, strike the period at the end and insert ''and, in order for the Department of Justice to carry out the responsibilities required by Executive Orders 13491, 13492, and 13493, it is necessary to enact the amendments made by section 203.

SEC. 203. IMMIGRATION LIMITATIONS FOR GUANTANAMO BAY NAVAL BASE DETAINEES.

(a) SHORT TITLE.—This section may be cited as the ''Protecting America's Communities Act''.

(b) INELIGIBILITY FOR ADMISSION OR PAROLE.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(3), by adding at the end the following:

''(G) GUANTANAMO BAY DETAINEES.—An alien who, as of January 1, 2009, was being detained by the Department of Defense at Guantanamo Bay Naval Base, is inadmissible.''; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''or (5)(B)''; and

(B) in paragraph (5)(B), by adding at the end the following: ''The Attorney General may not parole any alien who, as of January 1, 2009, was being detained by the Department of Defense at Guantanamo Bay Naval Base.''.

(c) DETENTION AUTHORITY.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(8) GUANTANAMO BAY DETAINEES.—

''(A) CERTIFICATION REQUIREMENT.—An alien ordered removed who, as of January 1, 2009, was being detained by the Department of Defense at Guantanamo Bay Naval Base, shall be detained for an additional 6 months beyond the removal period (including any extension under paragraph (1)(C)) if the Secretary of Homeland Security certifies that—

''(i) the alien cannot be removed due to the refusal of all countries designated by the alien or under this section to receive the alien; and

''(ii) the Secretary is making reasonable efforts to find alternative means for removing the alien.

''(B) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary may renew a certification under subparagraph (A) without limitation after providing the alien with an opportunity to—

''(I) request reconsideration of the certification; and

''(II) submit documents or other evidence in support of the reconsideration request.

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary may not delegate the authority to make or renew a certification under this paragraph to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(C) INELIGIBILITY FOR BOND OR PAROLE.—No immigration judge or official of United States Immigration and Customs Enforcement may release from detention on bond or parole any alien described in subparagraph (A).''.

(d) ASYLUM INELIGIBILITY.—Section 208(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended by adding at the end the following:

''(E) GUANTANAMO BAY DETAINEES.—Paragraph (1) shall not apply to any alien who, as of January 1, 2009, was being detained by the Department of Defense at Guantanamo Bay Naval Base.''.

(e) MANDATORY DETENTION OF ALIENS FROM GUANTANAMO BAY NAVAL BASE.—Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)) is amended—

(1) in each of subparagraphs (A) and (B), by striking the comma at the end and inserting a semicolon;

(2) in subparagraph (C), by striking '', or'' and inserting a semicolon;

(3) in subparagraph (D), by striking the comma at the end and inserting ''; or''; and

(4) by inserting after subparagraph (D) the following:

''(A) as of January 1, 2009, was being detained by the Department of Defense at Guantanamo Bay Naval Base.''.

(f) STATEMENT OF AUTHORITY.—

(1) IN GENERAL.—Congress reaffirms that—

(A) the United States is in an armed conflict with al Qaeda, the Taliban, and associated forces; and

(B) the entities referred to in subparagraph (A) continue to pose a threat to the United States and its citizens, both domestically and abroad.

(2) AUTHORITY.—Congress reaffirms that the President is authorized to detain enemy combatants in connection with the continuing armed conflict with al Qaeda, the Taliban, and associated forces until the termination of such conflict, regardless of the place at which they are captured.

(3) RULE OF CONSTRUCTION.—The authority described in this subsection may not be construed to alter or limit the authority of the President under the Constitution of the United States to detain enemy combatants in the continuing armed conflict with al Qaeda, the Taliban, and associated forces, or in any other armed conflict.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 19, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, May 19, 2009, at 11 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Tuesday, May 19, 2009, at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 19, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 19, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 19, 2009, at 2 p.m., to hold a hearing entitled ''Pathways to a 'Green' Global Economic Recovery.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, May 19, 2009 at 2:30 p.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''The Discount Pricing Consumer Protection Act: Do We Need to Restore the Ban on Vertical Price Fixing?'' on Tuesday, May 19, 2009, at 2:30 p.m., in room SD–226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Leveling the Playing Field and Protecting Americans: Holding Foreign Manufacturers Accountable'' on Tuesday, May 19, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, May 19, 2009, at 2:30 p.m., to conduct a hearing entitled, ''Public Health Challenges in Our Nation's Capital.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 19, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. COCHRAN, Mr. President, I ask unanimous consent that Lauren Frese and Tom Osterhoudt, who are detailees assigned to the Committee on Appropriations, be granted floor privileges during consideration of the fiscal year 2009 supplemental appropriations bill.

The PRESIDING OFFICER. Without Objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 94, 95, 98, and 152; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, no further motions be in order and that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Kristina M. Johnson, of Maryland, to be Under Secretary of Energy.

Steven Elliot Koonin, of California, to be Under Secretary for Science, Department of Energy.

Scott Blake Harris, of Virginia, to be General Counsel of the Department of Energy.

DEPARTMENT OF THE INTERIOR

Larry J. Echo Hawk, of Utah, to be an Assistant Secretary of the Interior.

Mr. REID. Are we now in a period of morning business?

The PRESIDING OFFICER. The majority leader is correct.

RONALD REAGAN CENTENNIAL COMMISSION ACT

Mr. REID. I ask unanimous consent that the Senate proceed to H.R. 131.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 131) to establish the Ronald Reagan Centennial Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 131) was ordered to be read a third time, was read the third time, and passed.

EXPRESSING THE IMPORTANCE OF PUBLIC DIPLOMACY

Mr. REID. I ask unanimous consent that we now proceed to Calendar No. 56, S. Res. 49.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 49) to express the sense of the Senate regarding the importance of public diplomacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 49) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 49

Whereas public diplomacy is the conduct of foreign relations directly with the average citizen of a country, rather than with officials of a country's foreign ministry;

Whereas public diplomacy is commonly conducted through people-to-people exchanges in which experts, authors, artists, educators, and students interact with their peers in other countries;

Whereas effective public diplomacy promotes free and unfiltered access to information about the United States through books, newspapers, periodicals, and the Internet;

Whereas public diplomacy requires a willingness to discuss all aspects of society, search for common values, foster a long-term bilateral relationship based on mutual respect, and recognize that certain areas of disagreement may remain unresolved on a short term basis;

Whereas a BBC World Service poll published in February 2009 that involved 13,000 respondents in 21 countries found that while 40 percent of the respondents had a positive view of the United States, 43 percent had a negative view of the United States;

Whereas Freedom House's 2008 Global Press Freedom report notes that 123 countries (66 percent of the world's countries and 80 percent of the world's population) have a press that is classified as ''Not Free'' or ''Partly Free'';

Whereas the Government of the United Kingdom, of France, and of Germany run stand-alone public diplomacy facilities throughout the world, which are known as the British Council, the Alliance Francaise, and the Goethe Institute, respectively;

Whereas these government-run facilities teach the national languages of their respective countries, offer libraries, newspapers, and periodicals, sponsor public lecture and film series that engage local audiences in dialogues that foster better understandings between these countries and create an environment promoting greater trust and openness;

Whereas the United States has historically operated similar facilities, known as American Centers, which—

(1) offered classes in English, extensive libraries housing collections of American literature, history, economics, business, and social studies, and reading rooms offering the latest American newspapers, periodicals, and academic journals;

(2) hosted visiting American speakers and scholars on these topics; and

(3) ran United States film series on topics related to American values;

Whereas in societies in which freedom of speech, freedom of the press, or local investment in education were minimal, American Centers provided vital outposts of information for citizens throughout the world, giving many of them their only exposure to uncensored information about the United States;

Whereas this need for uncensored information about the United States has accelerated as more foreign governments have restricted Internet access or blocked Web sites viewed as hostile to their political regimes;

Whereas following the end of the Cold War and the attacks on United States embassies in Kenya and Tanzania, budgetary and security pressures resulted in the drastic downsizing or closure of most of the American Centers;

Whereas beginning in 1999, American Centers began to be renamed Information Resource Centers and relocated primarily inside United States embassy compounds;

Whereas of the 177 Information Resource Centers operating in February 2009, 87, or 49 percent, operate on a ''By Appointment Only'' basis and 18, or 11 percent, do not permit any public access;

Whereas Information Resource Centers located outside United States embassy compounds receive significantly more visitors than those inside such compounds, including twice the number of visitors in Africa, 6 times more visitors in the Middle East, and 22 times more visitors in Asia; and

Whereas Iran has increased the number of similar Iranian facilities, known as Iranian Cultural Centers, to about 60 throughout the world: Now, therefore, be it

Resolved, That—

(1) the Secretary of State should initiate a reexamination of the public diplomacy platform strategy of the United States with a goal of reestablishing publicly accessible American Centers;

(2) after taking into account relevant security considerations, the Secretary of State should consider placing United States public diplomacy facilities at locations conducive to maximizing their use, consistent with the authority given to the Secretary under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of that Act.

70TH ANNIVERSARY OF THE TRAGEDY OF THE M.S. ST. LOUIS

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 111 and the Senate proceed to its consideration

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 111) recognizing June 6, 2009, as the 70th anniversary of the tragic date when the M.S. St. Louis, a ship carrying Jewish refugees from Nazi Germany, returned to Europe after its passengers were refused admittance to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KOHL. Mr. President, today the Senate remembers a moment in history when the United States failed to provide refuge to slightly more than 900 individuals fleeing religious and racial persecution in Nazi Germany. S. Res. 111 acknowledges the 70th anniversary of the date, June 6, 1939, when the M.S. *St. Louis,* a German ocean liner, started its return voyage to Europe with nearly all of its original passengers. Later, over 250 of those individuals would perish in the Holocaust.

The story starts on May 13, 1939, when the M.S. *St. Louis* sailed from Hamburg, Germany, to Havana, Cuba with 937 passengers, mostly Jewish refugees, searching for freedom and safety. State-supported antiSemitism including violent pogroms, expulsion from public schools and services, and arrest and imprisonment solely because of Jewish heritage forced those passengers to leave their homes.

When the M.S. *St. Louis* arrived in Havana, the Cuban Government allowed only 28 passengers to disembark. Corruption and political maneuvering within the Cuban Government invalidated the transit visas of the other passengers. Before returning to Europe, the ship sailed toward Miami hoping for a solution. The ship sailed so close to Florida that the passengers could see the lights of Miami. One survivor remembers his father commenting that ''Florida's golden shores, so near, might as well be 4,000 miles away for all the good it did them.''

The U.S. Immigration and Nationality Act of 1924 strictly limited the number of immigrants admitted to the United States each year and in 1939 the waiting list for German-Austrian immigration was several years long. While the press and citizens were largely sympathetic to the passengers' plight, no extraordinary measures were taken to permit the refugees to enter the United States. The passengers were told that they must ''await their turns on the waiting list and qualify for and obtain immigration visas.''

On June 6, 1939, the M.S. *St. Louis* sailed back to Europe with nearly all of its original passengers. The passengers obtained refuge in Great Britain, the Netherlands, Belgium, and France. World War II started 3 months later and those countries, with the exception of Great Britain, fell to Nazi occupation. Two hundred and fifty-four of those passengers died during the Holocaust and many others suffered under Nazi persecution and in concentration camps.

S. Res. 111 acknowledges the 70th anniversary of the return voyage of the M.S. *St. Louis* and honors the memory of those passengers including the 254 who died during the Holocaust. The *St. Louis* is only one tragedy out of millions from that time, but seventy years later, it still haunts us as a nation and deserves recognition.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 111) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 111

Whereas on May 13, 1939, the ocean liner M.S. St. Louis departed from Hamburg, Germany for Havana, Cuba with 937 passengers, most of whom were Jewish refugees fleeing Nazi persecution;

Whereas the Nazi regime in Germany in the 1930s implemented a program of violent persecution of Jews;

Whereas the Kristallnacht, or Night of Broken Glass, pogrom of November 9 through 10, 1938, signaled an increase in violent anti-Semitism;

Whereas after the Cuban Government, on May 27, 1939, refused entry to all except 28 passengers on board the M.S. St. Louis, the M.S. St. Louis proceeded to the coast of south Florida in hopes that the United States would accept the refugees;

Whereas the United States refused to allow the M.S. St. Louis to dock and thereby provide a haven for the Jewish refugees;

Whereas the Immigration Act of 1924 placed strict limits on immigration;

Whereas a United States Coast Guard cutter patrolled near the M.S. St. Louis to prevent any passengers from jumping to freedom;

Whereas following denial of admittance of the passengers to Cuba, the United States, and Canada, the M.S. St. Louis set sail on June 6, 1939, for return to Antwerp, Belgium with the refugees; and

Whereas 254 former passengers of the M.S. St. Louis died under Nazi rule: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that June 6, 2009, marks the 70th anniversary of the tragic date when the M.S. St. Louis returned to Europe after its passengers were refused admittance to the United States and other countries in the Western Hemisphere;

(2) honors the memory of the 937 refugees aboard the M.S. St. Louis, most of whom were Jews fleeing Nazi oppression, and 254 of whom subsequently died during the Holocaust;

(3) acknowledges the suffering of those refugees caused by the refusal of the United States, Cuban, and Canadian governments to provide them political asylum; and

(4) recognizes the 70th anniversary of the M.S. St. Louis tragedy as an opportunity for public officials and educators to raise awareness about an important historical event, the lessons of which are relevant to current and future generations.

HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of S. Res. 154.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 154) honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning May 17, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 154) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 154

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating more than 93 percent of all net new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses play an integral role in rebuilding the Nation's economy;

Whereas Congress has emphasized the importance of small businesses by improving access to capital through the American Recovery and Reinvestment Act of 2009;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97 percent of all exporters and produce 29 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total purchases, contracts, and subcontracts for property and services for the Federal Government are placed with small business concerns, to make certain that a fair proportion of the total sales of Government property are made to such small business concerns, and to maintain and strengthen the overall economy of the Nation;

Whereas the Small Business Administration has helped small business concerns with access to critical lending opportunities, protected small business concerns from excessive Federal regulatory enforcement, played

a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small business concerns compete;

Whereas for over 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 17, 2009, as ''National Small Business Week'': Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning May 17, 2009;

(2) applauds the efforts and achievements of the owners of small business concerns and their employees, whose hard work and commitment to excellence have made them a key part of the Nation's economic vitality;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) strongly urges the President to take steps to ensure that—

(A) the applicable procurement goals for small business concerns, including the goals for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, HUBZone small business concerns, and socially and economically disadvantaged small business concerns, are reached by all Federal agencies;

(B) guaranteed loans, microloans, and venture capital, for start-up and growing small business concerns, are made available to all qualified small business concerns;

(C) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as small business development centers, women's business centers, veterans business outreach centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to do their jobs;

(D) reforms to the disaster loan program of the Small Business Administration are implemented as quickly as possible;

(E) tax policy spurs small business growth, creates jobs, and increases competitiveness;

(F) the Federal Government reduces the regulatory compliance burden on small businesses; and

(G) broader health reforms efforts address the specific needs of small businesses and the self-employed in providing quality and affordable health insurance coverage to their employees.

ORDERS FOR WEDNESDAY, MAY 20, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, May 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2346, the supplemental appropriations bill, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under the previous order, there will be up to 2 hours for debate in relation to the Inouye amendment regarding funding with respect to detainees at the Naval Station in Guantanamo Bay, Cuba, prior to a vote in relation to the amendment. Senators should expect the first vote of the day to begin around 11:30 a.m. tomorrow. Under rule XXII, the filing deadline for first-degree amendments to H.R. 2346 is 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, May 20, 2009, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF STATE

PHILIP L. VERVEER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY IN THE BUREAU OF ECONOMIC, ENERGY, AND BUSINESS AFFAIRS AND U.S. COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, May 19, 2009:

COMMODITY FUTURES TRADING COMMISSION

GARY GENSLER, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2012.

GARY GENSLER, OF MARYLAND, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

DEPARTMENT OF ENERGY

KRISTINA M. JOHNSON, OF MARYLAND, TO BE UNDER SECRETARY OF ENERGY.

STEVEN ELLIOT KOONIN, OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY.

SCOTT BLAKE HARRIS, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

DEPARTMENT OF THE INTERIOR

LARRY J. ECHO HAWK, OF UTAH, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

RECOGNIZING THE MID AMERICA CROPLIFE ASSOCIATION 50TH ANNIVERSARY

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. ROSKAM. Madam Speaker, I rise today to honor the Mid America CropLife Association (MACA) on its recent 50th Anniversary. Founded in 1958 by Herbert Woodbury, Porter Wiliams, Robert Yapp, Harold Howard, Doug Nelson, Wally Smith, and G. E. Zackert, MACA has represented the agricultural chemical companies of the Midwest whose products help feed the world.

From humble beginnings MACA has led the industry for 5 decades in growing membership, developing industry safety guidelines, and educating our youth on the processes that feed the world.

Madam Speaker, since its creation, MACA has incorporated membership from basic manufacturers, distributors, formulators, and allied industry representatives. Having input from such a broad membership, MACA has been an industry leader in creating guidelines for agriculture safety and the crop protection industry. MACA's dedication is so apparent they have developed member guidelines and standards above and beyond those required by the Environmental Protection Agency and Department of Transportation.

In addition to their industry development, MACA has reached out to our local communities by speaking at local elementary schools to educate children on the process of agriculture from the farm to our table. In my community MACA participants reached out to the 4th and 5th grade classes at Central Elementary in Des Plaines. Since the inception of the MACA's CropLife Ambassador Network, over 25,000 students have been provided scientifically based information regarding the safety and value of American agricultural food production.

From its modest start to its present day roster of members on the Fortune 500, MACA has been a voice for agriculture and the agricultural chemical professionals who serve those who feed the world. I congratulate MACA on this achievement and wish them another successful fifty years.

CONGRATULATING HERMAN K. WILLIAMS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009.

Mr. MEEK of Florida. Madam Speaker, I am pleased to recognize and extend my congratulations to Mr. Herman K. Williams on the occasion of his retirement from The Family Christian Association of America, Inc (FCAA) as the Founder and President/CEO. Mr. Williams can look back on a proud career of service and distinction in community leadership.

A native of Arcadia, Florida, Mr. Williams moved to South Florida at an early age. He graduated from Miami Northwestern Senior High School in 1961. A talented athlete and scholar, Mr. Williams received scholarships in both athletics and academics. During his early college years, he was drafted by the Army, but opted for the United States Air Force, where he served a tour of duty in Europe. While in military service, he was involved in recreational and sporting activities, often spearheading leagues. Mr. Williams attended South Carolina State University and Florida Memorial College, where he obtained a Bachelor's Degree in physical education. He also attended Nova Southeastern University, where he studied public administration.

In 1970, Mr. Williams began working with the YMCA of Greater Miami as the Executive Director of the G.W. Carver Branch, and later became the Senior Vice President for Operations. Following his vision of helping youths and their families, he founded The Family Christian Association of America, Inc. (FCAA) in February 1984 where he served as the President/CEO. Under his leadership, FCAA provides a variety of services and programs that serve youth and families in Miami-Dade, Broward, Brevard, Alachua, and Highlands Counties. Some of the programs include Head Start and Early Head Start Child Development, after school care, youth development, sports, and the Black Achievers of Excellence program.

Mr. Williams founded the Florida Consortium of Black Faith Based Organizations, Inc. (FCOBFBO), which is a statewide organization that supports and enhances the efforts of its members to affect economic social and policy changes in their communities, in 1999. He served as the Chairman/CEO.

In an effort to complement his professional achievements, Mr. Williams is involved with various organizations such as past Board Chairman of the Florida Industries Credit Union, member of Zeta Royal Center Advisory Board, Society of Human Resource Management, National Society of Fundraising Executives, American Compensation Association, and Miami-Dade United Way Agency Resource Management Committee. This public servant is married to Mrs. Mary E. Williams.

Mr. Herman K. Williams is an outstanding American worthy of our collective honor and appreciation. It is with deep respect and admiration that I commend Mr. Williams for over 25 years of dedicated services to the community, and wish him and his family the very best in retirement. Now, in retirement, he embarks upon new challenges in life and I am certain his legacy of greatness will only grow and develop as he enters this new phase of life.

RECOGNIZING THE INPATIENT REHABCARE TEAM AT THE VIRGINIA REGIONAL MEDICAL CENTER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. OBERSTAR. Madam Speaker, I rise today to commend the Inpatient RehabCare team at the Virginia Regional Medical Center for their safety education and outreach to Minnesota's youth. In addition to their outstanding work at the Medical Center, the RehabCare team educates elementary school students throughout Virginia of the tremendous health risks associated with riding a bicycle without a helmet.

They recognize the importance of educating our youth during their formative years—at the age when they are most receptive—of the possible life-altering brain injuries that could result from not wearing a helmet while riding a bicycle.

In particular, Madam Speaker, I wish to laud the Inpatient RehabCare team in their most recent outreach to fourth grade students at Roosevelt Elementary School in Virginia.

Each fourth grade class participated in a safety awareness session where they learned about the lasting consequences of brain injuries and the importance of wearing bicycle helmets.

Students received real-life simulations of what their lives would be like with such brain injuries, demonstrating the difficulty of everyday tasks and making a lasting impression on the students on the importance of taking safety precautions when riding a bicycle.

Such hands-on scenarios—combined with the team's helmet safety information and their direct experience with assisting patients who have suffered brain trauma—provided these elementary students with invaluable life lessons in bicycle safety and the severity of brain injuries.

It is vital that we teach our children about the many benefits of active and healthy transportation and recreation through cycling; and safety education must go hand-in-hand with these lessons.

The RehabCare team's effective outreach to children is noteworthy and ought to be replicated throughout the nation. Their work—and the work of similar groups in the United States—is deserving of our recognition and continued support.

I thank the Virginia Medical Center's Inpatient RehabCare team for their inspiring leadership and dedicated work to instill in our children a lifetime of bicycle safety habits.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING DONALD GUIMOND

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Donald Guimond, Town Manager of Fort Kent, Maine.

On May 1, 2008, the town of Fort Kent suffered from severe flooding that impacted businesses, apartments, homes and elderly housing. Mr. Guimond oversaw an orderly evacuation and quick response by emergency teams. Despite working without sleep for more than thirty six hours, Mr. Guimond always knew which residents and businesses had been impacted, where individuals sought shelter, and what further assistance was necessary. His well-coordinated reaction prevented serious injury and the loss of life.

Mr. Guimond continued to show his dedication to the residents of Fort Kent long after the flood waters receded. Through his efforts, the town provided the space necessary for disaster assistance teams from the Federal Emergency Management Agency, the Small Business Administration and other entities. He and his staff coordinated an effort to provide emergency heaters to residents whose furnaces were damaged by the disaster. He played an active role in the town's Long-term Recovery Committee, making sure that residents and business owners applied for the assistance that they needed and that the town is ready to respond to ongoing issues which have arisen from the flood. The Small Business Administration has recognized Mr. Guimond's significant contributions by presenting him the Phoenix Award for Disaster Recovery as a Public Official.

Madam Speaker, please join me in recognizing Mr. Guimond's dedication to the residents of Fort Kent, Maine.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to personal reasons.

On Monday May 19, 2009 I missed rollcall votes 267, 268, and 269. Had I been present, I would have voted "yea" on those rollcall votes.

128TH ANNIVERSARY OF THE BIRTH OF KEMAL ATATURK FOUNDER OF MODERN TURKEY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. FOXX. Madam Speaker, I rise today, May 19, to commemorate the 128th anniversary of the birth of Mustafa Kemal Ataturk, the founder of modern Turkey. Ataturk was a unique and inspirational figure who laid the foundation for the Republic of Turkey. He was a post World War I revolutionary leader who understood that Islam and modernity are not inconsistent—an important factor to reinforce today with democratic leaders throughout the Muslim world.

By any measure, Ataturk was an historic reformer. In the space of two decades, he built the nation of Turkey from the ashes of the Ottoman Empire—a nation that was based on secular principles and with a foundation that was fertile for democracy to take root and prosper. He held true to his fundamental vision for his overwhelmingly Muslim nation, namely that it be guided by two overarching concepts: secularism and progress. Just as is the case today, he understood that advances in science and technology would enhance the nation and the Turkish people.

To enable Turkey to reap the benefits of such advances, he set about enacting major reforms in all aspects of Turkish life—political, cultural, legal, educational, and economic all with an eye toward creating the architecture of the new Turkish nation that would raise it to the level of what Ataturk referred to as "contemporary civilization." These reforms touched on all aspects of Turkish society from abolishing the caliphate, recognizing equal rights for men and women, replacing the Arabic alphabet with Latin letters, and instituting secular law to reforming traditional styles of dress and mandating surnames.

Ataturk was an impatient reformer. His handling of the reform of the alphabet is one example of his impatience. The language commission he appointed to review the reform recommended that the alphabet reforms be phased in over a fifteen year period. Ataturk had a much different timeframe in mind. He set about traveling throughout the country, personally instructing crowds in the new alphabet, and within six months he had accomplished his goal. With the acceptance of the Latin alphabet, millions of Turks would be poised to turn westward for their second languages and the learning to which those languages are the key.

Ataturk championed women's rights, encouraging them to pursue careers as doctors, lawyers, scientists, writers and politicians. He did so because he wisely understood that by doing so he was unleashing the talents of all Turks and thereby making the nation stronger. Because of his vision and determination, Turkey is today a strong and vibrant democracy and a model for others in the Islamic world to emulate.

Madam Speaker, it is my hope that Muslim leaders throughout the region will reacquaint themselves with Ataturk's revolutionary leadership and take inspiration in the courageous reforms he undertook more than seventy years ago so that they too can preside over nations that are secular, democratic and prosperous.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRET

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. BARRETT of Suth Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, May 18, 2009.

Had I been present, I would have voted "aye" on Rollcall vote 267 (Motion to suspend the rules and Agree to H. Res. 300), "nay" on Rollcall vote 268 (Motion to Suspend the Rules and Agree to S. 386), "aye" on Rollcall vote 269 (Motion to Suspend the Rules and Agree to H. Res. 442).

HONORING ANDREA MACKENZIE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. WOOLSEY. Madam Speaker, I, along with my colleague Congressman MIKE THOMPSON, rise today to honor a dedicated and beloved advocate for preserving both agriculture and the environment of Sonoma County, California. Andrea Mackenzie is leaving the Sonoma County Agricultural Preservation and Open Space District, and we celebrate her 12 productive years, especially the last eight years as General Manager.

Andrea was born in upstate New York and grew up in Los Angeles. She earned a Bachelor's Degree in Environmental Studies from the University of California at Santa Barbara and a Master's Degree in Urban Planning and Natural Resources from the University of California at Los Angeles.

With her love of both the coast and the rugged mountains of the High Sierra, it is no surprise that Andrea worked for over 25 years in land use and conservation-related positions, including the East Bay and San Francisco where she began to develop a focus on collaborative public/private projects and regional approaches. She also loves walkable communities, old barns, hiking and kayaking, country rock, and nature writers.

Andrea first served the Sonoma County Agricultural Preservation and Open Space District as project manager for the strategic conservation plan update, creating documents that have become models for other public land conservation agencies. In 2000, she was appointed General Manager by the Board of Supervisors.

The mission of the District is to "permanently protect the diverse agricultural, natural resource and scenic open space lands of Sonoma County for future generations." Funded by a quarter cent sales tax, it is the only such district in the state of California and is overwhelmingly supported by Sonoma County's residents.

Andrea helped direct the 2006 campaign to renew the sales tax, which passed overwhelmingly. Voters value the organization's mission and its programs including: matching grants to partner with local cities and agencies for land acquisition, preservation and enhancement; stewardship in managing these lands and various easements to protect them, as well as to allow for public access; land leases to local growers; and public and educational outings, including a focus on underserved populations. Andrea has played a key role in developing these programs as well as increasing the amount of open space from 25,000 acres to 75,000 acres (including 33,000 acres of farmland).

In 2007, in testament to Andrea's management, the District was selected for the National Leadership in Conservation Award from the

National Association of Counties (NACo) and the Trust for Public Land in Washington, D.C. She was also one of 36 Fellows selected to participate in the National Conservation Leadership Institute program, is a member of the Executive Committee and future President of the Bay Area Open Space Council and served on the both the Urban Rural Roundtable (formed by San Francisco Mayor Gavin Newsom to create a Bay Area Regional Food System) and on the Statewide Watershed Advisory Committee.

Madam Speaker, Andrea Mackenzie's combination of visionary and practical leadership has ma e the Sonoma County Agricultural Preservation and Open Space District a vital player in our community. Sonoma County could have gone the way of other growing counties in California with sprawl from end to end. Instead, it remains blessed with green open space, productive agriculture, and many unique and intact ecosystems. We thank her for her great contributions to our children's natural inheritance and wish her luck in her new position where she will be continuing her good work closer to her family.

''HOW TO AVOID A BAD DOUBLE DIP''

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. FRANK of Massachusetts. Madam Speaker, Alan Blinder is a man of great intelligence, excellent judgment, and considerable experience in both making and analyzing national economic policy. In this article from last Sunday's New York Times, he draws on all of these qualities to give us some excellent advice. I can think of no more relevant subject for my colleagues to contemplate as we deal with important economic choices.

[From the New York Times, May 17, 2009]

IT'S NO TIME TO STOP THIS TRAIN

(By Alan S. Blinder)

Contrary to what you may have heard from some doomsayers, 2009 is not 1930 redux. What we must guard against, instead, is 2010 or 2011 becoming another 1936.

Realistically, there is little danger that the economy is heading toward a repeat performance of the Great Depression—when real gross domestic product in the United States declined 27 percent and unemployment soared to 25 percent. What we have is bad enough: our worst recession since the 1930s. But unless our leaders behave unbelievably foolishly, we will not repeat the tragic slide into the abyss of 1930 to 1933—for two main reasons.

First, our economy has many built-in safeguards that did not exist back then—like unemployment insurance, Social Security and federal deposit insurance, to name just three. These programs serve as safety nets that cushion the fall. And while they are certainly not strong enough to prevent recessions, they should be enough to prevent another depression.

The more important reason is that Barack Obama, Timothy F. Geithner and Ben S. Bernanke are not Herbert Hoover, Andrew Mellon and Eugene Meyer. (Who's that? Mr. Meyer was the Federal Reserve chairman from September 1930 to May 1933.) In stark contrast to the laissez-faire crowd that ruled the roost in 1930 and 1931, our current economic leaders are not waiting for the sagging economy to right itself. Rather, they have taken numerous extraordinary steps already—and stand ready to do more if necessary.

That's the good news. But even if another depression is next to impossible, there is still the danger that next year, or the year after, might turn into 1936. Let me explain.

From its bottom in 1933 to 1936, the G.D.P. climbed spectacularly (albeit from a very low base), averaging gains of almost 11 percent a year. But then, both the Fed and the administration of Franklin D. Roosevelt reversed course.

In the summer of 1936, the Fed looked at the large volume of excess reserves piled up in the banking system, concluded that this mountain of liquidity could be fodder for future inflation, and began to withdraw it. This tightening of monetary policy continued into 1937, in a weak economy that was ill-prepared for it.

About the same time, President Roosevelt looked at what seemed to be enormous federal budget deficits, concluded that it was time to put the nation's fiscal house in order and started raising taxes and reducing spending. This tightening of fiscal policy transformed the federal budget from a deficit of 3.8 percent of G.D.P. in 1936 to a surplus of 0.2 percent of G.D.P. in 1937—a swing of four percentage points in a single year. (Today, a swing that large would be almost $600 billion.)

Thus, both monetary and fiscal policies did an abrupt about-face in 1936 and 1937, and the consequences were as predictable as they were tragic. The United States economy, which had been rapidly climbing out of the cellar from 1933 to 1936, was kicked rudely down the stairs again, and America experienced the so-called recession within the depression. Real G.D.P. contracted 3.4 percent from 1937 to 1938; the total G.D.P. decline during the recession, which lasted from mid-1937 to mid-1938, was even larger.

The moral of the story should be clear: Prematurely changing fiscal and monetary policies—from stepping hard on the accelerator to slamming on the brake—can be hazardous to the economy's health.

Wow, we've learned a lot since the '30s, right? Well, maybe not. For the echoes of 1936 are being heard right now, even before the current recession hits bottom.

If you've been paying attention, you know that a number of critics of the Fed are sounding alarms over the huge stockpile of excess reserves it has created—more than $775 billion at last count. What these critics are fretting about now is exactly what goaded the Fed into action in 1936: that the vast pool of loose money will ultimately be inflationary. The clear inference is that some of it should be withdrawn before it's too late.

On the fiscal side, many of President Obama's critics are complaining vociferously about the huge federal budget deficits. Try to ignore, if you can, the sheer hypocrisy of many Congressional Republicans who, having never uttered a peep about the huge deficits under George W. Bush, are suddenly models of budget probity. But whatever the motives, the worries of today's deficit hawks sound eerily reminiscent of Roosevelt in 1936 and 1937.

Fortunately, Mr. Bernanke is a keen student of the Great Depression who will not allow the Fed to repeat the errors of 1936–37. But his critics, both inside and outside the Fed, are already branding his policies as dangerously inflationary, and no Fed chairman wants to be called an inflationist.

Similarly, I hope and believe that President Obama will not transform himself from the spendthrift Roosevelt of 1933 to the deficit-hawk Roosevelt of 1936—at least not until the economy is back on solid ground. That said, a growing flock of budget hawks are already showing their talons. They will have their day—but please, not yet.

To avoid a replay of the policy disasters of 1936–37, both the Fed and our elected officials must stay the course. Mark Twain once explained that, while history does not repeat itself, it often rhymes. We don't want any rhymes just now.

TAIWAN PRESIDENT MA YING-JEOU'S FIRST ANNIVERSARY OF HIS INAUGURATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. HASTINGS of Florida. Madam Speaker, Taiwan's President Ma Ying-jeou will mark his first year anniversary in office on May 20, 2009.

Under President Ma's leadership, Taiwan has become an observer at the World Health Assembly (WHA) in Geneva, Switzerland. By enabling Taiwan to participate in this part of the World Health Organization (WHO), the health of 23 million Taiwanese people can benefit from what will be learned at the WHA. Historically, China has blocked Taiwan's access to this very important forum, and through President Ma's effective diplomacy, Taiwan has ended a 38 year absence from the WHA.

Madam Speaker, President Ma has also taken great strides in improving Taiwan's relationship with China. Taiwan and China now have direct flights back and forth to each country. This was unheard of before President Ma took office and travelers were previously required to make an inconvenient stop at another airport and switch planes before these direct flights were available.

Furthermore, China has given Taiwan two of its prized Pandas. Pandas are extremely rare and very important to the Chinese culture, and the amicable trade between the two countries is a positive indication for building a cordial relationship between the two nations. These and other efforts by President Ma are helping the two neighbors enter a time of peace, security and stability.

Madam Speaker, the United States and Taiwan continue to share a strong bilateral relationship. As a member of the Congressional Taiwan Caucus, I congratulate President Ma on a very successful first year in office and look forward to continuing to work in making sure that our relations are preserved and strengthened.

COMMENDING AMY ISAACS, NATIONAL DIRECTOR OF AMERICANS FOR DEMOCRATIC ACTION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. McDERMOTT. Madam Speaker, I rise to commend Amy Isaacs, National Director of Americans for Democratic Action, on the occasion of her retirement.

For 20 years Amy has led ADA, the nation's most experienced organization dedicated to

liberal policies, liberal politics and a liberal future. ADA was founded by Eleanor Roosevelt, John Kenneth Galbraith, Walter Reuther, Arthur Schlesinger, and Reinhold Niebuhr shortly after FDR died. Its goal then was to keep the New Deal dream—its vision and its values of an America that works fairly for all—alive for generations to come.

Under Amy's leadership, ADA has never forgotten its long history and never wavered from those core liberal values. She began her career at ADA as an intern in 1969 and has moved through the ranks serving as Director of Organization, Executive Assistant to the Director and Deputy National Director, before becoming National Director in 1989.

Amy brought to ADA a strong sense that protecting and enhancing the rights of working men and women was a critical ingredient in maintaining a healthy democratic society. Allying ADA with the labor movement's efforts to improve wages and working conditions for America's workers became a key part of ADA's mission under Amy's direction. She recognized that the efforts to increase the federal minimum wage needed non-labor allies. And she enthusiastically threw ADA into the forefront of that fight, by directing the formation of the Coalition for a Fair Minimum Wage which brought together progressive groups of all stripes: religious, economic, social, youth, labor, business and others. Amy's belief that a strong labor movement united with strong allied organizations not only led to an increase in the minimum wage in 2007 but to countless other victories for working men and women.

Amy's work did not stop with the fight to end income inequality. Her career is defined by her commitment to erase the evils of discrimination so that everyone can be truly free to pursue their dreams. Not only is she a trailblazer in her own right, but she worked tirelessly as an advocate for all women. From fair pay to reproductive choice, from education to the workplace, Amy never tolerated an injustice against women or any other group striving for equal treatment.

It is a rare thing to find someone willing to devote their life to advancing the causes in which they believe. I commend Amy for her dedication and service and wish her all the best as she starts the next chapter of her life.

Amy once said to me, ''I've walked with giants'' when I asked for her thoughts about the extraordinary people associated with ADA's history. I say today, she is one of them.

A TRIBUTE TO ALFREDA DUMOND

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. MICHAUD. Madam Speaker, it is my honor to congratulate Alfreda Dumond of Fort Kent, Maine, who has been named ''Mother of the Year'' by the Ladies of St. Anne. Mrs. Dumond is well known for her strong commitment and dedication to her church and to her family.

Alfreda Dumond's sole occupation is being a housewife and a mother. She was married for over 44 years, and raised five girls and two boys. A devoted mother who centered her life on her family, she raised her children with strong values and morals, and believed in being an example for them to follow.

Alfreda devoted her life to making her home a place where her children, grandchildren and great grandchildren love to visit. Her daughter, Linda, mentions that her house is her castle, so carefully maintained that guests would often remark that ''the house is so clean that we can actually eat off the floor.'' And what a wonderful cook she is—known for her molasses cookies, her old fashioned spaghetti, her homemade rice soup, her boiled dinners and her ployes.

Alfreda has always been an active member of her church, and throughout her life volunteered her time in service to the local clergy. For over 20 years, she has served as a Eucharistic Minister who visits the homes of shutins to deliver communion. This devotion to her church and to its congregation has earned her this important recognition—a woman who is committed to strengthening the moral and spiritual foundations of her family, her home, and her community.

Women like Alfreda Dumond give strength and joy to all of our lives, and I ask my colleagues to join me in recognizing her for receiving this honor.

I wish Alfreda and her family all the best, and congratulate her on this well-deserved award.

FRAUD ENFORCEMENT AND RECOVERY ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise to support the Fraud Enforcement and Recovery Act of 2009. This bill will allow us to better understand what caused the economic collapse and provide the resources necessary to help prevent future economic crises. I applaud Congressman JOHN LARSON'S hard work on this critical legislation.

This legislation cracks down on mortgage and corporate fraud, which have reached historic rates. FBI mortgage fraud investigations have more than doubled in the last three years, and massive new corporate fraud schemes continue to be uncovered. Congress and the President are committed to protecting the American consumer and getting our economy back on track, and fighting these abuses is an integral part of this effort.

It will also establish the Financial Crisis Inquiry Commission, which will examine the causes and factors that led to the worst financial crisis since the Great Depression. The Commission's recommendations will help inform Congress as we move forward with common sense reforms to prevent these crises from happening in the future.

The Fraud Enforcement and Recovery Act of 2009 includes a clear commitment to fighting waste, fraud and abuse—a commitment that has become a hallmark of this Congress. We are working with the President every day to rebuild our economy in a way that is consistent with our values of hard work, responsibility and broadly shared prosperity. I urge my colleagues to join me to continue this work.

TRIBUTE TO THE CALIFORNIA SCHOOL FOR THE DEAF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. STARK. Madam Speaker, I rise today to pay tribute to the 150th anniversary of the California School for the Deaf (CSD), located in Fremont, CA. CSD was founded in 1860 and was the first special education program established in California. Started in San Francisco, the first class had only three students. In 1869, the school moved to a new campus in Berkeley, with approximately 50 students. A vocational component was added to the curriculum in 1871.

By 1915, the school's enrollment had grown to 215 students and the campus was enlarged for the second time. In 1930, a 32-year building program was initiated to restore and again expand the Berkeley campus. In 1934, a teacher-training program was established on the Berkeley campus in conjunction with San Francisco State College, as Superintendent Elwood Stevenson believed that only teachers with special training should be credentialed to teach deaf and hard of hearing children. Dr. Stevenson also emphasized that since language is the core of the deaf child's education, teaching of written language would begin in the child's first year of schooling.

In 1969, the Computer-Assisted Instruction program began as a result of an invitation by Stanford University to participate in a nationwide project. This same year, the first academic mainstreaming program began with five California School for the Deaf students taking world history and geometry at Albany High School.

In 1970, CSD officially adopted the philosophy of total communication and an Instructional Television class was taught for the first time. CSD was given accreditation for its secondary program by the Western Association of Secondary Schools and Colleges, and was granted accreditation for both the elementary and secondary programs by the Convention of Educational Administrators Serving the Deaf (CEASD).

Dr. Henry Klopping was appointed Superintendent of CSD in 1975 and a Special Unit program was established that year for deaf multi-handicapped students. In 1976, Dr. Klopping formed the Student Advisory Council and later the Community Advisory Council in 1978. Enrollment at the school rose to 518 when the annual new student/parent orientation program was established.

On June 1, 1977 groundbreaking ceremonies launched the new 96-acre site for what would become the California School for the Deaf and the California School for the Blind in Fremont, CA. The school was officially opened on May 25, 1980. CSD's most recent history is filled with cultural and educational advances and student opportunities.

The current population at the California School for the Deaf numbers at 496, and a parent education program has been firmly established to provide support, information, and education for parents of deaf students. The Volunteer Program has grown to 175 individuals who contribute immeasurable time and valuable skills in all facets of CSD students' education and campus life.

I join the community in congratulating CSD for 150 years of exemplary service to deaf students and their families. The California School for the Deaf is a valuable resource beyond measure.

CELEBRATING ONE-YEAR ANNIVERSARY OF SWEARING IN OF PRESIDENT MA YING-JEOU

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this week, on May 20, 2009, the Republic of China on Taiwan will celebrate the one year anniversary of the swearing in of President Ma Ying-jeou. On a recent trip to Taipei, I had the privilege of meeting President Ma. His inauguration marked the second successful and peaceful transfer of power from one political party to another. This is an example of Taiwan's steadfast progress toward full democratization in just the last few decades.

After implementing democratic and economic reforms the Republic of China on Taiwan has become a true model of success throughout Asia. Through the hard work and entrepreneurship of the Taiwanese people, Taiwan has become one of the strongest economies in the Pacific Rim and a showcase democracy in the world.

I was proud to cosponsor H. Con. Res. 55, which recognizes the 30th anniversary of the Taiwan Relations Act, TRA—landmark legislation that forms the foundation of the relationship between the United States and the Republic of China on Taiwan. The House of Representatives' unanimous support for the resolution on March 24, 2009 reaffirms Congress' unwavering commitment of the TRA as the cornerstone of relations between the United States and Taiwan, reiterates its support for Taiwan's democratic institutions and supports the continuation of the strong and deepening relationship between the United States and Taiwan.

I urge all my colleagues to join me in recognizing this important occasion. We are proud of its political and economic transformation, and wish Taiwan continued success and prosperity.

RECOGNIZING THE PENNDEL-MIDDLETOWN EMERGENCY SQUAD

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the Penndel-Middletown Emergency Squad for 50 years of distinguished service to Middletown Township and its adjoining boroughs. Since their inception as a non-profit emergency ambulance service in 1959, they have selflessly served tens of thousands of residents in Bucks County, Pennsylvania.

Penndel-Middletown Emergency Squad has come quite a long way since its incorporation. Their first ambulance was a used 1947 Cadillac-Superior Coach, and now their purpose is to provide the best and most modern emergency care and transportation that can be made available. The Penndel-Middletown Emergency Squad also offers education and training to the community for first aid and emergency care.

Madam Speaker, I ask that you join me in recognizing the Penndel-Middletown Emergency Squad for their 50 years of service to Middletown Township and the neighboring boroughs of Hulmeville, Langhorne, Langhorne Manor and Penndel, an area of more than 25 square miles. I am honored to serve as their Congressman.

SALUTING HARLEM'S OWN CROWN JEWELS—LILLIAN ''DIAMOND LIL'' PIERCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. RANGEL. Madam Speaker, I rise today to salute and congratulate my dear friend, Lillian ''Diamond Lil'' Pierce as an ensemble of Harlem Legendary entertainers gathers to perform a special tribute at the famous Alhambra Ballroom on Adam Clayton Powell, Jr. Boulevard.

Affectionately known in Harlem as ''Diamond Lil,'' she was born in Cameron, North Carolina, and graduated from Pinckney High School in Carthage, North Carolina. Lil came to New York in 1958 and enrolled at City College. She later worked at the New York State Department of Motor Vehicles followed by a brief stint at a bar on Broadway, which proved to be a solid stepping stone to her becoming a co-owner of Carl's Off the Corner in West Harlem. But it was ''Diamond Lil's'' 21-year tenure at Showman's Café where she established her reputation and earned the appreciation of countless customers and musicians.

During her many years as a barmaid at Showman's, Lil heard and entertained a veritable Hall of Fame of Jazz and popular musicians, and Showman's Elite personalities. Showman's, originally located next to the World Famous Apollo Theatre over the years has been the home club of choice and hangout for many of Harlem's renowned entrepreneurs and personalities. Since 1942, Showman's Jazz Cafe has showcased top musicians for Harlem and International audiences, as Mona, Co-owner and retired Son of Sam New York City Police Detective Al Howard, and our Crown Jewel ''Diamond Lil'' refers to as ''family.''

Madam Speaker, the Friends of Showman's roster include luminaries and entertainers like Count Basie, Billy Eckstine, Sammy Davis, Jr., Charles Honi Coles, Leroy Myers, Gregory Hines, Pop Brown, Nat Davis and Savion Glover. Personalities like Jesse Walker, Joe Yancy and Jimmy Booker. Performers like Bill Doggett, George Benson, Seleno Clarke, Irene Reid, Jimmy ''Preacher'' Robins, Gloria Lynne, Joey Morant, Akiko Tsuruga, Grady Tate, Frank Dell, Bill Saxton, Annette St. John, Wolf Johnson, Pat Tandy and the Prince of Harlem Lonnie Youngblood. Among the elected officials who graced her bar and thrilled to her service were Governor David Paterson, Assembly Members Denny Farrell and Keith Wright, State Senator Bill Perkins, Councilmember Inez Dickens, former Borough President C. Virginia Fields, my brother and former Mayor, David N. Dinkins, and me.

Yes, diamonds are forever and so is our extraordinarily precious Lillian ''Diamond Lil'' Pierce.

NATIONAL WOMEN'S HEALTH MONTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today in recognition of May as National Women's Health Month. This designation encourages women to make their own health a top priority by obtaining regular medical checkups and preventive screenings.

As we urge women to prioritize their own health care, we must also call attention to the disproportionate impact the health care crisis is having on women, particularly women of childbearing age.

In fact, earlier this month the Department of Health and Human Services released a new report, titled Roadblocks to Health Care: Why the Current Health Care System Does Not Work for Women which states that women, especially those of reproductive age, are more vulnerable to high health care costs because they require more regular contact with health care providers, including yearly Pap tests, mammograms, and obstetric and gynecological care.

While the study sheds much needed light on the impact of the nation's health care crisis on women, its findings are not surprising.

Last year, I had the opportunity to visit a women's health clinic run by Planned Parenthood and saw first hand patients seeking the affordable, accessible, high-quality preventive reproductive health care.

At Planned Parenthood clinics, health professionals provide over 950,000 cervical cancer screenings and breast exams to more than 850,000 women. Sexually transmitted disease testing and treatment are performed and made available to both women and men. In fact, 97 percent of the services provided at these clinics are preventative.

In Virginia alone these clinics provide basic health care, including lifesaving cancer screenings, to over 28,500 patients a year. But these clinics are only meeting a fraction of the need in my state. There are 846,100 women in need of contraceptive services and supplies. Of these, 371,640 women need publicly supported contraceptive services because they have incomes below 250 percent of the federal poverty level (251,710) or are sexually active teenagers (119,930). Eleven percent of women aged 15–44 have incomes below the federal poverty level, and 18 percent of all women in this age-group are uninsured (i.e., do not have private health insurance or Medicaid coverage).

Increasing health insurance coverage for women is essential. Approximately 17 million American women have no health insurance coverage. It's critical that health care reform requires coverage of comprehensive reproductive health services.

With the economic downturn, these health centers have seen a significant increase in utilization, just as their funding streams, both

public and private, have become more precarious. Across the country, they are seeing an increase in patients—women who have lost their jobs and health insurance, or who no longer have money to pay for medical care. These women are literally choosing between a month of birth control and bus fare.

Planned Parenthood health centers are part of an important network of women's health care providers and serve as a critical entry point into the health care system for millions of women.

In fact, Guttmacher reports more than six in ten clients consider family planning centers their main source of health care. Oftentimes, it is their first interaction with the country's health care system.

This is why increasing health insurance coverage is not enough. Ensuring access to a strong network of health care providers is fundamental to improving health care coordination and quality outcomes.

A strong women's health care infrastructure must be developed as we proceed with health care reform. Women need preventative services for reproductive and general health. Planned Parenthood clinics are providing these services now and we should make sure they continue to do so.

BELATED THANK YOU TO THE MERCHANT MARINERS OF WORLD WAR II ACT OF 2009

SPEECH OF

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and honor the service the U.S. Merchant Marines and the sacrifice each gave for our country. The merchant seamen of World War II were volunteers and a civilian a military corps serving the United States in the war. They were denied veterans' benefits comparable to those provided to World War II era military veterans. By most reports, the World War II merchant marines suffered the greatest casualties of any of the fighting branches—with nearly 1-in-26 dying in battle.

H.R. 23, the Belated Thank You to the Merchant Mariners of World War II Act of 2009 will provide benefits for an estimated 38,000 individuals in the first year of the enactment of this legislation. I believe this legislation is long overdue. I am eager to see them receive all the benefits they deserve.

I am proud and grateful for the opportunity to nominate constituents to the U.S. Merchant Marine Academy. There they receive an education for a future in this field. I applaud the hard work an dedication of the merchant mariners and the sacrifices they have made for our country.

HONORING MR. GLENN COLEMAN FOR HIS 23 YEARS OF SERVICE AND DEDICATION TO THE USDA NATIONAL FOREST SERVICE

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to commend Mr. Glenn Coleman, upon the occasion of his retirement, effective June 13, 2009, for his 23 years of service and dedication to the USDA National Forest Service.

Mr. Coleman, who came to the City of Alexandria, LA in 1986, has dedicated 23 years of service as a landscape architect to the Kisatchie National Forest Service. His service includes management and volunteer work with projects and organizations such as the Alexandria Tree Board Committee, the Forest Service African American Strategy Group, ''Smokey the Bear'' and the Rapides Parish School Fire Prevention Program, annual outdoor recreation events, recreation facility design, and the Forest Service Human Resource Program.

Beyond his professional career, Mr. Coleman has been proudly married for 20 years to Patricia Ann Coleman and is a loving father to Angela, Alisha, Andre, Kimberly, and Gregory. Friends and family describe Mr. Coleman as an individual who has dedicated his life to Christ and is an active member of The Greater New Hope Baptist Church where he served on the Deacon Board for 18 years under the direction of Rev. Robert Butler.

Mr. Coleman is a friend to many, and is deemed a gracious and hardworking person to all who have had the privilege of making his acquaintance.

I ask my colleagues to join me in congratulating Mr. Glenn Coleman for his many years of service to the National Forest Service in Louisiana and for his dedication to our community.

RECOGNIZING THE FIRST ANNIVERSARY OF THE ELECTION OF THE REPUBLIC OF CHINA'S (TAIWAN) PRESIDENT MA YING-JEOU

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. ROSKAM. Madam Speaker, I rise today in honor of the first anniversary of the election of the Republic of China's (Taiwan) President Ma Ying-jeou. With close to 65,000 Taiwanese Americans in the Chicagoland area, I have closely observed President Ma's progress on the world stage during his first year in office.

In just one year, the Harvard educated President Ma has made accomplishments in leaps and bounds to improve Taiwan's international standing in no small part because of his work to normalize relations with mainland China.

Most recently, Taiwan has been accepted as an official observer at the World Health Assembly that will take place later this month in Geneva. The World Health Assembly, which is part of the World Health Organization, will give Taiwan's 23 million citizens a voice at this very important international forum.

Also, in April, officials from China and Taiwan participated in the Chiang-Chen Talks. The talks resulted in the signing of the following agreements: (1) ''Agreement on Joint Cross-Strait Crime-fighting and Mutual Judicial Assistance;'' (2) the ''Cross-Strait Financial Cooperation Agreement;'' and, (3) the ''Supplementary Agreement on Cross-Strait Air Transport''. All of these agreements will result in improved coordination between the Taiwan Straits neighbors in the areas of law enforcement, financial exchanges and travel.

Finally, President Ma's administration has successfully removed Taiwan from the Special 301 Watch List which is maintained by The Office of the U.S. Trade Representative. The removal from this list shows Taiwan's commitment to preventing the importing and exporting of illegally pirated materials such as DVDs and CDs.

These are three of President Ma's many achievements during his first year in office. Please join me in congratulating, President Ma, on a very successful first year.

THE INTRODUCTION OF THE TRUTH IN FUR LABELING ACT OF 2009

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce, along with Representative MARY BONO MACK, the Truth in Fur Labeling Act of 2009, which would require the labeling of all garments containing animal fur.

Current law contains a glaring loophole that allows garments containing less than $150 dollars in fur to be sold in the U.S. without an identifying label. The result is that consumers lack the information they need to make informed choices and may inadvertently purchase garments that contain real fur, possibly from a dog or cat. The Humane Society of the United States (HSUS) strongly supports this bill as a way to guarantee consumers full and accurate information and to cut down on the amount of illegal dog and cat fur making its way into the U.S.

In recent years, HSUS investigators found a proliferation of falsely labeled and falsely advertised dog fur on fashion clothing sold by some of the largest names in U.S. retailing. Of the fur-trimmed jackets subjected to mass spectrometry testing by HSUS, 96 percent were found to be domestic dog, wolf or raccoon dog, and either mislabeled or not labeled at all.

Half of all fur garments entering the United States come from China, where large numbers of domestic dogs and cats as well as raccoon dogs are killed every year for their fur by brutal methods, sometimes skinned alive. The Dog and Cat Protection Act of 2000 banned the trade in dog and cat fur after an HSUS investigation revealed the death toll at 2 million animals a year and found domestic dog fur for sale in the United States.

While it is currently illegal to import, export, sell or advertise any domestic dog or cat fur in the United States and fur from other animals must be identified with a label, a loophole exists that allows a sizable portion of fur garments to avoid this labeling requirement.

The Fur Products Labeling Act of 1951 exempts garments with a ''relatively small quantity or value'' of fur from requiring labels disclosing the name of the species, the manufacturer, the country of origin and other pertinent information for consumers. The Federal Trade Commission defines that value today as $150—an amount that allows multiple animal pelts on a garment without a label.

Regardless of value, consumers have the right to know if a product they purchase contains real fur. Consumers who may have allergies to fur, ethical objections to fur, or concern about the use of certain species, cannot make informed purchasing choices. Furthermore, the ability for consumers to make well-informed decisions based on complete information is a cornerstone of a functioning market economy.

Importantly, labeling fur trim will not be economically burdensome for apparel manufacturers or retailers. According to the Federal Trade Commission, the total number of fur garments, fur-trimmed garments, and fur accessories sold in the United States is estimated at 3,500,000. Of that, approximately 3,000,000 items—or 86 percent—are already required to abide by labeling requirements. It will not present a difficulty to label the additional 14 percent of products using animal fur. In fact, this legislation may actually increase the efficiency of the manufacturing process because it removes the need to determine an item's value for labeling purposes.

Consumer protection officials and leaders in the retail and fashion industries support fur labeling. Legislation closing the loophole in the Fur Products Labeling Act has been endorsed by Tommy Hilfiger, Burlington Coat Factory, Loehmann's, Buffalo Exchange, House of Deréon, Jay McCarroll, Andrew Marc, and others. Leading designers and businesses understand the need for clear labeling laws to protect consumer confidence in their products. Additionally, the National Association of Consumer Agency Administrators (NACAA), an organization representing more than 160 government agencies and 50 corporate consumer offices, recently passed a resolution in support of truthful fur labeling and advertising, including the elimination of loopholes.

It is clear that current regulations undercut consumers' ability to make informed purchases and contributes to the continued presence of dog and cat fur in garments sold in the U.S. I look forward to working with my colleagues and the committee of jurisdiction to bring attention to this issue and enact the needed reforms included in the Truth in Fur Labeling Act of 2009.

PERSON EXPLANATION

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. RYAN of Ohio. Madam Speaker, on Monday, May 18, 2009, I was unable to return to Washington, DC in time to cast my vote for rollcall votes No. 267–269. Had I been present, I would have voted ''aye'' on rollcall votes No. 267, H. Res. 300; No. 268, S. 386; and No. 269, H. Res. 442.

21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 2009

The House In Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization. renovation, or repair of public school facilities, and for other purposes:

Ms. WATERS. Mr. Chair, I rise in strong support of H.R. 2187, the 21st Century Green High-Performing Schools Facilities Act. In addition to authorizing critical funding for school modernization, this bill also authorizes a specific funding stream of $600 million over six years for public schools that were damaged by Hurricanes Katrina and Rita.

We know that these funds are critically needed. As Education Week reported, in the hours after Hurricane Katrina struck, more than 100 public schools in New Orleans were flooded. And the roughly two dozen schools that didn't flood suffered wind and rain damage.

Even though it has been nearly four years since the storm, many children continue to attend classes in temporary structures that are ill-suited to providing a 21st Century education. In addition, 21 percent of schools remain closed.

The funds authorized in H.R. 2187 will help put an end to the legacy of damage left by Hurricanes Katrina and Rita. I urge my colleagues to support this legislation.

RECOGNIZING ROBERTA RAKOVE, RECIPIENT OF THE PARTNERSHIP FOR ACTION GRASSROOTS CHAMPION AWARD

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise to acknowledge Roberta Rakove, Senior Vice President, Government Affairs, of Sinai Health System for her outstanding leadership in creating grassroots and community activity in support of her hospital's mission. Roberta Rakove was first nominated by the Illinois Hospital Association (IHA), and later awarded by both the IHA and the American Hospital Association (AHA) the Partnership for Action Grassroots Champion Award on April 28, 2009.

The Partnership for Action Grassroots Champion Award was established to recognize hospital leaders who most efficiently inform elected officials of the affect major issues have on a hospital's fundamental role in the community; to recognize hospital leaders who have done an exemplary job in broadening the base of community support for the hospital; and to recognize hospital leaders who continue to advocate on behalf of the hospital and its patients.

Roberta Rakove's commitment to advocating for the hospital community extends to her 15 years of devotion on IHA's Advocacy Council, DSH Steering Committee, and other membership groups.

For 90 years the hospitals and caregivers of Sinai Health System have provided medical care and social services to communities in west and south Chicago. Sinai Community Institute provides social service outreach for the lifestyle issues that contribute to health while the Sinai Urban Health institute researches the prevalence of chronic disease in Chicago neighborhoods. Collectively, the Sinai Health System provides a full continuum of care for acute, primary, specialty and rehabilitation to meet the needs of the community.

MONGOLIA'S DEMOCRACY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. LUETKEMEYER. Madam Speaker, in a vast sweep of mountains, steppe, and desert in the heart of northern Asia, one of the most remarkable political transformations of the decade is unfolding. I rise today to commend democracy in Mongolia. The collapse of communism and totalitarianism has provided Mongolia with a historical opportunity of introducing simultaneous political and economic changes by dismantling the communist regime and central planning economy to build democracy and market capitalism.

Mongolia's democratic transition explicitly indicates that Mongolia has reached remarkable achievements in building democracy and market capitalism.

Mongolia's parliamentary democracy has been playing a meaningful role in building democracy and market capitalism, and civil society has emerged and developed. Mongolia's democratic reforms have been radical and irreversible. Now, Mongolia is committed to successful completion of the final phase of its transition to market capitalism to deepen and strengthen democracy.

In closing, Madam Speaker, I ask all my colleagues to join me in supporting Mongolia's continued transition to democracy.

HONORING LIEUTENANT COLONEL RICHARD L. KIRCHNER FOR HIS SERVICE TO THE CIVIL AIR PATROL

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Lieutenant Colonel Richard L. Kirchner for his 29 years of service to the Civil Air Patrol. Col. Kirchner retired in February after developing the Anoka Composite Squadron and serving as its Commander three times.

After joining the Civil Air Patrol in 1980, Col. Kirchner started the Anoka Composite Squadron in 1982 with just one member. Today, it stands at nearly 100 members and has produced leaders in the Civil Air Patrol, the U.S. Air Force, in business and the public sector across the country. Col. Kirchner was involved

with every aspect of the Civil Air Patrol including Emergency Services, Aerospace Education and the Cadet program to help develop anyone interested in civil service. I am confident that the Squadron will be led by other fine commanders and engage in new and challenging missions in years to come, standing on the firm foundation laid by Col. Kirchner.

It is my privilege to honor Lieutenant Colonel Richard L. Kirchner for his three decades of dedicated service to the Civil Air Patrol and I want to thank Col. Kirchner for the role he has played in so many Minnesota lives. His commitment to honor and duty, country and community and his nurturing relationship with the members of the Squadron are a model for all of us on how to lead and teach. We are all so grateful for his service.

TAIWAN

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. CAO. Madam Speaker, May 20, 2009 marks a significant milestone for Taiwan, the first year in office of President Ma Ying-jeou.

What began as a year of confrontation between the Peoples Republic of China and Taiwan, President Ma has become one of cooperation.

The conciliatory initiatives of President Ma has produced, for the first time in decades, face to face productive meetings that have brought about agreement between these former adversaries in a variety of areas; legal, transportation and financial.

Such great progress has not gone unnoticed and President Ma Ying-jeou should be recognized for his leadership.

IN HONOR OF MR. KIRK FARRA, IN-SYNCH SYSTEMS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. ALTMIRE. Madam Speaker, I rise today to honor America's entrepreneurs, those distinguished individuals who support our communities, drive innovation, and keep our nation strong. Small businesses bring fresh ideas to the table, develop resources to help us meet the demands of an ever-changing world, and make a meaningful impact on our neighborhoods. Entrepreneurs are responsible for providing 60 to 80 percent of all new jobs, giving them the potential to propel rapid economic growth and expand developing fields. Some of the country's largest companies began as start-ups in small offices, homes and garages exploring these new fields. Limited only by their imagination, these firms performed cutting-edge work in emerging industries that have become the very foundation of our society.

As our nation and the world face the most difficult economic conditions in decades, entrepreneurs have the potential to lead us back to prosperity. The resiliency and adaptability shown by small businesses in past recessions demonstrate their capability to meet the challenges standing in their way and emerge stronger than ever. America's small businesses will drive the economic recovery from this downturn, and I remain confident that our economy will emerge stronger than ever. Times may be tough, but America's entrepreneurial spirit is tougher.

To recognize the monumental achievements of our nation's small firms, the Small Business Administration (SBA) has declared May 17–23 as the 46th Annual National Small Business Week. The House Small Business Committee is celebrating all our country's hard-working entrepreneurs by saluting the Heroes of Small Business, those men and women who have shown the strength, leadership, and resourcefulness that keeps our economy moving forward.

I ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in recognizing and thanking Mr. Kirk Farra for his tremendous accomplishments on behalf of small businesses. Mr. Farra is president of In-Synch Systems, LLC, a company that produces state-of-the-art records management software for local law enforcement agencies. In-Synch Systems has rapidly expanded since its inception in 1999 and is currently serving clients across the country. The company's top product is a records management system that allows law enforcement officers to access and share critical intelligence when they are in the field. In-Synch Systems has provided its products to government agencies for use in federally funded law enforcement programs that supply police agencies with critical software.

Madam Speaker, Mr. Farra has exemplified the remarkable accomplishments of which America's entrepreneurs are capable. This week, he will testify before the House Small Business Committee to share his story. I ask that you and the entire U.S. House of Representatives join with me in honoring him for the extraordinary work he has done for the small business economy. His efforts demonstrate that if given the right resources, America's small businesses can be the catalysts that lift our economy from the current downturn and put us on the road to recovery.

IN RECOGNITION OF SPORTSCASTER DON LADAS' RETIREMENT

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday May 19, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to recognize Don Ladas for his service to Joliet, Illinois for over fifty years as an unparalleled sports voice on 1340 WJOL Radio and working for the Herald News, which has made him a sports icon in Will County. Ladas, WJOL's longest full-time employee in history, has recently announced his retirement. Out of all of WJOL's radio legends over the years, none have had the staying power and impact that Don Ladas has had.

For forty-seven years, Ladas has covered a wide variety of sports for WJOL including bowling, football, basketball, baseball, and softball, and has broadcasted thousands of local high school sporting events. He was the host of the oldest bowling show in the United States called, ''Ten Pin Topics,'' which aired Monday through Saturday. In addition to his daily bowling show, Ladas also hosted a weekly sports program called, ''Shooting the Breeze.'' For the past thirty years, Ladas also has been the editor and publisher of his own monthly magazine called ''Will County Sportsman.''

His professionalism and his dedication to sports have earned him a place of recognition in the following: the Illinois Sportscasters Hall of Fame, the Illinois Basketball Hall of Fame, the Illinois State Bowling Hall of Fame, the Joliet Junior College Hall of Fame, the Joliet and Will County Hall of Pride, the Will County Bowling Hall of Fame, and the Minor League and Pro Football National Hall of Fame in Canton, Ohio for his work in the media. Also, in July of 2008, author Gary Seymour published a book following Ladas' career entitled, The Voice of Joliet: the Life and Times of Hall of Fame Radio Sportscaster Don Ladas.

As one of the most revered figures in Joliet's sports scene history, sportscaster Don Ladas has left his mark on the world of radio and sportscasting and will serve as an inspiration to all individuals just enetering the mass media field of broadcasting. It is with great pride that I recognize all of his many accomplishments upon the event of his retirement.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mrs. MALONEY. Madam Speaker, on May 18, 2009, I missed rollcall votes numbered 267, 268, and 269.

Had I been present, I would have voted "yea" on rollcall votes 267, a resolution congratulating Camp Dudley YMCA of Westport, New York, on the occasion of its 125th anniversary; 268, the Fraud Enforcement and Recovery Act; and, 269, a resolution recognizing the importance of the Child and Adult Care Food Program and its positive effect on the lives of low-income children and families.

RECOGNIZING COMMISSIONER DEBORAH TAYLOR TATE FOR RECEIVING THE ITU ''WORLD TELECOMMUNICATION & INFORMATION SOCIETY AWARD''

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mrs. BLACKBURN. Madam Speaker, I rise to recognize Commissioner Deborah Taylor Tate, Federal Communications Commission member from 2005 to 2008, on the occasion of her receipt of the 2009 International Telecommunication Union (ITU) "Telecommunication & Information Society Award."

The World Telecommunication & Information Society Award is presented by the ITU in recognition of individuals or institutions that have made a significant contribution to promoting, building, or strengthening an individual-focused, development-oriented and knowledge-based information society. The 2009 award

was presented to individuals dedicated to global Internet connectivity, promoting innovation, and protecting children online.

Commissioner Tate won international praise during her service at the FCC as a leading voice on issues affecting families and children, and helped craft communications policy to ensure that advances in communications technologies benefit all Americans in a safe, secure manner. As a result, she is known throughout the telecommunications industry as the ''Children's Commissioner'' for her dedication to online safety.

Receipt of ITU's Telecommunication & Information Society Award further cements Commissioner Tate's impact on the communications space during her service at the FCC, and follows a litany of awards following her departure from the Commission, including an Award for Outstanding Public Service from Common Sense Media, the Good Scout Award from the Boy Scouts of America, the Carol Reilly Award from the New York State Broadcasters Association, the Touchstones of Leadership Award for Public Service from Women in Cable Television, the YW Award from the Academy for Women of Achievement, and the Jerry Duvall Public Service Award from the Phoenix Center for Advanced Public Policy Studies.

On behalf of constituents throughout Tennessee's 7th District, I applaud Commissioner Tate for her lifetime body of work, and congratulate her well-deserved receipt of the 2009 Telecommunication & Information Society Award.

COMMENDING CHANDRA BROWN

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. SCHRADER. Madam Speaker, I rise today to honor America's entrepreneurs, those distinguished individuals who support our communities, drive innovation, and keep our nation strong. Small businesses bring fresh ideas to the table, develop the resources to meet the demands of an ever-changing world, and make a meaningful impact on our neighborhoods. Entrepreneurs are responsible for providing 60 to 80 percent of all new jobs, giving them the potential to propel rapid economic growth and expand ever-developing fields. Some of the country's largest companies began as start-ups in small offices, homes and garages exploring these new fields. Limited only by their imagination, these firms performed cutting-edge work in emerging industries that have become the very foundation of our society.

As our nation and the world face the most difficult economic conditions in decades, entrepreneurs have the potential to lead us back to prosperity. The resiliency and adaptability shown by small businesses in past recessions demonstrate their capability to meet the challenges standing in their way and emerge stronger than ever. America's small businesses will drive the economic recovery from this downturn and our economy will emerge stronger than ever. Times may be tough, but America's entrepreneurial spirit is tougher.

To recognize the monumental achievements of our nation's small firms, the Small Business Administration (SBA) has declared May 17–23 as the 46th Annual National Small Business Week. The House Small Business Committee is celebrating all our country's hard-working entrepreneurs by saluting the Heroes of Small Business, those men and women who have shown the strength, leadership, and resourcefulness that keeps our economy moving forward.

I ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in recognizing and thanking Ms. Chandra Brown for her tremendous accomplishments on behalf of small businesses. Ms. Brown currently serves as president of Oregon Iron Works' subsidiary United Streetcar, the only modern streetcar manufacturer in the United States. With over 15 years of experience with Oregon Iron Works, she is responsible for overall business development and marketing as the company's vice president.

Recognized by Oregon's economic community as one the state's top business leaders, Ms. Brown was named to the Oregon Innovation Council in 2005 by Governor Ted Kulongoski. She sits on numerous non-profit boards, including serving as Vice Chair of the Oregon Wave Energy Trust, which promotes job creation through the emerging wave energy industry. Ms. Brown has a bachelor's degree in marketing and an M.B.A. in international marketing from Miami University.

Madam Speaker, Ms. Brown has exemplified the remarkable accomplishments of which America's entrepreneurs are capable. This week, she will testify before the House Small Business Committee to share her story. I ask that you and the entire U.S. House of Representatives join with me in honoring her for the extraordinary work she has done for the small business economy. Her efforts demonstrate that if given the right resources, America's small businesses can be the catalysts that lift our economy from the current downturn and put us on the road to recovery.

JACK KEMP'S LIFE PROVIDES IDEAS

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. MCCLINTOCK. Madam Speaker, in memory of Jack Kemp, I would like the following article included in the CONGRESSIONAL RECORD.

REPUBLICANS LOOKING FOR A MODERN INSPIRATION? JACK KEMP'S LIFE PROVIDES IDEAS

(By Jack Cox)

There has been much press coverage these days about the problems of the Republican Party seeking a new identity that resonates with Americans. Too often, Republicans and conservatives are criticized for lacking compassion and concern for many social issues of interest to many Americans. In the 1960's, Conservatives had little involvement in the historic battle for civil rights. Most Republicans opposed the civil rights act in 1964, including Presidential candidate Barry Goldwater, and a great deal of resentment grew within the African American community over this apparent indifference.

It was, of course, Republicans with President Lincoln that led the battle to end slavery and liberate blacks from the intolerable practice. Thirty two years earlier, William Wilberforce, a noted Member of Parliament and British Christian leader had led the battle to end slavery in England. Unfortunately, during the last half of the 20th Century too many conservatives, Republicans specifically, were uninvolved in the battle. That disinterest was tied not to bigotry but rather other priorities including a major battle to oppose the spread of Communism from the Soviet Union and ''Red China.'' Senator Goldwater, a charter member of the Phoenix NAACP, opposed it on states' rights grounds.

It was a warm summer day during the 1996 Presidential Campaign that the National Association of Black Journalists annual convention was held in Nashville. The organization, as most journalism groups, invites Presidential candidates to address their members. On that humid Tennessee day Republican Presidential Candidate Robert Dole and Vice Presidential Candidate Jack Kemp were slated to speak to the several thousand African American journalists from around the nation. Most Republicans would have described this group as anything but a friendly organization to GOP candidates.

Senator Dole was introduced with polite applause. Then Jack Kemp was introduced and he received a standing ovation. I sat in awe as these black Americans applauded a white Republican leader. Jack stayed after his speech and shook the hand of every young journalist who wanted to meet him. There was no story about this incident and it has received no notice that I have ever seen. Why did Jack get this reception? It is easy to understand why — Jack Kemp cared and he demonstrated that care over a life time. He was committed to the wisdom of a free market but he also saw that sometimes people fell through the cracks and that government has the responsibility to help them.

However, Jack was committed to giving people opportunity, not hand outs. He had the strong respect of millions of Americans. In my many personal conversations with Jack and my work with him, that caring attitude came through like a laser beam! Jack, in the past decade, spoke strongly for a guest worker program for illegal immigrants and a method for these folks to become legal residents of the United States. Jack saw these people as hard workers who were trying to achieve the American dream, one sought by millions from throughout the world.

Jack observed one time ''Republicans many times can't get the words 'equality of opportunity' out of their mouths. Their lips do not form that way.'' He also declared ''There really has not been a strong Republican message to either the poor or the African American community at large.''

He also noted ''When people lack jobs, opportunity, and ownership of property they have little or no stake in their communities.''

In 1964, Senator Barry Goldwater was defeated for the presidency. Look Magazine, shortly after the solid defeat, asked writer Richard Cornuelle to write a piece entitled a ''Positive Agenda for the Republican Party.'' In 1965, Cornuelle published a new book ''Reclaiming the American Dream.'' Cornuelle, like Jack Kemp, called on Republicans to have answers and a positive agenda instead of constant opposition to government. He coined the phrase ''the independent section'' which described the vital role that associations, churches, and individuals play in meeting the needs of society.

Unfortunately, Dick Cornuelle's ideas, like Jack Kemp's, were not seen as providing direction for the future of the Republican Party by some leaders. Jack Kemp was a dynamic individual who, like Ronald Reagan, always saw a glass half full rather than half empty. If the Republican Party is to begin

carrying a positive banner of hope and leadership, it will need to be like Jack Kemp's. Perhaps with the loss of Jack Kemp, the time has come for the party and Conservatives in general to reexamine their priorities and reach out to all Americans.

Indeed it is a time for all Americans to rekindle their faith in an America of strong commitment to a free market system which strives to reach all Americans, not with a hand out but with a hand up. Kemp reminded us ''There are no limits to our future if we don't put limits on our people.''

At the same time, Jack never lost his commitment to the idea that a growing economy is the only answer to enriching more Americans instead of fewer. He saw redistribution of wealth as a policy for failure. His vision for government was simple: ''Every time in this century we've lowered the tax rates across the board, on employment, on saving, investment and risk-taking in this economy, revenues went up, not down.'' It was interesting that another dynamic leader in the Democratic Party held that same view, John F. Kennedy, another inspirational leader.

Finally, as the Republican Party thinks about is future and the Democrats, now in power, contemplate how they responsibly use their power, we should remember Jack Kemp's words ''Democracy without morality is impossible.'' I, as so many others Americans of all colors and all parties, will miss Jack Kemp.

RECOGNIZING THE NAVY LEAGUE BREMERTON-OLYMPIC PENINSULA COUNCIL ON THE OCCASION OF THE DEDICATION OF THE LONE SAILOR STATUE MEMORIAL

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. DICKS. Madam Speaker, I come to the floor of the House today to express my support and appreciation for the Navy League of the United States and congratulate the members of the Navy League Bremerton-Olympic Peninsula Council upon the dedication of the Lone Sailor Statue Memorial at Bremerton, Washington.

The Lone Sailor Statue is symbolic of the many sacrifices made by our mariners, their families and the communities that support them. On May 23, 2009, the Navy League Bremerton—Olympic Peninsula Council will dedicate a Lone Sailor Statue Memorial at Bremerton Harborside in Bremerton, Washington. This statue honors and embodies the longstanding bond the city and region share with our Navy and maritime past.

Since its founding, the United States has relied upon access to and unhindered use of the world's oceans in order to enhance its security and maintain its interests. The sea services of the United States; the Navy, Marine Corps, Coast Guard and U.S. Merchant Marine, were essential to our young Nation's security, growth and prosperity then, and they remain so today.

The Navy League of the United States was formed in 1902 to ensure continued support for the men and women of the sea services in their duties. It continues this vital mission today through the education of our citizenry and the Nation's political leaders on the important role of the sea services and the sacrifices made by our Sailors, Marines, Coast Guardsmen and Merchant Mariners around the world.

The dedication of the Lone Sailor Statue Memorial in Bremerton is a testament to the sustained effort of the entire Navy League Bremerton—Olympic Peninsula Council and many, many community contributors and volunteers. I want to extend my thanks and appreciation to all who contributed their time and effort to make this event possible.

JUAN AND LUIS YEPEZ, RECIPIENTS OF SBA'S PHOENIX AWARD

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. TSONGAS. Madam Speaker, I rise today to honor Juan and Luis Yepez, small business owners in Lawrence, MA, for receiving the Small Business Administration's 2009 Phoenix Award for Small Business Disaster Recovery. The SBA gives the Phoenix Award to individuals who display selflessness, ingenuity and tenacity in the aftermath of a disaster, while contributing to the rebuilding of their communities.

The entrepreneurial Yepez brothers are owners of Mainstream Global, a small computer product distribution company. The Yepez brothers chose to locate their business in the old industrial City of Lawrence and to become part of the surrounding community. Unfortunately, in May 2006 the company's facilities along the banks of the Merrimack River flooded, destroying hundreds of thousands of dollars of equipment and forcing a three-month shutdown of the business.

Despite this setback, Juan and Luis kept their twelve employees on payroll throughout the recovery process, and now, in the midst of a deep recession, they have expanded Mainstream Global to a staff of thirty-two. The Yepez brothers continue to be committed partners in the rebirth of Lawrence by investing in the renovation of other old, abandoned mill buildings in the downtown, converting these buildings into office space, educational facilities, and affordable housing.

I congratulate the Yepez brothers for their outstanding contribution to the City of Lawrence and its residents, and their dedication to the revitalization of our community.

PRAISING THE HOLLYWOOD, FLORIDA CITY COMMISSION FOR ITS SUPPORT IN THE REALIZATION OF THE DR. MARTIN LUTHER KING, JR. MULTICULTURAL ART PROJECT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to honor the City of Hollywood, Florida City Commission, and in particular, City Manager Cameron D. Benson and Grants Manager Renée Jéan, for their instrumental support in the realization of the Dr. Martin Luther King, Jr. Multicultural Art Project. On May 21, 2009, the City of Hollywood, Florida City Commission will dedicate a bronze bust of Dr. King in ArtsPark at Young Circle in Historic Downtown Hollywood, FL, in honor of Dr. King's life and legacy.

This project would not have been possible without the hard work and dedication of City Manager Benson and Grants Manager Jéan, who, faced with a challenging fiscal year and budget cuts, were committed to the Dr. Martin Luther King, Jr. Multicultural Art Project from its inception to its completion. In 2008, Benson proposed the project in response to a community recommendation to the City Commission to create an initiative to honor Dr. Martin Luther King, Jr. Determined to find a way to finance the project without using General Fund monies, Jéan successfully secured a $50,000 grant from the W.K. Kellogg Foundation for the construction and implementation of the project. After issuing a national ''Call to Artists'' and evaluating proposals, the City Artist Selection Committee selected Steven Whyte of Steven Whyte Studios in California to create the original art piece.

Whyte's hand-sculpted bronze bust of Dr. King weighs approximately 200 pounds and sits upon a large base that will be inscribed with the immortal words of Dr. King's famous ''I Have a Dream'' speech. This lasting tribute to Dr. King's dream and courage will become a permanent fixture in regionally acclaimed ArtsPark at Young Circle, a public venue for arts, education, recreation and entertainment, and in the Hollywood community.

Madam Speaker, the realization and completion of the Dr. Martin Luther King, Jr. Multicultural Art Project is a celebration of diversity in the City of Hollywood and a reminder to all visitors to continue working to realize Dr. King's dream of equality for all. Once again, I would like to recognize and thank Mr. Benson, Ms. Jéan, and the City of Hollywood, Florida City Commission for their support of this project and for their commitment to the community.

BARBARA McCLAIN OWNER AND PRESIDENT, McCLAIN CONTRACTING COMPANY, INC. ANDALUSIA, AL

HON. BOBBY BRIGHT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. BRIGHT. Madam Speaker, I rise today to honor America's entrepreneurs, those distinguished individuals who support our communities, drive innovation, and keep our nation strong. Small businesses bring fresh ideas to the table, develop the resources to meet the demands of an ever-changing world, and make a meaningful impact on our neighborhoods. Entrepreneurs are responsible for providing 60 to 80 percent of all new jobs, giving them the potential to propel rapid economic growth and expand ever-developing fields. Some of the country's largest companies began as start-ups in small offices, homes and garages exploring these new fields. Limited only by their imagination, these firms performed cutting-edge work in emerging industries that have become the very foundation of our society.

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prosperity. The resiliency and adaptability shown by small businesses in past recessions demonstrate their capability to meet the challenges standing in their way and emerge stronger than ever. America's small businesses will drive the economic recovery from this downturn and our economy will emerge stronger than ever. Times may be tough, but America's entrepreneurial spirit is tougher.

To recognize the monumental achievements of our nation's small firms, the Small Business Administration (SBA) has declared May 17–23 as the 46th Annual National Small Business Week. The House Small Business Committee is celebrating all our country's hard-working entrepreneurs by saluting the Heroes of Small Business, those men and women who have shown the strength, leadership, and resourcefulness that keeps our economy moving forward.

I ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in recognizing and thanking Ms. Barbara McClain for her tremendous accomplishments on behalf of small businesses. Ms. McClain is owner and president of McClain Contracting Company, Inc., a firm that has provided a range of services to military bases and other federal installations. Ms. McClain began her career as a bookkeeper and payroll clerk in 1968, and worked for several firms before incorporating her own business in 1990 selling ATVs and watercraft. After limited success in this venture, McClain transformed the business and became a licensed construction company, receiving a SBA certification as a HubZone and 8(a) firm in September 2005.

With the program's assistance, McClain Contracting prospered by expanding its work to the federal level. The company has been awarded over $13 million in contracts by Kessler Air Force Base and performed work for other military and veteran-service facilities in Mississippi. Having gained a reputation for quality work, McClain Contracting is currently seeking to expand its services throughout the Southeast region.

Madam Speaker, Ms. McClain has exemplified the remarkable accomplishments of which America's entrepreneurs are capable. This week, she will testify before the House Small Business Committee to share her story. I ask that you and the entire U.S. House of Representatives join with me in honoring her for the extraordinary work she has done for the small business economy. Her efforts demonstrate that if given the right resources, America's small businesses can be the catalysts that lift our economy from the current downturn and put us on the road to recovery.

PRESIDENT MA OF TAIWAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. CONYERS. Madam Speaker, I rise today to offer my congratulations on the one year anniversary of President Ma of Taiwan. President Ma has accomplished much during his tenure to reduce the tensions in the Taiwan Strait.

I want to shed light on the third Chiang-Chen talks that occurred last month to highlight my point.

The third Chiang-Chen Talks, which took place in Nanjing, brought together top officials from both sides of the Taiwan straits to discuss issues that are of mutual benefit to Taiwan and China. Three important agreements were signed at these talks.

The ''Agreement on Joint Cross-Strait Crime-fighting and Mutual Judicial Assistance'' will improve cooperation between the two sides with respects to criminal investigations by sharing information and lending other law enforcement assistance as needed.

Secondly, the ''Cross Strait Financial Cooperation Agreement'' will help improve monetary exchanges and may lead to Taiwan opening financial institutions on the mainland.

Lastly, a ''Supplementary Agreement on Cross-Strait Air Transport'' was signed to increase the number of daily flights, both passenger and cargo, between Taiwan and China plus increase the number of airports by which these flights will depart.

In addition to these three agreements, China has agreed to encourage investments from the mainland into Taiwan ventures.

All of these important agreements would not have been possible without President Ma's leadership and courage. Again, congratulations to President Ma and both countries on each side of the Taiwan Strait.

HONORING ANDREA MACKENZIE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. THOMPSON of California. Madam Speaker, I, along with my colleague Congresswoman LYNN WOOLSEY, rise today to honor a dedicated and beloved advocate for preserving agriculture and the environment in Sonoma County, California. Andrea Mackenzie is leaving the Sonoma County Agricultural Preservation and Open Space District, and we celebrate her 12 productive years, especially the last eight years as General Manager.

Andrea was born in upstate New York and grew up in Los Angeles. She earned a Bachelor's Degree in Environmental Studies from the University of California at Santa Barbara and a Master's Degree in Urban Planning and Natural Resources from the University of California at Los Angeles.

With her love of both the coast and the rugged mountains of the High Sierra, it is no surprise that Andrea worked for over 25 years in land use and conservation-related positions, including the East Bay and San Francisco where she began to develop a focus on collaborative public/private projects and regional approaches. She also loves walkable communities, old barns, hiking and kayaking, country rock, and nature writers.

Andrea first served the Sonoma County Agricultural Preservation and Open Space District as project manager for the strategic conservation plan update, creating documents that have become models for other public land conservation agencies. In 2000, she was appointed General Manager by the Board of Supervisors.

The mission of the District is to ''permanently protect the diverse agricultural, natural resource and scenic open space lands of Sonoma County for future generations.'' Funded by a quarter-cent sales tax, it is the only such district in the state of California and is overwhelmingly supported by Sonoma County's residents.

Andrea helped direct the 2006 campaign to renew the sales tax, which passed overwhelmingly. Voters value the organization's mission and its programs including: matching grants to partner with local cities and agencies for land acquisition, preservation and enhancement; stewardship in managing these lands and various easements to protect them, as well as to allow for public access; land leases to local growers; and public and educational outings, including a focus on underserved populations. Andrea has played a key role in developing these programs as well as increasing the amount of open space from 25,000 acres to 75,000 acres (including 33,000 acres of farmland).

In 2007, in testament to Andrea's management, the District was selected for the National Leadership in Conservation Award from the National Association of Counties (NACo) and the Trust for Public Land in Washington, D.C. She was also one of 36 Fellows selected to participate in the National Conservation Leadership Institute program, is a member of the Executive Committee and future President of the Bay Area Open Space Council and served on both the Urban Rural Roundtable (formed by San Francisco Mayor Gavin Newsom to create a Bay Area Regional Food System) and on the Statewide Watershed Advisory Committee.

Madam Speaker, Andrea Mackenzie's combination of visionary and practical leadership has made the Sonoma County Agricultural Preservation and Open Space District a vital player in our community. Sonoma County could have gone the way of other growing counties in California with sprawl from end to end. Instead, it remains blessed with green open space, productive agriculture, and many unique and intact ecosystems. We thank her for her great contributions to our children's natural inheritance and wish her luck in her new position where she will be continuing her good work closer to her family.

HONORING MARK A. BANCROFT

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Mark A. Bancroft, President of Bancroft Contracting Corporation in South Paris, Maine.

Mr. Bancroft knows the meaning of dedication. He started working for his father's company, Bancroft Contracting Corporation, at the age of fourteen. He spent weekends, holidays, and school vacations learning the skills necessary to succeed in his trade. After successfully completing the Construction Management Technology program at the University of Maine, Mr. Bancroft returned to work for his father full time.

In the years following the completion of his degree, Mr. Bancroft worked as a project manager, human resources manager, operations manager, Vice President of Operations, and President for Bancroft Contracting Company. In 2004, he became owner and CEO. Today,

Mr. Bancroft's company employs one hundred-thirty workers during the winter and more than two hundred during the summer. The Small Business Administration has recognized Mr. Bancroft's business expertise and commitment by naming him the Maine Small Business Person of the Year for 2009.

Madam Speaker, please join me in congratulating Mr. Bancroft on a lifetime of hard work and devotion.

HONORING RABBI HOWARD HERSCH

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Rabbi Howard Hersch, the spiritual leader of Congregation Brothers of Israel in Newtown, Bucks County, Pennsylvania. Rabbi Hersch will be retiring in July after 48 years of dedicated service to his community.

While serving at the Congregation Brothers of Israel, Rabbi Hersch has worked tirelessly to provide his congregants with leadership, kindness, and an open ear. His combination of wisdom, humor, and compassion has created an atmosphere of warmth in his synagogue that his congregants will truly miss.

Rabbi Hersch is not only a scholar, teacher, and respected associate of several Rabbinical Boards, but also a member of many humanitarian and civic organizations. He has dedicated his life to advancing the causes of the State of Israel, the Jewish people, and of all people in need.

Rabbi Hersch has contributed enormously to his community in Bucks County. His commitment to service through spiritual leadership and education is a characteristic to be emulated. Madam Speaker, I am proud to recognize Rabbi Hersch for his outstanding efforts, and am extremely honored to serve as his Congressman.

REMEMBERING THE LIFE OF ''MR. BRONX,'' DR. ELIAS KARMON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. RANGEL. Madam Speaker, I rise with great sadness as I remember the life of my dear friend Dr. Elias Karmon who recently passed away. As I speak with profound sorrow, I ascend to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable man who, over his many years in our community, etched his name in history as a visionary who erected institutions and forever transformed the quality of life of his fellow Bronxites.

Mr. Bronx, as he was affectionately called, was born on March 4, 1910 and until his death on October 21, 2008, he was doing what he loved the most—attending to the needs of The Bronx community. His death at the age of 98 years old does not signal an end to a dedicated career of serving his community, but the beginning for those whose lives were touched by Dr. Karmon to continue his work.

The Bronx is full of busy men, but most of us found the activities of Dr. Karmon astonishing. He took time to work with dozens of groups and organizations in keeping The Bronx a good place to work and live, and all of that on a ''volunteer basis.'' This had been a ''working together'' story with people of all groups. Dr. Karmon was one of the most deeply involved residents of our borough. For all his work, Dr. Karmon was awarded an honorary Doctor of Humane Letters by Lehman College, the Presidential Medallion by Bronx Community College, and the first Hostos Community College Presidential Medal.

A graduate of New York University, Dr. Karmon worked as an accountant, a manufacturer of clothing and as a clothing retailer on Prospect Avenue. The business, Hollywood Clothes, was a Bronx Institution for over 30 years. He was also a builder of parking lots, developer of buildings for use by public and private agencies and was very active in many phases of real estate. Dr. Karmon served The Bronx for 68 years in many business, civic, health, service and humanitarian organizations. He served on the organizational committee that brought about the Einstein College of Medicine and he continued to work on behalf of the College until his death.

Dr. Karmon served as an officer or chairman in The Bronx Rotary Club, The Bronx Council of the Albert Einstein College of Medicine, American Jewish Congress, Bronx Division, Bronx Boy's and Girls Clubs', Visions and Community Services for the Blind and the Bronx YMCA. Dr. Karmon served as President of the Bronx Chamber of Commerce for four consecutive terms after serving on its Board since 1953. He played an instrumental role in organizing the South Bronx Board of Trade, which greatly aided minority businesses and was one of the founders of the Ponce de Leon Federal Bank in 1959.

For twenty-two years, Mr. Karmon served as a member of the Lay Advisory Board for Lincoln Hospital, nine of those years as its chairman, and he played a pivotal role in the establishment of the new Lincoln Hospital. Dr. Karmon was also credited with helping to create the first building of Hostos Community College.

Elias will be long remembered for his extraordinary commitment, energy, wisdom, discipline, principle, and clear purpose which won the admiration of all who were privileged to come to know and work with him during his distinguished career in and around music. I consider myself fortunate to have had the opportunity to observe and experience his example as a personal inspiration.

Madam Speaker, rather than mourn his passing, I hope that my colleagues will join me in celebrating the life of Dr. Elias Karmon by remembering that he exemplified greatness in every way.

RECOGNIZING MR. SUTTON BACON

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. SHULER. Madam Speaker, I rise today to honor America's entrepreneurs, those distinguished individuals who support our communities, drive innovation, and keep our nation strong. Small businesses bring fresh ideas to the table, develop the resources to meet the demands of an ever-changing world, and make a meaningful impact on our neighborhoods. Entrepreneurs are responsible for providing 60 to 80 percent of all new jobs, giving them the potential to propel rapid economic growth and expand ever-developing fields. Some of the country's largest companies began as start-ups in small offices, homes and garages exploring these new fields. Limited only by their imagination, these firms performed cutting-edge work in emerging industries that have become the very foundation of our society.

As our nation and the world face the most difficult economic conditions in decades, entrepreneurs have the potential to lead us back to prosperity. The resiliency and adaptability shown by small businesses in past recessions demonstrate their capability to meet the challenges standing in their way and emerge stronger than ever. America's small businesses will drive the economic recovery from this downturn and our economy will emerge stronger than ever. Times may be tough, but America's entrepreneurial spirit is tougher.

To recognize the monumental achievements of our nation's small firms, the Small Business Administration (SBA) has declared May 17–23 as the 46th Annual National Small Business Week. The House Small Business Committee is celebrating all our country's hard-working entrepreneurs by saluting the Heroes of Small Business, those men and women who have shown the strength, leadership, and resourcefulness that keep our economy moving forward.

I ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in recognizing and thanking Mr. Sutton Bacon for his tremendous accomplishments on behalf of small businesses. Mr. Bacon is President and CEO of Nantahala Outdoor Center (NOC), the largest outdoor recreation company in the United States. He is responsible for overall business strategy and operational performance of the employee-owned company, which draws over half a million visitors every year. Located near the Great Smoky Mountains National Park, NOC has been honored by several publications for its exemplary facilities and service excellence.

Mr. Bacon is an active conservationist, serving on the boards of multiple outdoor recreation and natural preservation organizations. He is an advocate of increased youth involvement with nature, and established the NOC Foundation to provide better access to outdoor experiences, equipment, and education for youth and underserved communities. A classically trained musician, Mr. Bacon has performed with the Atlanta Symphony Orchestra Chorus and has performed on GRAMMY Award-winning commercial records.

Madam Speaker, Mr. Bacon has exemplified the remarkable accomplishments of which America's entrepreneurs are capable. This week, he will testify before the House Small Business Committee to share his story. I ask that you and the entire U.S. House of Representatives join with me in honoring him for the extraordinary work he has done for the small business economy. His efforts demonstrate that if given access to the right resources, America's small businesses can be the catalysts that lift our economy from the current downturn and put us on the road to recovery.

HONORING THE EMPLOYEES OF GENESYS REGIONAL MEDICAL CENTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the employees of Genesys Regional Medical Center for their quick action during a fire at the hospital on March 22, 2009.

On that morning a fire started in a patient room at the Medical Center. A nurse sounded the alarm and escorted the patient from the room. The nursing staff mobilized and moved 36 patients from the area of the fire. The patients ranged from the wheelchair-bound to the non-ambulatory and many were on oxygen. Security staff, other employees and physicians moved in with fire extinguishers. The oxygen supply to the area was cut off, the sprinkler system activated and the fire was contained to one room.

The Grand Blanc Fire Department noted that not one patient or employee was injured during the entire incident. Due to the quick response by the Genesys staff, patient care was not compromised during the evacuation. Fire Chief James Harmes has complimented the Genesys team for their great work during the crisis.

Madam Speaker, the Genesys Regional Medical Center staff put the well-being of their patients first and they worked together to ensure each and every patient was moved to safety, the fire was extinguished expeditiously, and the security of the Medical Center was not compromised. I ask the House of Representatives to join me in commending the employees for their unwavering dedication and quick action.

INTRODUCTION OF THE AMERICANVIEW GEOSPATIAL IMAGERY MAPPING PROGRAM ACT

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. HERSETH SANDLIN. Madam Speaker, today I am pleased to introduce the AmericaView Geospatial Imagery Mapping Program Act.

AmericaView is a nationwide program that focuses on satellite remote sensing data and technologies in support of applied research, K–16 education, workforce development, and technology transfer. AmericaView is administered through a partnership between the U.S. Geological Survey and the AmericaView Consortium, which is comprised of over 30 ''StateViews.'' The Consortium is the federal government's primary partner in achieving the program's vision and goals. Specifically, applied researchers at universities in each member state collaborate with each other and with government agencies to develop and share information and techniques for using remote sensing data.

The purpose of this bill is to authorize the AmericaView Geospatial Imagery Mapping Program. By authorizing this program, Congress recognizes the important work conducted by the AmericaView Consortium in collaboration with U.S.G.S. Since the 1970s, the federal government has invested in earth-observing satellites that provide remote sensing imagery. When federal geospatial imagery is available in a cost-effective and timely manner, state, local, and tribal governments as well as educational institutions are able to develop new scientific, educational, and practical applications for the data and to adopt new tools for applied research, education, and training.

The AmericaView program is uniquely positioned to help each state develop applications and skills necessary to effectively apply geospatial imagery for multiple state-focused mapping purposes, and to expand the use and benefits of geospatial imagery for research and operational purposes within each state.

Thank you, Madam Speaker. I look forward to working with all my colleagues to promptly pass the AmericaView Geospatial Imagery Mapping Program Act.

TRIBUTE TO CHRISTY KURIATNYK

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to Christy Kuriatnyk, named the 2009 Navy Spouse of the Year by Military Spouse Magazine and USAA.

We often praise our men and women in uniform who put their lives on the line every day for our freedom and our security. We're aware of the debt we owe to them but perhaps neglect the unsung heroes they leave behind on the home front: the spouses and children of our troops.

From among these great Americans, Kuriatnyk has gained singular acclaim for her outstanding contributions to her community above and beyond her duties as a military spouse, mother of three and employee of the Columbus Health Department.

Kuriatnyk holds down the fort in Ellerslie, GA, while her husband, Lt. Cmdr. Alex Kuriatnyk, is stationed at the Gulfport, MS, Construction Battalion Center. He is the operations officer there.

Though married to a Navy man, Kuriatnyk often works on behalf of Army families stationed at nearby Fort Benning. She's an active volunteer for Operation Homefront and she's helped organize baby showers for Army spouses and ''My Mommy/Daddy's Deployment Party'' for the children of Fort Benning soldiers who have gone overseas. As the daughter of a Korean War vet, she has a special bond with these children and she knows the anxiety they feel when their parents are deployed.

Kuriatnyk's work on behalf of children has benefited all of Georgia, not just her fellow military families. She's created programs that have advanced the causes of booster seat use, lead-free toys and skateboard safety.

I'm proud to have this great patriot as a constituent in Georgia's 3rd Congressional District. I call on my colleagues in the House to join me in congratulating Christy Kuriatnyk on attaining this honor and in thanking her for all of the time and energy she devotes to our beloved military families. She'll represent military families with distinction as the 2009 Navy Spouse of the Year.

THE WOUNDED VETERAN JOB SECURITY ACT

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. SALAZAR. Madam Speaker, I rise today in support of H.R. 466 the Wounded Veteran Job Security Act.

It is more important than ever that we support this bill because of the difficult economic times facing our nation.

American servicemen and women put their lives on the line every day to ensure our freedoms.

Across the globe, U.S. troops are engaging in combat and humanitarian missions that place them in harms way.

Regardless of the danger, generations of Americans continue to answer the call of duty.

My father was an Army Staff Sergeant during World War II.

My brother and I served in the Army during the Vietnam era.

Most recently, my son's Army National Guard unit was activated after the September 11th attacks.

As a former member of the House Committee on Veteran's Affairs, I worked with my colleagues to ensure that Veterans had opportunities to find a job once they returned home.

It is important that veterans not only find a job, but they are not penalized by their employer for injuries or illnesses they received in the service of their nation.

A stable career path is essential to ensuring a seamless transition into civilian life.

It is unacceptable to merely provide equipment to protect our troops in combat without also having policies in place to protect them once they return home.

I hope to work with my colleagues on both sides of the aisle to create policy that helps our veterans and their families prosper and enjoy the freedoms they helped to ensure.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Ms. LEE of California. Madam Speaker, I rise today in celebration of Asian Pacific American Heritage Month.

Asian Pacific American Heritage Week was first established in 1978 through a joint congressional resolution. The first 10 days of May were chosen to coincide with two key anniversaries—the arrival in the U.S. of the first Japanese immigrants on May 7, 1843 and the completion of the transcontinental railroad on May 10, 1869. Fourteen years later, Congress expanded the week to a month-long celebration.

Today, I am proud to join with all Americans in celebrating the tremendous contributions of the Asian American and Pacific Islander,

AAPI, community in to this country. The AAPI community is the fastest-growing minority group in the United States. The Census Bureau estimates that by 2050 more than 33.4 million Asian Americans will live in the United States.

I am extremely proud to represent several emerging AAPI neighborhoods in my District representing cultures from Vietnam, Korea and China just to name a few. In particular, the Chinatown neighborhood located in Oakland, California has grown and evolved into one of the most cohesive and vibrant business and arts communities in the, Ninth Congressional District.

As we celebrate Asian Pacific American Heritage Month, I encourage the people of my district and this nation to learn about the rich and proud heritage of Asian Pacific Americans.

HONORING THE OAR OF FAIRFAX COUNTY'S 2009 VOLUNTEER AND COMMUNITY PARTNER AWARDEES

HON. GERALD E. CONNOLLY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to pay tribute to Opportunities, Alternatives and Resources (OAR) of Fairfax County and its 2009 Volunteer and Community Partner Awardees.

OAR of Fairfax County is a community-based non-profit with 38 years of experience providing a continuum of pre-release and post-incarceration services for offenders and their families in Fairfax County. OAR's mission is to rebuild lives and break the cycle of crime with opportunities, alternatives and resources for offenders to create a safer community. To accomplish this, OAR's professional staff and its trained volunteers develop, promote, and operate cost-effective programs to restore criminal offenders to productive roles in the community. OAR also offers options to prosecution and/or incarceration and provides support services to families. In offering assistance to offenders, OAR promotes the principles of restorative justice, which holds offenders accountable for their crimes and requires that they provide restitution for the harm caused to the entire community.

The effectiveness of OAR is evident. In 2006, OAR provided services to more than 3,000 clients. In addition, OAR of Fairfax has been recognized by the Catalogue for Philanthropy as one of the best small charities in Greater Washington.

OAR would not be able to achieve these stellar results without the selfless dedication of its volunteers. It is my honor to enter into the CONGRESSIONAL RECORD, the names of the OAR 2009 Volunteer and Community Partner Awardees:

Volunteers of the Year: Linda Grill of Clifton and Dana McMillen-Paz of Fairfax

William H. Sandweg Award for Advocacy and Financial Support: The Apex Foundation of Herndon

The Nancy Cornelius Memorial Award for Leadership and Support in the Criminal Justice Community: Col. David M. Rohrer, Chief, Fairfax County Police Department

Marjorie Ginsburg Award for Service to Families: St. Mary of Sorrows Catholic Church, Fairfax, Carol Mayfield, Social Ministry Director

Corporate Partner Award: Casual Male Big & Tall Outlet Store, Woodbridge

Executive Director's Award: Lonny Ford of Gainesville

Madam Speaker, I ask my colleagues to join me in expressing gratitude for the efforts of these volunteers and their colleagues at OAR of Fairfax County. The selfless commitment of these individuals provides enumerable benefits to Northern Virginia and life-changing services to the clients and families being served.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 627, Credit Cardholders' Bill of Rights Act.

Senate

Chamber Action

Routine Proceedings, pages S5565–S5647

Measures Introduced: Fourteen bills and four resolutions were introduced, as follows: S. 1067–1080, S. Res. 152–154, and S. Con. Res. 23. **Pages S5614–15**

Measures Reported:

Special Report entitled "Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2009". (S. Rept. No. 111–22)

H.R. 35, to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, with an amendment in the nature of a substitute. (S. Rept. No. 111–21) **Page S5614**

Measures Passed:

Credit Cardholders' Bill of Rights Act: By 90 yeas to 5 nays (Vote No. 194), Senate passed H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, as amended, after taking action on the following amendments proposed thereto: **Pages S5570–81**

Adopted:

Dodd Amendment No. 1130 (to Amendment No. 1058), of a perfecting nature. **Page S5570**

Dodd/Shelby Amendment No. 1058, in the nature of a substitute. **Page S5570**

During consideration of this measure today, Senate also took the following action:

By 92 yeas to 2 nays (Vote No. 193), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on Dodd/Shelby Amendment No. 1058. **Page S5570**

Chair sustained a point of order that the following amendments were not germane post-cloture, and the amendments thus fell:

Landrieu Modified Amendment No. 1079 (to Amendment No. 1058), to end abuse, promote disclosure, and provide protections to small businesses that rely on credit cards. **Page S5570**

Collins/Lieberman Modified Amendment No. 1107 (to Amendment No. 1058), to address stored value devices and cards. **Page S5570**

Lincoln Amendment No. 1126 (to Amendment No. 1107), to amend the Federal Deposit Insurance Act with respect to the extension of certain limitations. **Page S5570**

Helping Families Save Their Homes Act: Senate passed S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability. **Page S5588–89**

Special Reserve Funding: Senate agreed to S. Res. 152, to amend S. Res. 73 to increase funding for the Special Reserve. **Pages S5581–82**

Ronald Reagan Centennial Commission Act: Senate passed H.R. 131, to establish the Ronald Reagan Centennial Commission, clearing the measure for the President. **Page S5645**

Importance of Public Diplomacy: Senate agreed to S. Res. 49, to express the sense of the Senate regarding the importance of public diplomacy. **Page S5645**

M.S. St. Louis 70th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 111, recognizing June 6, 2009, as the 70th anniversary of the tragic date when the M.S. St. Louis, a ship carrying Jewish refugees from Nazi Germany, returned to Europe after its passengers were refused admittance to the United States, and the resolution was then agreed to. **Page S5646**

National Small Business Week: Senate agreed to S. Res. 154, honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, beginning May 17, 2009. **Pages S5646–47**

Measures Considered:

Supplemental Appropriations Act: Senate began consideration of H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009, taking action on the following amendments proposed thereto: **Pages S5589–S5607**

Adopted:

Inouye/Cochran Amendment No. 1131, in the nature of a substitute. **Page S5591**

Inouye Amendment No. 1137, of a perfecting nature. **Pages S5595–98, S5607**

Pending:

Inouye/Inhofe Amendment No. 1133, to prohibit funding to transfer, release, or incarcerate detainees detained at Guantanamo Bay, Cuba, to or within the United States. **Pages S5591–95**

McConnell Amendment No. 1136, to limit the release of detainees at Guantanamo Bay, Cuba, pending a report on the prisoner population at the detention facility at Guantanamo Bay. **Page S5595**

Cornyn Amendment No. 1139, to express the sense of the Senate that the interrogators, attorneys, and lawmakers who tried in good faith to protect the United States and abide by the law should not be prosecuted or otherwise sanctioned. **Pages S5598–S5602**

Brownback Amendment No. 1140, to express the sense of the Senate on consultation with State and local governments in the transfer to the United States of detainees at Naval Station Guantanamo Bay, Cuba. **Pages S5602–07**

A motion was entered to close further debate on the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, May 21, 2009. **Page S5607**

A unanimous-consent time agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, May 20, 2009, and that there be two hours of debate relative to Inouye Amendment No. 1133 (listed above), equally divided and controlled between the two Leaders, or their designees; with the time allocated as follows: the first 30 minutes under the control of the Republican Leader, the second 30 minutes under the control of the Majority Leader; and that the final 60 minutes be divided equally, with 10 minute limitations, with the final 5 minutes of time under the control of Senator Inouye; provided that upon the use or yielding back of time, Senate vote on or in relation to Inouye Amendment No. 1133, with no amendment in order to the amendment; provided further, that all first-degree amendments be filed at the desk by 1:00 p.m., on Wednesday, May 21, 2009. **Page S5607**

House Messages:

Helping Families Save Their Homes Act: Senate concurred in the amendment of the House of Representatives to S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability. **Page S5581**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that on Tuesday, May 19, 2009, the Majority Leader, be authorized to sign duly enrolled bills or joint resolutions. **Page S5565**

Nominations Confirmed: Senate confirmed the following nominations:

By 88 yeas to 6 nays (Vote No. Ex. 195), Gary Gensler, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2012.

Gary Gensler, of Maryland, to be Chairman of the Commodity Futures Trading Commission.

Kristina M. Johnson, of Maryland, to be Under Secretary of Energy.

Steven Elliot Koonin, of California, to be Under Secretary for Science, Department of Energy.

Scott Blake Harris, of Virginia, to be General Counsel of the Department of Energy.

Larry J. Echo Hawk, of Utah, to be an Assistant Secretary of the Interior. **Pages S5582–88, S5647**

Nomination Received: Senate received the following nomination:

Philip L. Verveer, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic, Energy, and Business Affairs and U.S. Coordinator for International Communications and Information Policy. **Page S5647**

Messages from the House: **Page S5613**

Enrolled Bills Presented: **Pages S5613–14**

Executive Reports of Committees: **Page S5614**

Additional Cosponsors: **Pages S5615–16**

Statements on Introduced Bills/Resolutions: **Pages S5616–25**

Additional Statements: **Page S5610**

Amendments Submitted: **Pages S5625–44**

Authorities for Committees to Meet: **Pages S5644–45**

Privileges of the Floor: **Page S5645**

Record Votes: Three record votes were taken today. (Total—195) **Pages S5570, S5573, S5582**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:33 p.m., until 9:30 a.m. on Wednesday, May 20, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5647.)

Committee Meetings

(Committees not listed did not meet)

FUNDING AND OVERSIGHT OF THE DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine funding and oversight of the Department of Energy, after receiving testimony from Steven Chu, Secretary of Energy.

APPROPRIATIONS: MILITARY CONSTRUCTION PROGRAMS

Committee on Appropriations: Subcommittee on Military Construction and Veterans Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of Defense and the Department of the Navy military construction programs, after receiving testimony from B.J. Penn, Assistant Secretary of the Navy, Major General Eugene G. Payne, Jr., Assistant Deputy Commandant for Installation and Logistics, and Rear Admiral Mark A. Handley, Deputy Commander, Navy Installations Command, all of the Department of the Navy, and Robert F. Hale, Under Secretary, Comptroller, and Wayne Arny, Deputy Under Secretary for Installations and Environment, all of the Department of Defense.

BUDGET: DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the Department of the Army proposed defense authorization request for fiscal year 2010 and the Future Years Defense Program, after receiving testimony from Pete Geren, Secretary of the Army, and General George W. Casey Jr., USA, Chief of Staff of the Army, both of the Department of Defense.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported 2,425 nominations in the Navy, Air Force, and Marine Corps.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration, and John D. Porcari, of Maryland, to be Deputy Secretary, who was introduced by Senators Mikulski and Cardin, both of the Department of Transportation, Rebecca M. Blank, of Maryland, to be Under Secretary for Economic Affairs, and Lawrence E. Strickling, of Illinois, to be Assistant Secretary for Communications and Information, both of the Department of Commerce, and Aneesh Chopra, of Virginia, to be Chief Technology Officer, Office of Science and Technology Policy, Executive Office of the President, after the nominees testified and answered questions in their own behalf.

BUSINESS OPPORTUNITIES AND CLIMATE POLICY

Committee on Environment and Public Works: Committee concluded a hearing to examine business opportunities and climate policy, after receiving testimony from Chad Holliday, E.I. DuPont de Nemours and Company, Inc., Wilmington, Delaware; Mark W. Stiles, Trinity Industries Inc., Dallas, Texas; Cynthia J. Warner, Sapphire Energy, San Diego, California; Tim Healey, Lange-Stegmann Company, St. Louis, Missouri; Richard Lowenthal, Coulomb Technologies, Campbell, California; Wayne F. Krouse, Hydro Green Energy, LLC, Houston, Texas; Richard W. Taylor, ImbuTec Inc., Pittsburgh, Pennsylvania; and Jack Armstrong, BASF Corporation, Florham Park, New Jersey.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Philip J. Crowley, of Virginia, to be Assistant Secretary for Public Affairs, and Jeffrey D. Feltman, of Ohio, to be Assistant Secretary for Near Eastern Affairs, both of the Department of State, and Daniel Benjamin, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

GREEN GLOBAL ECONOMIC RECOVERY

Committee on Foreign Relations: Committee concluded a hearing to examine pathways to a green global economic recovery, after receiving testimony from Nicholas Stern, London School of Economics and Political Science, London, United Kingdom; and James E. Rogers, Duke Energy, Charlotte, North Carolina.

PUBLIC HEALTH CHALLENGES IN DISTRICT OF COLUMBIA

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine public health challenges in our nation's capital, after

receiving testimony from Pierre N.D. Vigilance, Director, and Shannon L. Hader, Senior Deputy Director, HIV/AIDS Administration, both of the District of Columbia Department of Health, and Raymond Catarino Martins, Whitman-Walker Clinic, all of Washington, D.C.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee began markup of S. 982, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, but did not complete action thereon, and will meet again Wednesday, May 20, 2009.

HOLDING FOREIGN MANUFACTURERS ACCOUNTABLE

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine protecting Americans, focusing on holding foreign manufacturers accountable, after receiving testimony from Louise Ellen Teitz, Roger Williams University School of Law, Bristol, Rhode Island; Thomas L. Gowen, Locks Law Firm, Philadelphia, Pennsylvania; Chuck Stefan, The Mitchell Company, Mobile, Alabama; and Victor E. Schwartz, Shook, Hardy, and Bacon, LLP, Washington, D.C., on behalf of the United States Chamber Institute for Legal Reform.

DISCOUNT PRICING CONSUMER PROTECTION ACT

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine the Discount Pricing Consumer Protection Act, focusing on a ban on vertical price fixing, after receiving testimony from Pamela Jones Harbour, Commissioner, Federal Trade Commission; Tod Cohen, eBay Inc., San Jose, California; Stacy Haigney, Burlington Coat Factory, Burlington, New Jersey; and James A. Wilson, American Bar Association, Columbus, Ohio.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nomination of Priscilla E. Guthrie, of Virginia, to be Chief Information Officer, Office of the Director of National Intelligence.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 38 public bills, H.R. 2472–2507; 1 private bill, H.R. 2508; and 2 resolutions, H. Res. 458–459 were introduced. **Pages H5790–92**

Additional Cosponsors: **Page H5792**

Reports Filed: Reports were filed today as follows:

H.R. 466, to amend title 38, United States Code, to prohibit discrimination and acts of reprisal against persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, with amendments (H. Rept. 111–118);

H.R. 915, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, and to provide stable funding for the national aviation system, with an amendment (H. Rept. 111–119, Pt. 1);

H. Res. 456, providing for the consideration of the Senate amendment to the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan (H. Rept. 111–120);

H. Res. 457, providing for consideration of the bill (H.R. 2352) to amend the Small Business Act (H. Rept. 111–121);

Report of the Committee on Standards of Official Conduct (H. Rept. 111–122); and H.R. 2200, to authorize the Transportation Security Administration's programs relating to the provision of transportation security, with an amendment (H. Rept. 111–123). **Page H5790**

Speaker: Read a letter from the Speaker wherein she appointed Representative Tonko to act as Speaker Pro Tempore for today. **Page H5715**

Recess: The House recessed at 11:04 a.m. and reconvened at noon. **Page H5719**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Enhanced Oversight of State and Local Economic Recovery Act: H.R. 2182, to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted pursuant to such Act; **Pages H5722–23**

Amending chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new assistive technologies for specially adapted housing: H.R. 1170, amended, to amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new assistive technologies for specially adapted housing; **Pages H5723–24**

Mandatory Veteran Specialist Training Act of 2009: H.R. 1088, to amend title 38, United States Code, to provide for a one-year period for the training of new disabled veterans' outreach program specialists and local veterans' employment representatives by National Veterans' Employment and Training Services Institute; **Pages H5724–25**

Veterans Employment Rights Realignment Act of 2009: H.R. 1089, amended, to amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and unemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 270; **Pages H5725–26, H5766**

Agreed to amend the title so as to read: "To amend title 38, United States Code, to provide for the enforcement through the Office of Special Counsel of the employment and reemployment rights of veterans and members of the Armed Forces employed by Federal executive agencies, and for other purposes.". **Page H5766**

Urging all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers on Memorial Day: H. Res. 360, to urge all Americans and people of all nationalities to visit the national cemeteries, memorials, and markers on Memorial Day, by a ⅔ yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 272; **Page H5726–28, H5767–68**

Supporting the goals and ideals of National Women's Health Week: H. Con. Res. 120, amended, to support the goals and ideals of National Women's Health Week; **Pages H5728–30**

Honoring police officers and law enforcement professionals during Police Week: H. Res. 426, to honor police officers and law enforcement professionals during Police Week; and **Pages H5738–40**

Helping Families Save Their Homes Act of 2009: S. 896, amended, to prevent mortgage foreclosures and enhance mortgage credit availability, by a ⅔ yea-and-nay vote of 367 yeas to 54 nays with 1 voting "present", Roll No. 271. **Pages H5740–65, H5766–67**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Prevent All Cigarette Trafficking Act of 2009: H.R. 1676, amended, to prevent tobacco smuggling and to ensure the collection of all tobacco taxes. **Pages H5730–38**

Congratulating Anthony Kevin "Tony" Dungy for his accomplishments as a coach, father, and exemplary member of his community: The House agreed to discharge and agree to H. Res. 70, to congratulate Anthony Kevin "Tony" Dungy for his accomplishments as a coach, father, and exemplary member of his community. **Page H5765**

Honoring Karen Bass for becoming the first African-American woman elected Speaker of the California State Assembly: The House agreed to discharge and agree to H. Res. 49, to honor Karen Bass for becoming the first African-American woman elected Speaker of the California State Assembly. **Pages H5765–66**

Commission on Security and Cooperation in Europe—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Representative Hastings (FL), Co-Chairman; Representatives Markey (MA), Slaughter, McIntyre, Butterfield, Smith (NJ), Aderholt, Pitts, and Issa. **Page H5768**

Recess: The House recessed at 6:05 p.m. and reconvened at 6:28 p.m. **Page H5788**

Senate Messages: Messages received from the Senate today appear on pages H5784, H5788.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H5766, H5766–67 and H5767–68. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 6:30 p.m.

Committee Meetings

FINANCIAL SERVICES, GENERAL GOVERNMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, General Government and Related Agencies held a hearing on the IRS. Testimony was

heard from Douglas Shulman, Commissioner, IRS, Department of the Treasury.

The Subcommittee also held a hearing on the National Archives. Testimony was heard from Adrienne Thomas, Acting Archivist, National Archives and Records Administration.

INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriatons: Subcommittee on Interior, Environment and Related Agencies held a hearing on the EPA. Testimony was heard from Lisa Jackson, Administrator, EPA.

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Department of Defense Overview. Testimony was heard from the following officials of the Department of Defense: Robert F. Hale, Under Secretary (Comptroller); and Wayne Arny, Deputy Under Secretary (Installations and Environment).

AIR FORCE BUDGET

Committee on Armed Services: Held a hearing on the Fiscal Year 2010 National Defense Authorization Budget Request from the Department of the Air Force. Testimony was heard from the following officials of the U.S. Air Force, Department of Defense: Michael B. Donley, Secretary; and GEN Norman A. Schwartz, USAF, Chief of Staff, U.S. Air Force.

DEFENSE ACQUISITION METRICS

Committee on Armed Services: Defense Acquisition Panel held a hearing on Measuring Performance: Developing Good Acquisition Metrics. Testimony was heard from the following officials of the Department of Defense: David P. Fitch, Director, AT&L Leadership Center of Excellence, Defense Acquisition University; and Daniel A. Nussbaum, Visiting Professor, Department of Operations Research, Naval Postgraduate School; and a public witness.

NAVY AVIATION BUDGET

Committee on Armed Services: Subcommittee on Seapower, and Expeditionary Forces held a hearing on Fiscal Year 2010 National Defense Authorization Budget Request for the Department of the Navy Aviation Programs. Testimony was heard from the following officials of the Department of the Navy, Department of Defense: VADM David Architzel, USN, Principal Military Deputy to the Assistant Secretary, Research, Development and Acquisition; and LTG George J. Trautman, USMC, Deputy Commander, Marine Corps Aviation Programs, U.S. Marine Corps.

SCHOOLS USE OF SECLUSION AND RESTRAINT

Committee on Education and Labor: Held a hearing on Examining the Abusive and Deadly Use of Seclusion and Restraint in Schools. Testimony was heard from Greg D. Kutz, Managing Director, Forensic Audits and Special Investigations, GAO; and public witnesses.

AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

Committee on Energy and Commerce: Continued markup of H.R. 2454, American Clean Energy and Security Act of 2009.

Will continue tomorrow.

WESTERN FINANCIAL INSTITUTIONS CAPITAL LOSS/CORRUPTION

Committee on Financial Services: Held a hearing entitled ''Capital Loss, Corruption and the Role of Western Financial Institutions.'' Testimony was heard from public witnesses.

CREDIT RATING AGENCY REGULATION

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''Approaches to Improving Credit Rating Agency Regulation.'' Testimony was heard from public witnesses.

HOMELAND SECURITY'S RIGHTWING EXTREMISM ASSESSMENT

Committee on Homeland Security: Ordered reported, as amended, H. Res. 404, Directing the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of documents relating to the Department of Homeland Security Intelligence Assessment titled, ''Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment.''

CARMELO RODRIGUEZ MILITARY MEDICAL ACCOUNTABILITY ACT OF 2009

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action, as amended, H.R. 1478, Carmelo Rodriguez Military Medical Accountability Act of 2009.

RAILROAD ANTITRUST ENFORCEMENT ACT OF 2009

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on H.R. 233,

Railroad Antitrust Enforcement Act of 2009. Testimony was heard from Representative Alexander; and public witnesses.

NORTHERN MARIANA ISLANDS/GUAM

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held an oversight hearing on Implementation of Public Law 110–229 to the Commonwealth of the Northern Mariana Islands and Guam. Testimony was heard from Felix P. Camacho, Governor of Guam; Benigno Repeki Fitial, Governor, Northern Mariana Islands; Benjamin J.F. Cruz, Vice Speaker, Guam Legislature; David Gootnick, Director, International Affairs and Trade, GAO; Nikolao Pula, Acting Deputy Assistant Secretary, Office of Insular Affairs, Department of the Interior; Richard C. Barth, Acting Principal Deputy Assistant Secretary, Policy, Department of Homeland Security; and public witnesses.

NATIONAL DRUG CONTROL BUDGET/ POLICIES

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled ''ONDCP's Fiscal Year 2010 National Drug Control Budget and the Priorities, Objectives, and Policies of the Office of National Drug Control Policy under the New Administration.'' Testimony was heard from Gil Kerlikowske, Director, Office of National Drug Control Policy; and public witnesses.

FEDERAL INFORMATION SECURITY

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization, and Procurement held a hearing entitled ''The State of Federal Information Security.'' Testimony was heard from Vivek Kundra, Chief Information Officer, OMB; Gregory Wilshusen, Director, Information Security Issues, GAO; the following officials of the Department of Homeland Security: Jacquelyn Patillo, Acting Chief Information Officer; and Margaret Graves, Acting Chief Information Officer; and a public witness.

AFGHAN/PAKISTAN'S CIVILIAN SURGE

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs, held a hearing on Afghanistan and Pakistan: Resourcing the Civilian Surge. Testimony was heard from the following officials of the Department of State: Paul Jones, Deputy Assistant Secretary, South and Central Asia Bureau; James A. Bever, Deputy Assistant Administrator, Asia and Near East Bureau, U.S. Agency for International Development; and Ambassador John Herbst, Coordinator, Office of Reconstruction and Stabilization; David S. Sedney, Deputy Assistant Secretary, Central Asian Affairs, Department of Defense; and Michael Michener, Administrator, Foreign Agricultural Service, USDA.

JOB CREATION THROUGH ENTREPRENEURSHIP ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a structured rule. The rule provides one hour of general debate on H.R. 2352, the Job Creation Through Entrepreneurship Act of 2009, equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waves all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. Testimony was heard by Chairwoman Velázquez and Representatives Cardoza, Pingree, Polis (CO), Watson (CA), Davis (AL), Klein (FL), Boccieri, and Graves.

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 627, THE CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Committee on Rules. Granted, by a non-record vote, a rule providing for consideration of the Senate amendment to H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009. The rule makes in order a motion by the Chairman of the Committee on Financial Services to concur in the Senate amendment. The rule waives all points of order against the motion except clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule provides that the question of adoption of the motion shall be divided for a separate vote on concurring in

section 512 of the Senate amendment. The rule further provides that if either portion of the divided question fails of adoption, then the House shall be considered to have made no disposition of the Senate amendment. The rule provides that House Resolution 450 is laid on the table. Testimony was heard by Chairman Frank (MA), and Representative Bachus.

NASA BUDGET REQUEST

Committee on Science and Technology: Held a hearing on NASA's Fiscal Year 2010 Budget Request. Testimony was heard from Christopher Scolese, Acting Administrator, NASA.

SCIENCE OF INSOLVENCY

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on the Science of Insolvency. Testimony was heard from public witnesses.

LEVEE SAFETY RECOMMENDATIONS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Recommendations of the National Committee on Levee Safety. Testimony was heard from Eric Halpin, Special Assistant, Dam and Levee Safety, U.S. Army Corps of Engineers, Department of Defense; and public witnesses.

VA MEDICAL CARE

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on VA Medical Care: The Crown Jewel and Best Kept Secret. Testimony was heard from Paul J. Hutter, Chief Officer, Legislative, Regulatory, and Intergovernmental Affairs, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

GULF WAR ILLNESS RESEARCH

Committee on Veterans Affairs: Subcommittee on Oversight and Investigations held a hearing on Gulf War Illness Research: Is Enough Being Done? Testimony was heard from R. Craig Postlewaite, DVM, Deputy Director, Force Readiness and Health Assurance, Force Health Protection and Readiness Programs, Office of the Assistant Secretary, Health Affairs, Department of Defense; Lawrence Deyton, M.D., Chief Public Health and Environmental Hazards Officer, Veterans Health Administration, Department of Veterans Affairs; Robert D. Walpole, former Special Assistant, Gulf War Illness Issues, Office of the Assistant Director, Central Intelligence, CIA; representatives of veterans organizations; and public witnesses.

SSA'S EMPLOYMENT SUPPORT PROGRAMS FOR DISABILITY BENEFICIARIES

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security Administration's (SSA's) employment support programs for disability beneficiaries. Testimony was heard from Sue Suter, Associate Commissioner, Employment Support Programs, SSA; and public witnesses.

BRIEFING—OVERHEAD ARCHITECTURE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Overhead Architecture. The Committee was briefed by Betty Sapp, Acting Director, National Reconnaissance Office.

Joint Meetings

WEAPON SYSTEMS ACQUISITION REFORM ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 20, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of State, 9:30 a.m., SD–192.

Subcommittee on Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Forest Service, 10 a.m., SD–124.

Committee on Armed Services: Subcommittee on Strategic Forces, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and Future Years Defense Program for military space programs; to be possibly followed by a closed session in SVC–217, 2 p.m., SR–232A.

Subcommittee on Personnel, to hold hearings to examine the Defense Authorization request for fiscal year 2010 and Future Years Defense Program for active component, reserve component, and civilian personnel programs, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold an oversight hearing to examine the Troubled Asset Relief Program (TARP), 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 2 p.m., SR–253.

Committee on Finance: to hold a closed meeting to examine financing comprehensive health reform, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on African Affairs, to hold hearings to examine developing a coordinated and sustainable strategy for Somalia, 9 a.m., SD–419.

Full Committee, to hold closed hearings to examine developments on the ground in Pakistan and Afghanistan, 11 a.m., SVC–217.

Full Committee, to hold hearings to examine foreign policy priorities in the President's proposed budget request for fiscal year 2010 for international affairs; to be followed by a business meeting to consider the nominations of Robert Orris Blake, Jr., of Maryland, to be Assistant Secretary for South Asian Affairs, and Judith A. McHale, of Maryland, to be Under Secretary for Public Diplomacy, both of the Department of State, 1:30 p.m., SH–216.

Committee on Health, Education, Labor, and Pensions: business meeting to continue consideration of S. 982, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and the nominations of Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board, John Q. Easton, of Illinois, to be Director of the Institute of Education Science, Department of Education, and Seth David Harris, of New Jersey, to be Deputy Secretary of Labor, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 599, to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty, S. 629, to facilitate the part-time reemployment of annuitants, S. 707, to enhance the Federal Telework Program, proposed Enhanced Oversight of State and Local Economic Recovery Act, S. 920, to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, S. 942, to prevent the abuse of Government charge cards, S. 469, to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System, S. 692, to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances, H.R. 918, to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building", H.R. 1595, to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building", H.R. 663, to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the "Yvonne Ingram-Ephraim Post Office Building", H.R. 987, to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office", H.R. 1284, to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office", and the nominations of David Heyman, of the District of Columbia, to be Assistant Secretary of Homeland Security, Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, Robert M. Groves, of Michigan, to be Director of the Census, Department of Commerce, Marisa J. Demeo, of the District of Columbia, and Florence Y. Pan, of the District of Columbia, each to be an Associate Judge of the Superior Court of the District of Columbia, 9:30 a.m., SD–342.

Ad Hoc Subcommittee on Disaster Recovery, to hold hearings to examine the role of Community Development Block Grant Program in disaster recovery, 2:30 p.m., SD–342.

Committee on the Judiciary: Subcommittee on Immigration, Refugees and Border Security, to hold hearings to examine securing the border and America's points of entry, 10 a.m., SD–226.

Subcommittee on Crime and Drugs, to hold hearings to examine criminal prosecution as a deterrent to health care fraud, 2:30 p.m., SD–226.

Special Committee on Aging: to hold hearings to examine pension plans, 2 p.m., SR–432.

House

Committee on Appropriations, Subcommittee on Defense, on Department of Defense, 12:30 p.m., 210 HVC.

Subcommittee on Financial Services, General Government, and Related Agencies, on OMB, 2 p.m., 2359 Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Air Force Budget, 10 a.m., H–143 Capitol.

Subcommittee on State, Foreign Operations and Related Programs, on U.S. Agency for International Development, 9:30 a.m.; on Millennium Challenge Corporation, 10:30 a.m.; and on Office of Global AIDS Coordinator, 11:30 a.m., B308 Rayburn.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on Member Requests, 10 a.m., 2358–A Rayburn.

Committee on Armed Services, Subcommittee on Air and Land Forces, hearing on Fiscal Year 2010 National Defense Authorization Budget Request for Air Force Modernization Programs, 2:30 p.m., 2118 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Another Crossroads? Professional Military Education Twenty Years after the Goldwater-Nichols Act and the Skelton Panel, 1 p.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on Fiscal Year 2010 National Defense Authorization Budget Request for the Military Services' Operations and Maintenance Funding, 10 a.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Fiscal Year 2010 National Defense Authorization Budget Request for Department of

Defense Science and Technology Programs, 10:30 a.m., 2212 Rayburn.

Committee on Education and Labor, hearing on the Obama Administration's Education Agenda, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to continue markup of H.R. 2454 American Clean Energy and Security Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "H.R. 2351, Credit Union Share Insurance Stabilization Act," 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, to mark up the following bills: H.R. 1886, Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009; and H.R. 2410, Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing on the Federal Bureau of Investigation; and to complete action on the following bills: H.R. 1741, Witness Security and Protection Grant Program Act of 2009; and H.R. 2247, Congressional Review Act, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans and Wildlife, oversight hearing on advance of the 61st meeting of the International Whaling Commission (IWC) to be held in Madeira, Portugal June 22–26, 1 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing entitled "State and Local Pandemic Preparedness," 2 p.m., 2154 Rayburn.

Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing on "Nip and Tuck: The Impact of Current Cost Cutting Efforts on Postal Service Operations and Network," 10 a.m., 2154 Rayburn.

Committee on Rules, to consider H.R. 915, FAA Reauthorization Act of 2009, 3 p.m., H–313 Capitol.

Committee on Small Business, hearing entitled "Heroes of Small Business," 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Aviation Consumer Issues: Emergency Contingency Planning and Outlook for Summer Travel, 2 p.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, hearing on Piracy Against U.S.-Flagged Vessels: Lessons Learned, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Fiscal Year 2010 Budget Overview, 4 p.m., 304 HVC.

Subcommittee on Intelligence Management, executive, briefing on Information Sharing, 2:30 p.m., 304–HVC.

Joint Meetings

Joint Economic Committee: to hold hearings to examine oil and the economy, focusing on the impact of rising global demand on the United States recovery, 10 a.m., 210 Cannon Building.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, May 20

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 2346, Supplemental Appropriations Act, and after a period of debate, vote on or in relation to Inouye Amendment No. 1133.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, May 20

House Chamber

Program for Wednesday: Consideration of H.R. 2352—Job Creation Through Entrepreneurship Act of 2009 (Subject to a Rule). Consideration of the Senate amendment to H.R. 627—Credit Cardholders' Bill of Rights Act of 2009 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Alexander, Rodney, La., E1200
Altmire, Jason, Pa., E1202
Bachmann, Michele, Minn., E1201
Barrett, J. Gresham, S.C., E1196
Blackburn, Marsha, Tenn., E1202
Bright, Bobby, Ala., E1204
Cao, Anh ''Joseph'', La., E1202
Connolly, Gerald E., Va., E1208
Conyers, John, Jr., Mich., E1205
Davis, Danny K., Ill., E1201
Diaz-Balart, Mario, Fla., E1199
Dicks, Norman D., Wash., E1204
Fox, Virginia, N.C., E1196
Frank, Barney, Mass., E1197
Graves, Sam, Mo., E1196
Halvorson, Deborah L., Ill., E1202
Hastings, Alcee L., Fla., E1197, E1204
Herseth Sandlin, Stephanie, S.D., E1207
Kildee, Dale E., Mich., E1207
Lee, Barbara, Calif., E1207
Luetkemeyer, Blaine, Mo., E1201
McClintock, Tom, Calif., E1203
McDermott, Jim, Wash., E1197
Maloney, Carolyn B., N.Y., E1202
Meek, Kendrick B., Fla., E1195
Michaud, Michael H., Me., E1196, E1198, E1205
Moran, James P., Va., E1199, E1200
Murphy, Patrick J., Pa., E1199, E1206
Oberstar, James L., Minn., E1195
Perlmutter, Ed, Colo., E1200
Rangel, Charles B., N.Y., E1199, E1206
Roskam, Peter J., Ill., E1195, E1200
Ryan, Tim, Ohio, E1201
Salazar, John T., Colo., E1207
Schrader, Kurt, Ore., E1203
Shuler, Heath, N.C., E1206
Stark, Fortney Pete, Calif., E1198
Thompson, Mike, Calif., E1205
Tsongas, Niki, Mass., E1204
Van Hollen, Chris, Md., E1198
Waters, Maxine, Calif., E1201
Westmoreland, Lynn A., Mac, Ga., E1207
Woolsey, Lynn C., Calif., E1196

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